SENATE—*Tuesday, October 31, 1995*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Lane Davenport, the Church of the Ascension and St. Agnes, Washington, DC.

PRAYER

The guest Chaplain, Rev. Lane Davenport, the Church of the Ascension and St. Agnes, Washington, DC, offered the following prayer:

O God, the fountain of all wisdom and graciousness, whose statutes are good and whose law is truth; we humbly beseech Thee, as for the people of the United States in general, so especially for their Senate; that Thou wouldest be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the peace of the world, the safety, honor, and welfare of Thy people; that all things may be ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and courage, mercy and justice, religion and piety, may be established among us for all generations. These and all other necessaries, for them, and for all mankind, we beg in Thy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Idaho.

SCHEDULE

Mr. CRAIG. Mr. President, this morning the leaders' time is reserved and there will be a period for morning business until 10 a.m. with Senators permitted to speak for up to 10 minutes each. At 10 a.m., the Senate will begin consideration of the conference report to accompany H.R. 2002, the Transportation appropriations bill.

The majority leader has announced that there will be no rollcall votes prior to 2:15 today. The Senate will recess from 12:30 to 2:15 for the weekly policy conferences to meet.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Nevada is recognized.

THE DEATH PENALTY

Mr. REID. Mr. President, almost 2 years ago, Senator BRYAN and I traveled with a mother to Arlington Cemetery. We traveled there because her son, just a month before we went to Arlington, had been gunned down on an interstate near Lovelock, NV. He thought a car was stalled, and as he approached the car to offer his assistance, the driver of the car came from the car and brutally murdered this Nevada highway patrolman. What the police officer, officer Carlos Borland, did not know was that the man driving the car was an escaped convict from North Carolina.

It was one of the saddest occasions in which I have ever participated. It was a cold winter day. The entire attendance at the funeral was Senator BRYAN, Senator REID, and the mother of this young man, her only child. She was very proud of him. He was an exemplary student in high school. He had had a great record in the military and chose as his life's profession that of a police officer. She was devastated.

Mr. President, the story does not end there, however, at least for his mother. A week ago, in a Reno newspaper, the Reno Gazette-Journal, wrote an article on the status of various death row cases. Officer Borland's mother is quoted in this news article as saying, "My son gave his life for his State and his country. Give (Sonner)"—the man who killed her son—"the death penalty and he lives for 40 or 50 years. That's not a death penalty. They lie to us."

"We have a death penalty and it's being thwarted by murderers," the article goes on to say.

Mr. President, the reason I mention this is because Nevada has the highest per capita death row population in the entire Nation, more than double that of Texas. The State of Texas has recently executed its 100th inmate since 1977.

It does not matter whether you are for or against the death penalty. The fact is we are a country of laws and the laws should be carried out, and it is wrong what is happening throughout this Nation and in Nevada. People get the death penalty, and as the mother of this executed highway patrolman says, "My son gave his life for his State and his country. Give (Sonner)"—this is the murderer—"the death penalty and he lives for 40 or 50 years. That's not a death penalty. They lie to us." She goes on to say he will probably live longer than she will. Why is this going on?

Let me give you the death sentence appeal process in Nevada, and it is similar in a lot of different places. First, automatic first appeal before the Nevada Supreme Court. If it is denied, you have a petition for a rehearing before the Nevada Supreme Court. If that is denied, you have a petition before the U.S. Supreme Court. If that is denied, you have a postconviction relief petition in the trial court, and if that is denied you appeal again before the Nevada Supreme Court. If that is denied, you petition for rehearing before the Nevada Supreme Court. If that is denied, you go to the Supreme Court.

This is the second time. If that is denied, you petition before a Federal court. If that is denied, then you petition for a rehearing in the same court. And if that is denied, you go to the ninth circuit, or whatever other circuit if it is not in Nevada. If that is denied, you have a petition for a rehearing. If that is denied, you go to the U.S. Supreme Court. If that is denied, then you go back to the Federal Court and take each step over and over again.

This is simply not right. As everyone is aware, this body passed comprehensive habeas reform earlier this year as part of the Antiterrorism Act. We must see to this legislation being signed into law.

It is time to put an end to the endless appeals. Why do I say that? Take the small State of Nevada. In Nevada, a man by the name of McKegue, in August 1979, killed William and Irene Henry during a robbery. He entered prison in August 1971. He was sentenced to die. He is still there. Edward T. Wilson stabbed to death a Reno police officer, Jimmy Hoff. On June 25, 1979, he was committed to be executed. He is still alive. Robert Ybarra, in 1979, murdered a girl outside Ely, NV. He is still alive even though he has been sentenced to death. Ronnie Milligan, he murdered a 77-year-old woman on July 4, 1980. He is still alive even though he has been sentenced to death. Mark Rogers murdered two women and a man outside of a mining camp near Lovelock, NV. He is still alive even though he has been sentenced to death.

Mr. President, I ask unanimous consent that this entire article be made a part of the RECORD so that we can spread on the RECORD of this Congress what is taking place in Nevada and is taking place in almost every State in the Union where there is a death penalty, which is far the majority, and as this newspaper article indicates that people are laughing at the law because it is farcical.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

[From the Reno-Gazette-Journal, Oct. 21, 1995]

TRIMMING TIME ON DEATH ROW

(By Bill O'Driscoll)

It's been a year since the parents of slain Nevada Highway Patrol Trooper Carlos Borland heard a Lovelock jury give his killer, Michael Sonner, the death sentence.

Sonner, who once said he wanted to die, is now appealing. And Maria Borland says she may die of old age before the North Carolina escapee is executed by lethal injection for shooting her son along Interstate 80 in late 1993.

"My son gave his life for his state and his country," she said. "Give (Sonner) the death penalty and he lives for 40, 50 years. That's not a death penalty. They lie to us."

Her husband says Sonner's execution won't bring back their son, but until it happens, justice won't be complete.

"(Sonner) is in confinement with three meals a day, free dental and medical—somethings that people on the street can only fantasize having," Jimmy Borland said.

The Borlands are not alone. The number of inmates on Nevada's Death Row stands at 76, including Duc Cong Huynh and Alvaro Calamboro, both convicted for the January 1994 killings of Peggy Crawford and Keith Christopher at a Reno U-Haul rental.

But just five inmates have been executed since the death penalty was reinstated in 1977, none against his wishes.

A state lawmaker is creating a committee to draft recommendations for Congress and the 1997 Nevada Legislature on how to shorten the distance from conviction to execution.

"We have a death penalty and it's being thwarted by murderers." said Sen. Mark James, R-Las Vegas, who hopes to gather 25 to 30 lawmakers, judges and law enforcement officers on the panel.

"I see no reason why we can't get a finality within two years, even with safeguards," said Washoe District Attorney Dick Gammick, who will be on the panel. "There has to be a time when we say, 'That's enough.'"

Keith Munro of the attorney general's office said the biggest problem is the turnover in attorneys along the way. Each usually tries to return the appeals process to the beginning so as not to inherit the previous lawyer's work.

"Death sentence cases are very complex. Attorneys get tired of them and want to get off. But you can't address that in legislation," he said.

The dizzying appeals process is one that always allows an inmate to try again, Munro said, but with each repeated step, the excuse to get there cannot be used anew.

Still, "You can litigate these cases until they wheel the inmate out of the death chamber," he said.

But there are some time-saving measures already in place. James and others applaud the Nevada Supreme Court for its rule several years ago requiring daily transcripts in capital murder trials to keep lawyers abreast of the cases.

James said two bills that are bogged down in Congress would expedite appeals where they clog the most: the federal courts.

On the other end of the table, State Public Defender James J. Jackson admits the process is a long one, but often necessarily so.

"A lot of the reason why cases get hung up in the federal courts are concerned about a lack of effective counsel," Jackson said. "Yeah it could be more expedited, but when you're talking about the ultimate penalty, yeah, it'll take more time.

Nevada has the highest per-capita Death Row population in the nation, more than double that of Texas, which recently executed its 100th inmate since 1977.

But Texas is the exception, due largely to the lack of attorneys for inmates even up to the time of execution, said Michael Pesceta of the Nevada Appellate and Post-Conviction Project, a Las Vegas-based non-profit agency for the defense of Death Row cases.

"In a 'giddyap' state like Texas, it's not uncommon for a lawyer to see a case for the first time three weeks or a month before the scheduled execution," Pescetta said. "Justice is geared to denying cases and getting on with it, It's not pretty. In Nevada, at least there's an attempt to take more care."

In fact, he said, Nevada is typical of most of the 38 other states where the death penalty is allowed.

But Pescetta senses changing winds in Nevada, saying, "The political landscape has gotten considerably meaner."

James denies any political motivation in forming an ad hoc committee to study reforms.

"The people have said they want the death penalty. We have to do something," he said.

Jimmy Borland agrees.

"They're technically entitled to two appeals. But we're not playing a baseball game here," he said. "If you're going to have a death penalty, then do it."

DEATH SENTENCE APPEAL PROCESS

The many steps on the road to execution in Nevada:

Automatic first appeal before Nevada Supreme Court. If denied:

Petition for rehearing before Nevada Supreme Court. If denied:

Petition before U.S. Supreme Court. If denied:

Petition for post-conviction relief in trial court. If denied:

Appeal before Nevada Supreme Court. If denied:

Petition for rehearing before Nevada Supreme Court. If denied:

Petition before U.S. Supreme Court. If denied, either:

Petition before federal court; if denied, then petition for rehearing in same court; if denied, appeal to 9th Circuit Court of Appeals; if denied, petition for rehearing; if denied, appeal before Supreme Court, if denied, then back to federal court and each step thereafter may be repeated, but at each step inmate must explain why he didn't use excuse before. Or:

Petition for post-conviction relief in trial court; if denied, then appeal to Nevada Supreme Court; if denied, then appeal to U.S. Supreme Court. If denied, back to trial court and each step thereafter may be repeated, but at each step inmate must explain why he didn't use excuse before.

NEVADA'S LONGEST ON DEATH ROW

Kenneth McKegue, 42, of Watsonville, Calif. Sentenced in Washoe County Aug. 2, 1979 for murders of William and Irene Henry during a robbery Dec. 21, 1978. Entered prison Aug. 6, 1979. Age at time of offense: 32.

Edward T. Wilson, 36, of Mountain Home, Idaho. Sentenced in Washoe County Dec. 14, 1979, for stabbing death of Reno Police Officer Jimmy Hoff June 25, 1979. Entered Nevada prison Dec. 19, 1979. Age at time of offense: 20.

Robert Ybarra, Jr., 42, of Sacramento. Sentenced in White Pine County July 23, 1981 for Sept. 29, 1979 murder of a girl outside Ely. Entered prison July 24, 1981. Age at time of offense: 26.

Ronnie Milligan, 45, of Murfreesboro, Tenn. Sentenced in Humboldt County Aug. 31, 1981, for murder of a 77-year-old woman July 4, 1980. Entered prison Aug. 25, 1981. Age at time of offense: 30.

Mark Rogers, 38, of Taft, Calif. Sentenced in Pershing County Dec. 1, 1981, for murder of two women and a man Dec. 1, 1980, in a mining camp outside Lovelock. Entered prison Dec. 3, 1981. Age at time of offense: 23.

Priscilla Ford, 66, of Berren Springs, Mich. Sentenced in Washoe County April 29, 1982, for Thanksgiving Day murder of six people in downtown Reno in 1980 when Ford drove her car down a crowded sidewalk. Entered prison April 30, 1982. Age at time of offense: 51.

Patrick McKenna, 49, of Leadville, Colo. Sentenced Sept. 3, 1982 in Clark County. McKenna murdered his cellmate in the Clark County Jail Jan. 6, 1979. Entered prison Feb. 23. Age at time of offense: 32.

Tracy Petrocelli, 44, of Chicago. Sentenced Sept. 8, 1982 in Washoe County for murder of an automobile salesman. Entered prison Sept. 8, 1982. Age at time of offense: 30.

Roberto Miranda, 52, of Havana, Cuba. Sentenced Sept. 9, 1982, in Clark County for stabbing victim to death during a robbery. Entered prison Sept. 17, 1982. Age at time of offense: 38.

Thomas Nevius, 39, of Plainfield, N.J. Sentenced Nov. 11, 1982 in Clark County for shooting victim during a burglary. Age at time of offense: 24.

Mr. REID. I think it is time we make the law do what it says. What we need is to make sure that these never-ending appeals are terminated. We need to have a process so the people have their day in court or maybe 2 days in court and that they have the appeal process once and maybe twice but not dozens of times.

The time has come to speak out against this. It is too bad that we have to have the death penalty. I personally support it. If we are to have these laws on the books they ought to be enforced.

Whether or not you agree with the death penalty, you should agree that the law, whatever it is, should be carried out, and in this area it simply is not. If we are going to have a death penalty, we must ensure finality of justice after appeals have been exhausted. I think we should set very strict limits on what appeals should be allowed.

So, Mr. President, I call upon Members of this body, especially the Judiciary Committee, to use whatever authority they have to move legislation along that has been before this body before so that these writs of habeas corpus and other interminable delays be put to rest. We must move forward to end this endless appeal process that simply meets no standard of justice.

I appreciate the gravity of the capital offense, but at some point we have to ask, why, why do we even have these laws if we never carry out the sentence of the court. The current imbalance robs the victims and their families of the justice they deserve. It undermines the public's confidence in the system. I believe it also undercuts the deterrent effect of the death penalty.

Thank you, Mr. President.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

BOSNIAN SERB ATROCITIES

Mrs. HUTCHISON. Mr. President, I rise today to talk about the resolution that was passed, the sense of the Senate, last Friday unanimously by this body, speaking in the strongest terms to President Milosevic, who is, even as we speak, on his way to the United States to begin peace talks. I wanted to talk about it this morning because we did not really have a chance to debate it fully last Friday.

I wanted to pass it last Friday because I wanted the message to be on the record over the weekend about the continuing reports of atrocities, murders, and robberies taking place right now in the former Yugoslavia in the northwest area around Banja Luka. I want to highlight this, Mr. President, because we are hosting three Presidents Wednesday for peace talks, and there are still atrocities being reported in this area. I ask, how can we sit down at a peace table with three warring factions when the war is still going on?

So today I am going to talk about the sense-of-the-Senate resolution that was passed, and I am going to ask President Milosevic when he sets foot in the United States to announce that these atrocities will stop, that neutral people will be able to go in and get an accounting for as many as 2,000 men that have not yet been heard from.

A U.N. report released 2 weeks ago charges that Bosnian Serbs are still conducting a brutal campaign of ethnic expulsion. Despite the cease-fire, Bosnian Serbs have been subjecting non-Serbs to untold horror, murder, rape, robbery, forcing people from their homes, and other atrocities.

According to the Assistant Secretary of State for Human Rights, John Shattuck, since mid-September and intensifying between October 6 and 12, many thousands of civilians in northwest Bosnia were systematically forced from their homes by paramilitary units, sometimes abetted by local police who were either too scared or unwilling to intervene, and in some instances by Bosnian Serb Army officials and soldiers.

These unfortunate events implore us to move with extreme caution regarding American involvement in this conflict. The intentions of the parties involved, now more than ever, call for prudent, not precipitous, judgment. Examples of ethnic cleansing persist in northwest Bosnia according to the U.N. reports based on interviews with refugees before and after the October 12 cease-fire.

Assistant Secretary John Shattuck has now gained access into that area. As many as 2,000 men have been separated from the main group of refugees. U.N. officials are trying to determine their fate amid fears that they may have been executed or sent to the front lines as forced slave laborers. The United Nations also reports that during the latest wave of expulsions, Moslems from Bosanski Novi near Banja Luka, were rounded up at the bus station. Draft-age men were separated from the rest and were held for 5 days without food or water. The U.N. spokesman in Zagreb reported that many refugees have been given just a few minutes to flee their homes and that girls as young as 17 have reportedly been taken to the woods and raped. Elderly, sick, and very young refugees have been driven to remote areas and forced to walk long distances on unsafe roads and cross rivers without bridges.

The United Nations has condemned this barbaric treatment of civilians in the strongest possible terms. According to the U.N. High Commissioner for Refugees, more than 2,000 Moslems and Croats have been forced from their homes since mid-September in Bosnian-Serb-controlled areas. Only about 10,000 are believed to remain, which before the war was home to a half million Moslems and Croats. And what is most distressing is the evidence we have seen of recent atrocities committed by the Serbs after the cease-fire was signed on October 12. It appears that, as a result of recent Bosnian and Croatian advances, the Serbs have lost ground. In an attempt to consolidate their control, they are engaged in a campaign of systematic and widespread abuse aimed at cleansing the territory they still hold of remaining Croats and Moslems.

With peace talks scheduled to begin in the United States tomorrow and with the President having clearly indicated his intention to send as many as 20,000 American troops into the heart of this conflict, these new reports of Serbian atrocities are of grave concern and should give us pause.

For the Bosnians, this latest outrage by the Serbs must seem to be a dreadful repeat of what happened last summer during the Serb conquest of Srebrenica in eastern Bosnia. In that episode, thousands of men were taken out and executed by firing squad, according to survivors, and, in fact, the reports just this weekend in the Washington Post confirmed new sightings of mass graves where thousands of people are buried. These sightings were made from satellite photos taken by our intelligence sources. So we know the horrible stories of what happened at Srebrenica, as reported by refugees, is, in fact, unfortunately and sadly true.

But what is even more unfortunate, Mr. President, is that things like this may continue as we speak, and we must do something about it. We must learn from what happened in Srebrenica and recognize that they could be doing it right now, and we must protest.

In fact, Mr. President, the Senate did protest. We passed a resolution that says the following:

> It is the sense of the Senate that the Senate condemns the systematic human rights abuses against the people of Bosnia and Herzegovina. With peace talks scheduled to begin in the United States on November 1, 1995, these new reports of Serbian atrocities are of grave concern to all Americans.
>
> The Bosnian Serb leadership should immediately halt these atrocities, fully account for the missing, and allow those who have been separated to return to their families. The International Red Cross, the United Nations agencies, and human rights organizations should be granted full and complete access to all locations throughout Bosnia and Herzegovina.

This resolution was passed unanimously by the U.S. Senate last Friday. We must act now to make sure that these atrocities are stopped and that neutral sources are able to verify that they have stopped and account for the 2,000 missing men.

President Milosevic is going to set foot in Wright-Patterson Air Force Base very shortly today. He should immediately announce—and we call on him to immediately announce—that these forces of terror have been stopped, that these atrocities have been stopped. And to show his good will in these peace talks, he should immediately allow for an accounting of the missing people in Bosnia right now. That would be the very first and best step he could make to show that he is, indeed, sincere about wanting to bring peace to this area.

Mr. President, the Senate spoke forcefully. I hope we are being heard. If we can stop even one murder from happening, it will be worth it.

I wanted to draw attention to the very strong statement that the Senate made last week. I hope that we can use this opportunity, as President Milosevic comes into our country, to ask him to show his good faith by saying that people will be accounted for and the atrocities will stop.

Thank you, Mr. President. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG] is recognized.

ATROCITIES IN THE FORMER YUGOSLAVIA

Mr. CRAIG. Mr. President, let me join my colleague from Texas in her most clarion call this morning to the humanity of the world that this Nation be a part of stopping the atrocities that are allegedly going on in the former Yugoslavia. It is, without question, a great human disaster under any measurement.

I appreciate the words of my colleague from Texas this morning. She has been an outspoken, clear voice on this issue for the last good many weeks

as these reports have come in to remind us and push this Senate and this country in the direction of causing a settlement to occur there that is just for both sides. I thank my colleague for that.

TRANSPORTATION APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. LAUTENBERG. Mr. President, the Transportation appropriations bill for fiscal year 1996 which the Senate will consider and pass today is of vital importance to the State of New Jersey. As one of the most populated State in the Nation, efficient and effective transportation is critical to the economic well-being of my State.

This year's Transportation appropriations bill provides more than $650 million in transportation investment to my State. This investment provides good paying jobs in the short term and in the long term will create and maintain the infrastructure that New Jersey needs to attract and keep a strong work force.

Mr. President, I would like to highlight some of the important provisions in this year's bill which I was able to secure for the Garden State.

Transit is an intricate part of northern New Jersey's transportation plan. The single largest component of New Jersey's transit initiatives is the urban core. I appreciate the cooperation that I received from Chairman HATFIELD on funding the Secaucus transfer portion of New Jersey's urban core at $80.25 million. Once completed the Secaucus transfer will link the Bergen and Mainlines to the northeast corridor, providing access to Newark and midtown Manhattan for Bergen County residents. To date I have secured a total of $436 million for urban core projects.

In addition to the urban core and transit formula assistance, New Jersey will be receiving $12.5 million to begin construction of the Hamilton Intermodal Facility, $1.15 million to develop a park-n-ride facility on the Garden State Parkway at interchange 165 and $3 million to support the National Transit Institute at Rutgers.

While this bill will provide New Jersey drivers with transit alternatives, it also recognizes that cars will continue to play a major role in travel within the State. Total highway program spending in the bill amounts to $19.9 billion, an increase of $454 million over last year, and nearly 96 percent of the ISTEA authorization. New Jersey should expect to receive some $500 million in formula highway assistance as a result of this funding level.

To make roads in New Jersey as productive as possible this year's bill includes $1.5 million for TRANSCOM. TRANSCOM is a consortium of 15 transportation and public safety agencies in New Jersey, New York, and Connecticut. Over half of the congestion on my region's roadways is due to traffic incidents and it is TRANSCOM's mission to improve interagency response to such incidents. The funding will be used by TRANSCOM to build upon existing programs to provide the region's transportation agencies with the tools necessary to strengthen their transportation management activities and their delivery of services to the traveling public.

Mr. President, on March 23, 1994, shortly before midnight, a 36-inch-diameter pipeline ruptured catastrophically in Edison Township, NJ. The explosion and fire eventually destroyed eight buildings in the Durham Woods apartment complex. An estimated 2,000 residents were displaced due to the explosion. It was only through the diligent and heroic efforts on the part of numerous local and State agencies that the pipeline explosion did not cause numerous fatalities. This year's bill includes $28.75 million to allow the office of pipeline safety to aggressively prevent another Edison from ever happening again.

In addition to the funding this bill provides to New Jersey, it also includes other bill and report language of interest to my constituents.

The legislation before us today honors one of the great statesmen of New Jersey, former Congressman Bill Hughes. Renaming the FAA Tech Center the William J. Hughes Technical Center is a deserved tribute to Bill. It is a fitting show of appreciation for his hard work on behalf of the people of the Second District and the State of New Jersey.

Mr. President, included in this year's committee report is language which continues to direct the FAA to withhold Federal funding from runaway expansion at Princeton Airport until an environmental assessment is completed, and community involvement is certified by Secretary of Transportation Peña. This is not just an air noise issue. It is a quality of life issue. I am hopeful that we can continue to operate the Princeton Airport in a manner that is compatible with community needs.

The coast of New Jersey is the State's recreational and economic jewel. A provision in this year's bill prohibits the Coast Guard from closing any multimission small boat units. The Coast Guard had recommended closing a number of its rescue stations, including four in New Jersey-Shark River, Townsend Inlet, Salem, and Great Egg.

Mr. President, having better, more efficient transit systems and roads will improve the quality of life for thousands of commuters on a daily basis. I am glad that as ranking minority member of this Transportation Appropriations Subcommittee I was able to secure this funding, as well as the bill and report language for New Jersey.

COMMEMORATION OF HUNGARIAN INDEPENDENCE DAY

Mr. DOLE. Mr. President, last week, the people of Hungary commemorated the 39th anniversary of the Hungarian people's massive uprising against Soviet Communist dominated rule. October 23, Hungarian Independence Day, marked a time when thousands of armed citizens battled the Red Army's military might and held the country for some 2 weeks. President Arpad Goncz, whom I met with last week, was one of those who risked his life for his country's freedom—long delayed, but finally achieved. The bravery of those freedom loving Hungarians, 10,000 of whom risked and lost their lives, will be remembered forever.

As Hungary's Foreign Minister Lazlo Kovacs told a gathering at a Budapest ceremony last week, "the heirs of 23 October 1956 are all those who * * * today contribute with their sacrifices to the creation of a flourishing, democratic, and independent Hungary." The Hungary of 1995 is well on the road to full democracy. In my meeting last week with President Goncz, we discussed Hungary's economic progress, its successful participation in the Partnership for Peace, as well as NATO expansion. No doubt about it, Hungary will be among the first of the new democracies in Eastern Europe to join NATO and I look forward to that day—which I hope will be in the near future. In addition, we discussed Hungary's concerns about the treatment of Hungarian minorities in the region, and developments in the Balkans. President Goncz and I both agreed that a fair peace settlement in the former Yugoslavia, fully recognizing the rights of all nationalities, was crucial for any kind of permanent regional stability. I assured President Goncz that Hungary enjoys the friendship and support of the Congress.

ORDER OF PROCEDURE

Mr. CRAIG. I ask unanimous consent that the remainder of the time this morning and such time as may be necessary be involved in a special order.

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

A HISTORIC BUDGET RECONCILIATION BILL

Mr. CRAIG. Mr. President, last Friday night, or early Saturday morning, this Senate passed a historic budget reconciliation bill that said to our country: We heard you. We heard you. We believe you. And we are, with every effort, attempting to reduce an ever-growing Federal Government that has consumed an increasingly larger part of the gross domestic product of this country, progressively enslaving the taxpayer to a higher and higher portion of the gross work of that taxpayer.

Now, it is interesting that today is Halloween, and guess what is happening out there? The Democrats are, once again, yelling "Trick or treat, America." They are saying, "Boo," to Americans. Once again, they are trying to frighten, or use the tactic of fear in driving the American public in a direction that they have said so clearly for so long that they do not want to go.

What did we hear in the debates of last week and over the weekend, as members of the other side were speaking in opposition to the action that the Congress spoke to? They are saying that Republicans are ghouls, goblins, monsters, vampires, demons, and werewolves, as it relates to the care and concern of the people of this country. They are saying that we want to take seniors' health care away, that we want to attack low-income and working people, that we want to kick students out of college and kick poor people out on the streets, that we want to dirty the water and cause the air to be unbreathable and, of course, to let people die in industrial accidents.

How could the average American really believe that anybody who seeks public service in this country to formulate public policy would want to do any of those things? Well, I suspect you might slip a little of that by during Halloween and talk about the scariness, talk about the pranks and the tricks that are being played out there.

Let me tell you, it is not Halloween. It never will be Halloween. It should never be Halloween. What is it? It is the harvest season of the last election; that is what it is. The Republican Party heard so loudly and so clearly what the American people were saying, and we are responding. The budget resolution of last Friday evening spoke about harvesting the economic security for seniors by providing for a Medicare program that has long-term stability, so they cannot be frightened or scared into thinking that their security is in jeopardy. It is about the harvest of more jobs by creating a productive economy, by controlling debt and deficit structure in this country that, by every economist's projection, is costing us anywhere from 2 to 2.5 percent growth in the domestic product of this country, which spells lack of opportunity or less opportunity for our young people. That is the harvest season of what the Republican Party is attempting to do, what this budget resolution is all about, and the work that will go on in the next several weeks before we put that on the desk of the President for his consideration.

What does it say in the end? It does not say, "Boo"; it does not say, "Trick or treat"; it says to the American people that there will be a higher standard of living for all, that the expectation, in a generational sense, will continue to be there for a better, more productive lifestyle in our country, because we had a Government that did not get in our way, that did not strangle the great ingenuity, humanity, and the energy of this country. That is what we are saying on this Halloween day—no trick or treat and no boos.

I am always so saddened when the other side attempts to use a cultural battle or attempts to frighten people in their effort to convince them that their policy is better than the ones we put forth. Let us debate it on its merits. Let the American people objectively decide what is best for them and then send that to us in the message that they did so clearly last November.

At this time, let me yield to my colleague from Wyoming to speak to this issue.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

A DISTORTED APPROACH TO PUBLIC POLICY

Mr. THOMAS. I rise to join my friend from Idaho to talk a little bit about what is happening. It is an appropriate day. I was in Wyoming this weekend and saw some of the ads that were clothed in masks and costumes, seeking to portray something that I think is not inherent in what we are doing here. It concerns me a great deal, not only because it represents a different point of view, but, more importantly, it represents a distorted approach to developing public policy.

If, indeed, in this country we believe that public policy should be developed by all of us participating, then those of us who participate—and that is all of us in this country—should have some facts upon which to base that public policy. So I want to talk a little bit about what I think the White House has been doing for some time and what our friends on the other side of the aisle have been doing, which has increased over this weekend, and that is to really distort what it is we are seeking to do.

Those who oppose a balanced budget have been using this mask-and-costume approach to characterize this reconciliation bill that passed last week. Instead of having leadership to deal with what the issues are, there has been this use of words and, I believe, distortion, to scare people into what the impacts of this will be. This has been a marketing scheme that has been going on for some time, that has been devised, I guess, by various kinds of groups in the country, to find those words that have impact and to cause people to be frightened into thinking that a balanced budget will throw this country into turmoil, that saving and strengthening Medicare will result in turning out the elderly without health care, that reforming welfare will throw the poor into the street without support, and that allowing middle-class Americans to retain some of their own money will be a disaster.

Mr. President, I am concerned about how we govern ourselves, and that is what this country is all about. That is what democracy is about. That is why people in Greybull, WY, can participate, as well as people in New York City, in governance. In order to do that, there has to be a basis of facts. There are differences and different views, and that is perfectly legitimate. That is what it is all about. There were young people in my office last week who said: I do not understand why there is this controversy going on, or why this debate is going on. Why do we not just do what is good for America?

If we all agreed on what is good for America, there would be no debate. I suggested to them that if they went back to their senior class in Cheyenne and raised these questions, there would not be unanimity there. There are different views, and they come into play here. There are those who have quite a liberal, populist philosophy that more government is better and more taxes is better. I respect that. I do not agree with it, nor do I think the voters agreed with it in the last election. That is what it is all about.

Rather than having a campaign of fear, mistrust, and misunderstanding, we need to have a campaign of facts and then decide on it. What is the purpose of what we did? It is certainly to respond to voters—that is what government is about—to balance the budget, which is the responsible thing to do; to reform welfare, and that is the responsible thing to do.

Mr. President, I hope that we do begin to talk about the facts and that we do, from both the White House and from our friends on the other side of the aisle, have a clear debate of which way to go, but do it based on the facts and based on different views, based on leadership, direction, and based on what I think the voters have told us in the past.

Mr. President, I yield back my time.

Mr. CRAIG. Mr. President, I now would like to recognize Mr. GRAMS of Minnesota.

ANY WAY THE WIND BLOWS

Mr. GRAMS. Mr. President, I, too, would like to talk a little bit about the budget passed last week and the threatened veto.

President Clinton reminds me lately of the weather vane we used to have atop the barn of my family's dairy farm. Ours happened to be shaped like a rooster, and we always knew which way the wind was blowing because that old rooster would spin around and around with the breeze. Like that old weather vane, the President is spending a lot of time on the roof these days, and he must get awful dizzy up there, testing the wind, shifting his position each time it changes.

Last week, this chamber delivered on last November's mandate by the voters

and passed a far-reaching, historic piece of legislation that turns this Government around by balancing the budget and cutting taxes.

With the vote behind us, the budget reconciliation conference committee is now moving ahead with our plan, shaping a bill to send to the President. The newspaper columnists and the TV political panels have been busy reporting on just what President Clinton thinks about what we are doing.

Or rather, on what the polls and his many political advisers tell the President he should be thinking. This is a President, after all, for whom "taking a tough moral stand" means finally admitting he raised taxes too much in 1993, and then recanting his story the very next day, blaming his confession on "sleepiness."

What the President is apparently hearing when it comes to the budget is that he ought to veto the reconciliation bill.

Let me quote from the Washington Times of October 20:

> The White House is already preparing the post-veto campaign, mapping out travel schedules for Cabinet secretaries and culling poll results to determine the key issues the President will push.

A top White House aide has even been promoted—a battlefield promotion, I guess—as "assistant to the President." His new duties? To "calculate the political impact of a veto."

Mr. President, this Congress is tackling the serious issues that come with fundamental reform of the Government, issues like how to preserve the troubled Medicare program, how to save our kids and grandkids from having to carry the load of our debts and deficits, how to stop the welfare system's cycle of dependency, how to give working-class folks the tax relief they desperately need. While we are doing all of that, the White House huddles in its War Room calculating how many political points the President would score by trying to squash our efforts.

It seems President Clinton's advisers have told him that he needs to veto the reconciliation bill to, "draw policy differences with the Republicans."

"Without a veto," says a White House spokesman, "you cannot draw the bright lines. And we are in a period where drawing that bright line is everything to the election."

That election is still more than an entire year away.

Yet at a time when this Nation is desperate for strong leadership from its Chief Executive, a distant election has become the guiding force of this Presidency.

Mr. Clinton's advisers say he is going to veto our budget reconciliation bill. Well, it surely cannot be because his agenda is so fundamentally different from ours.

We are calling for tax cuts, and the President says he wants tax cuts, as well. He supports the child tax credit and has hinted lately that he is agreeable to cutting the capital gains tax.

Our budget plan preserves Medicare by slowing its growth and offering seniors choices—proposals strikingly similar to the Medicare plan touted by the President in his health care reform bill just 2 years ago.

We are also easing back the growth of Government spending, and that is something for which President Clinton has been an advocate. After all, is not that what reinventing Government is all about?

Now, after months of adamantly denying it could ever be accomplished, the President has admitted that balancing the budget in 7 years—not 10, or 9, or even 8, as he originally proposed—was a reasonable goal.

Clearly, the President is moving closer toward us as this budget process continues. But still, he is going to wave his veto pen and just say "no"—not because he believes in his heart that he must, but because the political winds suggest that he ought to.

That is not leadership.

I suggest to President Clinton that he resist playing politics and involve himself seriously in negotiations that will move this budget forward, on behalf of all Americans—and not stop it in its tracks to placate his political base.

Mr. President, leadership does not mean having a finger sensitive enough to tell you which way the wind is blowing. And as any farmer knows, a flimsy weather vane that sits too long out in the elements is eventually going to wear out and need to be replaced.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed 1 minute to close the order.

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

Mr. CRAIG. I thank my colleagues for joining me on this Halloween day. I hope the message that we send to the American people is that the efforts we are involved in here in Congress are not a trick but a treat—a treat rewarding them for the profound statement they made last year in the dramatic realignment of the political structure of this country, toward a time when Government's budgets will be balanced, when its programs will be responsive, as concerned about the taxpayers as it is about those who should be the recipients of responsible and caring Government programs.

So the day of Halloween ought not to be scary, but a profound statement to the American people that their Government in this representative form of government heard them and heard them well.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. GORTON. Mr. President, I submit a report of the committee of conference on H.R. 2002 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 20, 1995.)

Mr. GORTON. Mr. President, we are here this morning to present the conference report to accompany H.R. 2002, the fiscal year 1996 Department of Transportation and Related Agencies Appropriations Act. As we all know, the Department of Transportation, like many other departments, is operating under the very strict terms of the continuing resolution. This conference report will allow the Department to operate for fiscal year 1996 without the restrictions of the continuing resolution; but more importantly, it will fund vital programs such as air traffic control, Coast Guard search and rescue, and other critical safety functions.

I am pleased that, in conference with the House, the Senate was able to increase funding for a number of important programs, since the conference allocation for the bill was $100 million higher in budget authority and $193 million higher in outlays than the Senate-passed bill. This year, the problems facing the conferees were the same as those faced in the past—that is, how to strike the best possible balance between the operational needs of the Federal Aviation Administration and the Coast Guard with sufficient funding for the Nation's infrastructure and transportation safety needs. I believe that this agreement provides a balanced and fair solution for the challenges we faced.

The conference report before you today contains a total of $12.5 billion in discretionary budget authority and $36.754 billion in outlays. I will quickly review some of the highlights of the bill.

Total Coast Guard funding is $3.375 billion, which is supplemented by an

additional $300 million to be transferred to the Coast Guard by the Department of Defense. The conferees are very appreciative of the fine work and cooperation of Senate Defense Subcommittee Chairman STEVENS and House Chairman YOUNG. With these funds, the Coast Guard conference total will be approximately $110 million more than the fiscal year 1995 enacted level.

For the Federal Aviation Administration, a total of $8.2 billion has been provided, which includes $4.6 billion for FAA's operations; over $1.9 billion for associated facilities and equipment purchases; and $1.45 billion for grants in aid for airport construction. In addition, the conference agreement directs FAA to institute personnel and procurement reforms which are desperately needed. The conferees believe that these reforms will allow the FAA to operate more efficiently. I should point out that these reforms are fully supported by the administration. The reform provisions contained in this bill will not become effective until April 1, 1996, which will allow for sufficient and adequate review by not only the appropriate authorizing committees, but also by all affected FAA employees and systems users.

For the Federal Highway Administration, the bill includes a total of almost $20 billion—$17.55 billion for the Federal-aid highway formula program, and $2.3 billion for those highway programs which are exempt from the obligation ceiling. Highway spending in fiscal year 1996 will be nearly $500 million higher than the comparable fiscal year 1995 levels.

In the transit area, the bill provides a total of slightly more than $4 billion, which includes $400 million for transit operating assistance; $666 million for transit new starts construction; and $333 million for discretionary grants in the bus and bus-related facilities area.

In the rail area, it should be pointed out that Amtrak has been provided a total of $635 million: $305 million will be for operating expenses; $230 million will be for Amtrak's capital purchases; and $100 million is set aside for Amtrak's transition costs.

In closing, Mr. President, I would like to point out to the Members that there were several provisions included by the Senate which were dropped in conference. The provision which designates the National Highway System was not included because the conferees were assured by both the chairman of the House authorizing committee, Mr. SHUSTER, and the chairman of the Senate authorizing committee, Mr. CHAFEE, that the conference on the National Highway System bill is making progress, though perhaps not as quickly as we had hoped, and that with passage of the NHS bill, States will soon be in receipt of the $5.4 billion in apportionments that are being held in abeyance pending enactment of the NHS.

The conferees also agreed to drop a provision which allowed the States flexibility in dealing with an across-the-board cut contained in ISTEA known as section 1003. The National Highway System authorizing conferees have assured us that this issue, too, will be addressed in the NHS conference agreement.

The Senate proposal regarding State-regional infrastructure banks has been deleted from the appropriations bill. However, I have it on good assurance from the chairmen of the House Transportation Infrastructure Committee, that the State infrastructure banks proposal, in a somewhat scaled-down form, will be included in the NHS conference agreement, and will allow both transit and highway projects to participate in the infrastructure bank program.

I also want to inform the Members that the Senate proposal regarding air traffic controllers' revitalization pay, which would have phased out this 5-percent bonus over a 3-year period, has been deleted. The conferees heard from the administration and from many individual controllers that this would have a demoralizing effect on FAA personnel, and that the cut suggested by the Senate, $45 million, would have been especially detrimental as FAA institutes personnel reforms.

Finally, I should point out that the House-initiated proposal which would have moved DOT employees on worker's compensation rolls to retirement rolls, upon eligibility, has been deleted, so that nothing in this bill affects employees' existing rights under worker's compensation and retirement rules.

I want to thank all the Members of the conference for their support on reaching this agreement. I especially want to thank my ranking Member, Senator FRANK LAUTENBERG of New Jersey, for all his valuable time and insights in fashioning this conference agreement. I also want to acknowledge Mr. FRANK WOLF of Virginia, who chaired the conference on behalf of the House and Mr. COLEMAN, the House ranking Member. I believe it was a spirited conference which was entered into in good faith. I believe all the conferees were interested in producing a bill which meets this year's difficult funding challenges in a fair and balanced way.

Not at all incidentally, Mr. President, that, I believe, will be signed by the President of the United States and will not be a part of the disputes in which we are continually engaged.

We have been told by the administration that the President will sign this bill upon receipt. As a result, I urge adoption of the conference report for H.R. 2002, Fiscal Year 1996 Transportation and Related Agencies Appropriations Act.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

Mr. LAUTENBERG. Mr. President, I rise in support of the conference report on H.R. 2002, the transportation appropriations bill for fiscal year 1996.

First, I thank my colleague from the State of Washington for his able work on the subcommittee and for managing the bill this morning. We worked together on many issues and it is a pleasure to be able to stand here with him this morning.

I support this bill, but with considerable reluctance. When it comes to addressing the transportation needs of this country, this bill falls short. Yet, in many areas, fortunately, this bill does not accept some of the more draconian and counterproductive measures called for in the budget resolution or in the House bill. For that I am grateful.

This conference agreement cuts $800 million in outlays from the fiscal year 1995 funding levels for the Department of Transportation. And, while it is over a half a billion dollars higher than the severe reductions called for under the Senate-passed budget resolution, it still signals a sizable disinvestment in our Federal transportation infrastructure.

This is not the direction our country ought to be heading. Consider the fact that, between 1972 and 1990, the United States' public investment in infrastructure as a percentage of GDP ranked dead last of the six other G–7 nations. Among those nations that have the largest economies and the most power, we are last when it comes to investment in infrastructure. During the same period, the 1972 to 1990 period, the average productivity growth in the United States also ranked dead last.

In recent years, Japan's investment in infrastructure as a percentage of its GDP was roughly three times that of the United States. To catch up even for 1 year, we would need to increase spending on infrastructure by more than a quarter of a trillion dollars. This widening investment gap is bad news for America's ability to compete in the 21st century, and it undermines our ability to provide essential jobs that will raise living standards.

Recognizing that reality, over 400 of our Nation's leading economists have urged our Government to increase public investment. With the extraordinary congestion that we face on our Nation's highways and runways across our country, we must do no less, even within the current budget environment.

My remarks are in no way intended to reflect on the distinguished chairman of this subcommittee, Senator HATFIELD. Those of us on the Transportation Subcommittee were extraordinarily fortunate earlier this year

when our full committee chairman, Senator HATFIELD, accepted the chairmanship of this subcommittee. I was delighted to hear that he made that decision. Throughout the year, he has skillfully guided the subcommittee through extensive hearings as well as an amicable markup and conference. Senator HATFIELD demonstrated his characteristic fairmindedness, openness and good judgment throughout the process, and I am grateful for the considerations he gave to my concerns throughout the year.

Separate from the funding levels contained in the bill, I am pleased to report that Senator HATFIELD and I were successful in retaining in the conference agreement several of the important policy positions articulated in the Senate bill.

As it relates to the Coast Guard, for instance, the conference agreement retains the provision allowing the commandant to realign his existing search and rescue stations, as well as reallocate billets throughout the Coast Guard to achieve his rebalancing goals.

Under the provision, however, dozens of local communities will be spared the upheaval and the worry of losing their Coast Guard search and rescue presence entirely, and that includes several communities in New Jersey, in Oregon, and in several other States.

The bill before us also includes the provisions for FAA personnel and procurement reform that was included in the Senate bill. Under this provision, absent the enactment of other legislation, the FAA Administrator will be authorized to reform his agency's personnel and procurement processes by April 1, 1996.

Both the Commerce Committee and the House Transportation and Infrastructure Committee are currently working on a comprehensive reform legislation for the FAA. In fact, I recently testified before the Commerce Committee on this legislation. It is my sincere hope that this legislation will be enacted and supersede the provisions in the appropriations bill.

The issue of personnel and procurement reform is a very complex one that requires the input of all affected parties, including the air carriers, general aviation, the unions representing the FAA's employees, and others. I expect the language in the appropriations bill will continue to serve as a strong incentive—if I may characterize it as the pebble in the shoe—to bring all parties to the table to agree on necessary reforms, because I frankly think, as many do, that they are overdue.

I should mention that, during conference committee deliberations on FAA personnel reform, both Congressman COLEMAN and myself sought to ensure that bill language would be included in the conference report ensuring that no new personnel scheme would be put into place that would bar the rights of FAA employees to be a member of the union.

While we were only successful in including the relevant language in the statement of managers, I have obtained an assurance from Secretary Peña that absolutely no measures will be included in the FAA's personnel reform plan that will undermine the ability of FAA employees to be members of a union, just like other people who work for the companies in the country.

Perhaps the most critical decision reached by the conferees as it relates to aviation is the final funding level for the FAA's operations account. The final funding level will be $4.646 billion—almost $50 million more than the House-passed level and almost $100 million more than the level passed by the Senate.

Mr. President, we have a wonderfully safe aviation system in this country. While we have all been disturbed by aviation accidents in recent months, a dispassionate review of the relevant statistics reveals that this past year was not one of the worst years for aviation safety. The fact is that usage of the air traffic control system continually grows but without the kinds of investment I believe is necessary to bring it up to the current and future needs.

The funding level for this account was, perhaps, the greatest deficiency in the Senate-passed bill. As the transportation appropriations bill moved to conference, the administration made clear the priority it attached to adequate funding for FAA operations.

It was a program that gave all the conferees, frankly, a great deal of worry.

I am very pleased that the conferees found a way to fund this account at a level more closely resembling the President's request. Importantly, as part of this effort, we were able to eliminate the provision in the Senate bill imposing a 5-percent pay cut on air traffic controllers.

Frankly, these people are under great stress, and great strain. The last thing that we need to do is worry them further by threatening their ability to attend to their personal and family needs.

I am very pleased, especially during this period of heightened anxiety over the adequacy of our air traffic control system, that we are not imposing a pay cut on our already overworked air traffic controllers.

There are several conference decisions with which I strongly disagree. I find it outrageous, quite frankly, that the Senate conferees receded to the House provision prohibiting the DOT from increasing the corporate average fuel economy standard in 1996.

Simply put so everybody understands it, this provision will prohibit the DOT from requiring the manufacturers of light trucks—a very popular vehicle in America—from trying to do even slightly better in terms of fuel efficiency. Everyone sees the quantity of imported oil we bring into this country increasing. I think it is an outrageous condition for America—to be hostage to foreign suppliers. It is not the way we ought to be going, if we can avoid it. One way we can avoid it is by conserving more here.

This provision is being forced through the process on an appropriations bill because it could not be adopted through freestanding legislation. While I was very disappointed in the outcome, I want to commend Senator GORTON for his leadership in sticking up for the Senate position on this item.

Other areas of deep disappointment for me are the deep cuts included in the bill for transit formula assistance and pipeline safety activities. Transit operating assistance is being slashed by 44 percent. To make matters worse, the conference agreement changes the formula in a way that poses an additional hardship on our major urban areas.

Members need to be aware that a cut of this magnitude will necessitate service reductions and fare increases across the country. Every Senator will have constituents that will pay more money for less transit service. We are talking about longer waits for the bus to get home from work and more cars on our already congested highways.

The Senate budget resolution called for transit operating subsidies to be phased out entirely. I hope that after the experience of a 44-percent cut this year, my colleagues will join with me in saying that enough is enough. I hope that next year we can hold the line and stem the hemorrhage in this program.

Last year's tragic pipeline explosion in Edison, NJ, served as a wake-up call for the entire Nation as to the need to beef up our efforts to ensure pipeline safety. Our Nation's pipeline infrastructure is aging rapidly. President Clinton's budget recognized this reality and requested a 13-percent increase for pipeline safety.

The conferees, however, turned around and cut these activities 16 percent below last year's level—a cut of 26 percent below the President's request. I only hope that it will not require another pipeline explosion with either massive pollution or loss of life to get my colleagues to recognize our extraordinary needs in this area.

So once again, Mr. President, I want to thank Chairman HATFIELD for his consideration throughout the development of this conference agreement. My unhappiness with the bill does not reflect at all on his leadership. What it does say is that this country is not investing enough in its transportation infrastructure. By some accounts, the U.S. ranks 50th or worse in comparison to other industrialized nations, in terms of per capita investment in infrastructure. It is outrageous.

Everybody knows that efficient transportation helps us move goods, helps us move people, helps us become more efficient, more competitive, and provide for a quality of life far better than that which is saddled with air pollution, delays caused by congestion, time away from family, and time away from business appointments.

Mr. President, one of the things that we talked about and all of us feel so deeply here about is the diminution of the quality of life in our country, about how difficult it is for families to make a living where both mother and dad go out to work because it requires two workers to earn what one used to earn. Do you know who pays the heaviest price for that? It is the children. It is those who miss parental contact during the evening hours and the daytime hours.

If this transportation system of ours continues to break down, continues to lack the ability to service our needs, it will impose an even heavier burden on the family. It is pretty simple.

So, Mr. President, I am going to support this bill. It is the best that we could get done in the current budgetary environment. The administration has signaled definitively that President Clinton will sign this conference report.

There are only 2 other appropriations bills that have been signed out of the 13 thus far. That is military construction and agriculture. We will look forward to having this bill signed. We also ask our colleagues who are in committees of jurisdiction—the Commerce Committee and the Environment and Public Works Committee on which I sit, to expedite their action on the transportation authorization bills. Those bills, like this bill, will be critical to the functioning of our country.

Mr. President, with that I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, I understand that the distinguished senior Senators from West Virginia and Arizona wish to be heard on this issue, and I understand that each wishes that we have a recorded vote.

Accordingly, I ask for the yeas and nays on the conference committee report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD addressed the chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I did not sign the conference report on the Transportation appropriations bill. Why did I not sign the conference report? I did not sign it because I thought that it was patently unfair in its treatment of rural States like my own State of West Virginia. Why did I think that it was patently unfair to rural States like my own State of West Virginia? Because it does not allow one single dollar for the earmark of highway projects—not one—while it proceeds to earmark $687 million for 31 rail transit projects in many areas of the country, and it also earmarks $333 million in 81 instances for buses and bus-related facilities throughout the country. In other words, the conference report contains 112 earmarks amounting to over $1 billion for mass transit projects in urban areas and areas more densely populated, while it refuses to earmark one thin dime for areas that are not served by mass transit but which have to depend upon highways for the transportation of people and goods.

Mr. President and Senators, lend me your ears! I come not to bury mass transit projects but to praise them. I compliment Senators and Members of the other body who have successfully made the case for earmarking mass transit and bus moneys for cities and towns in their States and congressional districts. They are doing exactly what they should be doing. I do not find fault with that. I come not to bury justified earmarks but to praise them. I have always believed that the elected representatives of the people in Congress, both Houses, are in a better position to know the needs of their constituents in the States and congressional districts they serve than is some unelected bureaucrat downtown who otherwise would make the arbitrary decisions as to how much and where transportation dollars will be spent.

I have been in the Senate 37 years, and I have been a member of the Senate Appropriations Committee throughout all of those 37 years. I was chairman of the Senate Appropriations Subcommittee on Transportation, the subcommittee which has jurisdiction over this bill. I was chairman of that Subcommittee on Transportation from March 31, 1971, to July 18, 1975—in other words, over 4 years. I served as chairman of the Senate Appropriations Committee for 6 years during the 101st, 102d and the 103d Congresses, and I never—never—opposed the earmarking of appropriate moneys for rail and other mass transit projects. At the same time, I have also supported the earmarking of moneys for meritorious highway projects, not just in West Virginia but throughout the United States. Yet, in this conference report on appropriations for transportation, highway projects are blatantly—blatantly—discriminated against. There is not one copper penny—not one—not one copper penny for highway projects.

Is that wise? Is that good national transportation policy? Are highways not an important part of the national transportation system?

When the Transportation appropriations bill was passed by the Senate, it contained $39.5 million for nine highway demonstration projects throughout the country. One of these projects, costing $9 million, was in West Virginia.

Mr. President, $39.5 million for highway transportation projects is mere chicken feed—chicken feed—as compared with $1 billion for mass transit and bus transportation; yet, it was at least chicken feed. The House conferees on the Transportation appropriations bill took the position that no moneys—none—no moneys could be earmarked for highways. No matter how needed, highway projects were to get zero dollars—zero dollars! A policy had been laid down by the House Appropriations Subcommittee chairman that there would be no highway funds earmarked at all—none! It is my understanding that several Members of the House of Representatives sought to have funding for highway projects included in the bill, but they were confronted with the policy that was to be the rule of thumb, the line in the sand—no highway projects; none!

There have been news reports that earmarkings were being done away with in the Transportation bill; there would be no more such earmarkings. The so-called "pork-busters" breathed a sigh of relief—hallelujah! No earmarks! Henceforth, highway moneys should be distributed strictly by formula. Thus, a level playing field, it was claimed, was being created for the distribution of highway dollars. A new breed of legislator was in the saddle. Move over, John Wayne, a new breed of legislator was in the saddle. "Down with earmarks" was the battle cry!

Yet, Mr. President, earmarking is not dead. It is very much alive and is more robust than ever. And the Transportation appropriations conference report is proof of it with $1,020,000,000—that is $1 for every minute since Jesus Christ was born—$1,020,000,000 for rail and other mass transit projects, all earmarked in this conference report, all earmarked.

Mr. President, I come not to bury earmarks, but to praise them. In this particular bill I support every earmark. But as one who, while serving on the Appropriations Committee for 37 years, has never objected to the practice of earmarking, I ask, what justice—what justice—is there in a transportation policy that blatantly discriminates against highways? What wisdom, what reasonableness, what sweet reasonableness, what logic can there be in a transportation policy which says, "Come one, come all" to earmarks for mass transit, but which completely closes the door—closes the door—to highways. How sanctimonious can we get? On the one hand we say we have done away with earmarks in the bill; on the other hand, the bill is full

of earmarks. This is sheer hypocrisy, sheer hypocrisy.

There is also a $200 million appropriation in this conference report for the Washington metro system. Now, I do not regret that. I do not oppose that funding. I have supported the funding for this Metro mass transit system in the past. Last year there was $200 million; the year before that, there was $200 million, and I believe the year before that, there was $170 million for the Washington metropolitan transit system. Fine. I have no problem with that. Thus, "I am constant as the northern star, of whose true fix'd and resting quality there is no fellow in the firmament." Hence, Mr. President, I come not to bury the Washington metropolitan transit system, but to praise it.

I have been much criticized in past years for getting earmarks for highway projects in West Virginia. The cynics call these highway projects "pork." Are mass transit projects pork? I ask you, Mr. President, are mass transit projects pork? Whether we talk about mass transit or whether we talk about highways, these all constitute infrastructure. And infrastructure is important to the country and the country's economy. Both mass transit and highways are important and vital components of the national transportation system. Mass transit can be adapted to certain areas of the country, but not all areas. Some areas simply must depend for the most part upon highways.

Why should areas that can only be served by highways be deprived? Why should they be denied Federal highway dollars? Are rural areas not a part of America? Are the taxpayers who live in rural areas not Americans, too? Are not their tax dollars just as good as the tax dollars of those who live in urban areas, mass transit areas? A transportation policy that proclaims to the skies that earmarks are evil is a sanctimonious and hypocritical transportation policy when it pronounces the sentence of death on one particular kind of transportation earmarks, while loading the bill down with earmarks for other transportation modes. Such a transportation policy, Mr. President, is not only unfair, it is also unwise. It is penny-wise and pound-foolish. Monies spent on highways provide not only short-term jobs but also result in long-term financial returns for the whole national economy, many times over.

Now, the ancient Persians knew this. Darius Hystaspes—the Great—paid great heed to roads, which he greatly extended and improved.

The Egyptians, the Carthaginians, and the Etruscans all built roads. They did not have mass transit. They did not have buses. They built roads.

The truly great road builders were the Romans. We have all heard that all roads lead to Rome. The Romans knew how to lay down a solid base and how to give the road a pavement of flat stones. They knew that the road must have a crown, that it must be higher in the middle so as to drain water away, and that ditches should be dug alongside to carry away the water. Some Roman roads are still in use even today. And every Senator, I am sure, who has visited Rome and traveled out to Tivoli, for example, has traveled on old Roman roads, built 2,000 years ago.

Great roads the Romans built that men might meet,
And walls to keep strong men apart, secure;
Now centuries are gone, and in defeat,
The walls are fallen, but the roads endure.

Now, by contrast, early roads in America were very poor. The trip from New York to Boston in colonial days was truly an adventure. You can say that about some of the roads in West Virginia as well—even today. When I was in the State legislature 50 years ago, almost 50 years ago, 48 years ago, West Virginia had less than 10 miles of divided highways.

In the early 1800's, settlers were moving in great numbers to the West. In 1811, work was begun on a road that led away from Cumberland, MD, toward the West. It was to reach as far west as Vandalia, IL. This was the National Road, the old Cumberland Road. And I am sure that the Presiding Officer, Senator CAMPBELL, who presides over the Senate today with a degree of skill and dignity that "is so rare as a day in June," has traveled with his motorcycle over that old Cumberland Road. The Chair is not supposed to respond, but I see him smiling.

Well, this was the National Road, the old Cumberland Road. For many years it was the chief line of travel for thousands of settlers on their way to the West. Before 1838, Congress had spent nearly $3 million—think of it; Congress had spent nearly $3 million—of Federal funds on that road. Henry Clay was a strong proponent of getting Congress to advance money for building the road. O that Henry Clay were a Member of this Senate today! Or a Member of the other body today—he served in both bodies; he was once Speaker of the House. O that he were here today to plead the cause of highways! He who advocated his national system of public improvements that made sense, and they still make sense today. Henry Clay was a strong proponent of getting Congress to advance money for building that road.

I find it ironic, Mr. President, that the ancients—the Persians, the Etruscans, the Egyptians, the Carthaginians—knew the importance of having good roads and sought to expand their network of roads, yet, we in the Congress, the present-day beneficiaries of the lessons of history, look upon highways with disdain, as evidenced by this transportation appropriations conference report.

There were other voices, Mr. President, not so ancient which also may be summoned in support of building transportation infrastructure. Thomas Babington Macaulay said: "Of all inventions, the alphabet and the printing press alone excepted, those inventions which abridge distance have done most for the civilization of our species. Every improvement of the means of locomotion benefits mankind morally and intellectually, as well as materially, and not only facilitates the interchange of the various productions of nature and art, but tends to remove national and provincial antipathies, and to bring together all of the branches of the great human family." That was Thomas Macaulay.

Francis Bacon, a great English Chancellor, a farsighted and learned man, said: "There be three things which make a nation great and prosperous: a fertile soil; busy workshops; easy conveyance for men and goods from place to place."

Mr. President, I was in the House of Representatives when President Eisenhower advocated the Interstate Highway System, and I supported it. I was a Member of the U.S. Senate and supported the creation of the Appalachian Regional Commission and the establishment of the network of Appalachian Regional Corridors. I have also consistently supported Federal funding in sharing the costs of building those corridors because of the particular and unique needs of the 13 States in Appalachia.

When the Democrats were in control of the Senate during the years 1989 through 1994, I provided allocations, as chairman of the Senate Appropriations Committee, that would result in the funding of transportation projects across the board—mass transit, bus and bus-related facilities, as well as highways—and throughout the entire country. I never took the position that allocations of funds should be for highways only, I never took the position that allocations of funds should be only for West Virginia, and that earmarks for other transportation modes should be eliminated or done away with. I recognized that a national transportation policy—that is what we are talking about, a national transportation policy—should include several different systems—not just one or two, but several, meaning more than two—highways, mass transit, and otherwise. But that is not the way things are to be done now that the tables have turned. For some unfathomable reason—and "unfathomable" goes deeper than the deepest part of the broad Pacific Ocean—highways have been left out! Out! Out! Out with highways!

Mr. President, during a 12-year period, 1973 to 1985, the United States invested three-tenths of 1 percent of its gross domestic product in infrastructure annually; during a 12-year period, the United States invested three-tenths of 1 percent of its gross domestic product in infrastructure annually.

Canada, meanwhile, invested 1.5 percent; the United Kingdom 1.3 percent; France invested 2 percent; the then Federal Republic of Germany invested 2.5 percent; Italy invested 2.7 percent; Japan invested 5.1 percent of its gross domestic product in infrastructure annually during that 12-year period. How did that correspond with those same countries' productivity? While the United States was investing only three-tenths of 1 percent of its gross domestic product annually in infrastructure, its productivity grew only six-tenths of 1 percent annually, on the average. In other words, less than 1 percent.

Canada invested 1.5 percent and experienced productivity growth of 1.3 percent. The United Kingdom invested 1.8 percent and had 1.8 percent productivity growth. France invested 2 percent and grew 2.3 percent. The Federal Republic of Germany invested 2.5 percent and enjoyed 2.4 percent productivity growth annually. Italy invested 2.7 percent, which yielded productivity growth of 1.8 percent. In Japan, productivity growth was 3 percent, while it invested 5.1 percent of its gross domestic product in infrastructure.

So we can see that nondefense public investment translates into increased productivity. Increased productivity means increased economic growth. Increased economic growth means more jobs and, thus, more income for the U.S. Treasury. Increased economic growth also means increased national security. It also means an enhanced competitive position for the Nation. It means a higher standard of living. And increased public investment also encourages increased private investment. And why not? Why would it not?

Mr. President, if you had a company, let us say, and you would like to buy a brand-spanking-new fleet of trucks, all outfitted in bright red paint and chrome, how would you like to put that fleet of new trucks out on roads that are filled with potholes and on bridges in need of repair? How would you like to have your trucks detoured 15, 18, 20 miles around a bridge that was closed because it was unsafe? How much would that cost? How much would it cost you? How much would that lower your productivity? How much would that cut into your profits? You probably would be reluctant to invest in the new trucks at all.

Hence, public investment encourages private investment and is conducive to the profitability of the private sector. Dollars spent on highways not only improve the efficiency, and hence the productivity and economic growth of a region, but they also improve safety on the highways. The decision to eliminate highway funding earmarks in this legislation just does not make sense in terms of our economic growth, our productivity growth, our Nation's transportation needs, our people's safety, or an overall viable transportation policy for this Nation.

Why, then, was such a decision made? What is really going on in this bill with regard to highway projects? What could possibly justify such an arbitrary and shortsighted view of our Nation's transportation needs so as to prompt a total—total—blackballing of highway projects?

In my view, such a tunnel-vision approach could not be engendered by any reasonable contemplation of what makes for sound national transportation policy.

What is going on here is simple knee-jerk politics. It is a large fandango aimed at appearing to be "pure" on the subject of transportation pork, a large fandango aimed at appearing to be pure on the subject of transportation pork. Highway demos have, over the years, gotten a reputation which, in my view, is largely undeserved. Now that bad reputation is being exploited for political gain—for political reasons.

In news story after news story, highway earmarks have been portrayed as a useless waste of the taxpayers' hard-earned dollars. They exist only to promote the reputation and electability of the politician who does the earmarking, so the story goes. Thus, to appear to be virtuous on the subject of pork, one needs to be tough on that Satan of spending, that Beelzebub of budgeting, the demon of deficits—highway demos.

If one is sufficiently vociferous in stomping the serpent of highway demos, then one can earmark bus and mass transit projects with random abandon. We have banished evil from the kingdom! Now vice can flourish! Hallelujah, how sweet it is! Evil has been banished from the kingdom.

Make no mistake about it, targeting moneys to a specific locality is earmarking. That is what has been done in the case of mass transit and bus moneys in this bill. That is earmarking. If it moos, gives milk, and has an udder, it is undoubtedly a cow—even if one insists on saddling it like a horse. It is still a cow. If it barks, wags its tail, and lifts its leg, it is a dog, no matter how loudly one claims that it thrives only on cat food.

An earmark is an earmark is an earmark is an earmark and no amount of obfuscation can change that.

The conference agreement before us will provide $1.665 billion in discretionary grants for mass transit. Not one penny—not one penny—of that amount will go to West Virginia. Not one. Mr. President, $1.665 billion in discretionary grants for mass transit. Within this amount, roughly $665 million will go out by formula to the major rail transit systems in our major urban cities. West Virginia will not see any of that funding.

West Virginia is not alone. There are other States, as well.

The remaining $1 billion provided for transit discretionary grants in this conference agreement have been completely earmarked—completely earmarked—by the conferees. This includes $333 million in grants for bus and bus-related facilities. Yet, there are only two bus grants that are expressly authorized to receive appropriated funds in the bus category—a grant for the State of Michigan and a grant for Altoona, PA. However, the conferees saw fit to earmark every penny of the funds available for bus and bus-related facilities, for a total of 81 projects.

It has not always been the custom to earmark the entire pot of bus funds. Under section 3 of the Transit Act, these funds are to be distributed based on a merit-based competition conducted by the Federal Transit Administration. Indeed, there are currently applications sitting at the Federal Transit Administration for more than half a billion dollars in bus grants. The applications are there. However, not one—not one—of these applications will be entertained in the coming year.

Why? Because every penny has already been earmarked by the conferees. Just 2 years ago, roughly 30 percent of the funds available for bus and bus facilities were distributed by competition. Four years ago, roughly half the funds were distributed based on competition. In the years before that, the Congress earmarked anywhere between 9 percent and 28 percent of the total amount of funding available for bus grants. The conference report before us provides $687 million for so-called transit new starts—$687 million for so-called transit new starts. These are major construction projects for new, expanded transit systems in our major urban centers.

The conference report agreement earmarks every penny made available under this account for 31 cities across the country. This is true despite the fact that the administration saw fit to request funding for only 12 cities.

Now, I know that it will be claimed that the Nation's highway needs can be completely provided for by formula funding. Just do it all by formula. Just mathematically dribble out highway dollars under an agreed-upon formula. No deviations, please. We have all the highway needs of every State completely scoped out, packaged and arithmetically calculated, all by formula.

How utterly preposterous! How convenient for some States and how detrimental for others.

It should not come as a revelation to anybody that different States have different topographies. Some are flat. Some are hilly. Some are mountainous. Some are both flat and hilly. Some are both flat and mountainous. It should also not come as an intuitive flash of genius to anyone that the economies of the States are different. Some are rural. Some are agricultural. Others

are urban centers. Some are dependent upon industry. Many State economies have a combination of both or all of these.

If one understands these quite obvious and undeniable geographic and economic differences that exist among the States, it then follows that some States will need more mass transit money, or more bus money, or more highway money than others. It also then becomes apparent that an exclusively formula-driven approach to highway funding is not going to address the highway needs of each and every State. It costs from $10 to $18 million a mile to build four-lane highways in the State of West Virginia. We have mountains, more than a million hills and mountains in West Virginia. It also, then, becomes apparent that an exclusively formula-driven approach to highway funding is not going to address the highway needs of each and every State.

Thus, the reason for earmarking of highway dollars—in order to address the deficiencies of the Federal highway formula in certain States—can easily be understood, can easily be understood by those who want to understand.

Take a State like West Virginia. We are mostly rural, heavily forested, very mountainous, have very little flat land and few cities of any size. We have few airports, sparse airline service, and heavy fog which frequently impairs landings and takeoffs.

West Virginia receives almost no funding from the $1.5 billion airport improvement program. The most formula funding that my State of West Virginia has ever received from that program was $4.3 million in 1 year. West Virginia ranks 49th in the Nation in the number of air passengers.

I do not like to ride airplanes. When I was a little boy I would write to all of the companies that were advertising in publications that had anything to do with aviation. I thought someday I would like to be an aviator, and sail through the clouds with the greatest of ease. It did not work out like that. I am not so wild about flying anymore.

So we are 49th among the States with reference to air passengers. Compare that to the Dallas-Ft. Worth Airport that has received more than $100 million in a single year for the expansion of that airport from the Airport Improvement Program. Is that pork?

The airport in Charleston, West Virginia—probably the State's busiest airport—was built by hacking off the top of several mountain peaks, shoving that dirt into the valleys and then smoothing and leveling that newly-created surface to make a runway. On a foggy morning, taking off or landing at Charleston can be an exciting experience. And it can also be a fatal one, as we have seen. So, there are not large airports, and therefore, some businesses are reluctant to come to my State because of that drawback. Likewise, blasting through mountains, building tunnels through mountains—John Henry has been dead a long, long time—blasting tunnels through mountains, under valleys and riverbeds in order to build tunnels for mass transit is not extremely practical, to say the least. We have almost no mass transit activity in West Virginia. Can you imagine speed rail transit in West Virginia?

We have almost no mass transit. Of the $2.5 billion that was distributed by formula to the States for mass transit assistance in fiscal year 1995, guess how much West Virginia received? Of the $2.5 billion, West Virginia received less than $650,000. It received $642,000, less than $1 million out of $2.5 billion. That is why we need highways. I know they are looked upon with scorn in some quarters. But West Virginia is part of the Union, the only State that was torn from another State in the throes of a great Civil War. It became a Union State in 1863.

For this coming fiscal year, the conference agreement will lower that level of assistance to West Virginia to $515,000. Out of the $2.5 billion, West Virginia will get a half-million. Think of it. I am not complaining about that. God, in his masterful design, in all of that process of creation, made West Virginia mountainous, so we do not have mass transit. We have to depend upon highways. West Virginia, therefore, receives very little mass transit money, no new airport funds, and is, therefore, left almost completely dependent upon highway funds to satisfy its transportation needs.

Come on, pork busters! Go with me to West Virginia! For commerce, for tourist travel, travel by people within the State and by people passing through on their way to somewhere else, means, for the most part, highway travel, and we need highways. Highways are West Virginia's only ticket—only ticket to economic development.

My State is a poor State. Thank God for West Virginia. It is a land of mountains by God's great will, and it produces mountain men and women. Yes, it is a poor State, always has been, trampled by outside interests. One day I will talk about the great coal barons who lived outside the State but who took the State's resources with the blood and the sweat and the tears of mountaineers who helped to build those fortunes for the absentee owners. So, my State is a poor State, and without adequate highways we will always remain so.

Then, there is the issue of safety. That affects everybody. I was in one head-on collision in West Virginia, on West Virginia State Route 2, in which the driver of the other car was killed.

Safety is important. Again, let us look at my State of West Virginia. As I have said, there is very little flat land. We have roads in some areas that have more hairpin curves than they do straight stretches. They are narrow winding, twisting roads, snaking around and over mountains and up and down steep valleys. In the rain, in the snow, in the dark, in the fog, it is quite a harrowing ride in many parts of West Virginia. Lives have been lost again and again because of these narrow, two-lane, twisting ribbons that crisscross my State. I know. I have traversed almost all of them at some time or other.

It would be an education for some Members to travel with me on some rainy night in the fog when the headlights barely penetrate a car length. Perhaps I should invite some of the opponents of highway money to ride along with me, so that they might enjoy the full flavor of unimproved, two-lane mountain highways. I daresay their antiperspirant would fail them. Maybe then—just maybe—a little sympathy might be forthcoming with regard to those evil highway projects.

This is what my people endure daily in West Virginia. This is what travelers passing through my State contend with. This is what truck drivers—whose time is money—have to deal with when they take a load through West Virginia.

But, what is West Virginia in the grand scheme of things? We are small. We are poor. Who cares about our safety or our economic plight? Maybe we should just crawl back into our hollows and mountain caves and stop bothering everybody.

A patchwork quilt of a nation, where some States thrive and others wither, is not a prescription for a strong national economy. An unbalanced transportation policy, like the one promulgated in this conference report, is a major contributor to that checkered economic picture, and it will not serve this Nation well.

So we can beat our breasts. We can beat our breasts and proclaim to the highest heavens that we have eliminated the earmarks in this bill. But that claim is false. The earmarks are there. They are a little disguised perhaps, but they are there.

We can wave our swords and rejoice that we have slain the dragon of highway demos in this bill. That claim is true. But, that dragon is not a dragon at all, and slaying it will only result in the killing of the economic hopes of rural states dependent on highways for prosperity.

Mr. President, Daniel Webster made my case in 1830 in his second reply to Hayne. On Tuesday, January 26, 1830, he said,

> . . . I look upon a road over the Alleghanies—

He was talking about West Virginia except West Virginia was not a State at that time.

. . . I look upon a road over the Alleghanies—

This is not ROBERT C. BYRD talking; this is Daniel Webster, the god-like Daniel.

. . . I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters.

He did not limit it to just one mode of transportation. He was talking about them all. He said,

. . . I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. . . . We [New Englanders] look upon the states, not as separated, but as united . . . We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us . . . if I were to stand up here and ask, what interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be entrusted with the interest of any part.

That was Daniel Webster. O that we had Webster, or Clay, or both of them in the Senate today. Or in the other body, because they saw beyond the horizon. They saw beyond the geographical limitations, beyond the lines of latitude and the rivers and the ridges of the mountains. They saw a great country benefiting by that which benefited one part.

Mr. President, I do not ask others to vote against this conference report. As I say, I support every mass transit earmark in the conference report. I support every bus and bus facility earmark in the conference report. I do not come to bury earmarks, Mr. President. I come to praise them. But I will vote against this conference report.

We are one country, Mr. President, and we ought to have a transportation policy that adequately addresses the needs of the whole country. The bill before us falls far short of that laudable goal.

I shall vote against this conference report in protest of the unwise transportation policy that is embraced in this bill.

Mr. President, I ask unanimous consent that a table showing earmarks provided for bus and bus-related facilities, and one showing earmarks for mass transit systems, be printed in the RECORD.

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

BUS AND BUS-RELATED FACILITIES

The conference agreement provides $333,000,000 for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities. The conferees agree that the recommended funding should be distributed as follows:

Project location and purpose	House	Senate	Conference
Arkansas:			
Little Rock, central Arkansas transit transfer facility	0	$1,000,000	0
Fayetteville, intermodal transfer facility	0	5,400,000	0
State of Arkansas; buses	$6,000,000	0	$6,200,000
California:			
Coachella Valley; SunLine bus facility	1,000,000	0	500,000
Long Beach, bus replacement and parts	0	3,000,000	1,500,000
Los Angeles; Gateway intermodal center	8,000,000	15,000,000	8,000,000
San Diego, San Ysidro intermodal center	0	10,000,000	5,000,000
San Francisco; buses	13,480,000	0	6,740,000
San Francisco, BART ADA compliance/paratransit	0	4,460,000	2,230,000
San Gabriel Valley; Foothill bus facilities	12,500,000	0	9,750,000
San Joaquin, RTD replacement	0	10,560,000	5,280,000
Santa Cruz; bus facility	3,000,000	0	1,500,000
Sonoma County; park and ride facilities	2,500,000	0	1,250,000
Ventura County; bus facility	1,200,000	0	600,000
Yolo County; buses	3,000,000	0	1,500,000
Colorado: Fort Collins and Greeley; buses	2,500,000	0	1,250,000
Connecticut: Norwich; intermodal center	3,000,000	0	1,500,000
Delaware: State of Delaware; buses	2,700,000	0	1,350,000
Florida:			
Metropolitan Dade County; buses	4,000,000	16,000,000	10,000,000
Orlando; Lynx buses and bus operating facility	8,500,000	0	4,250,000
Palm Beach County; bus facility	4,000,000	0	2,000,000
Volusia County; buses and park and ride facility	2,500,000	0	1,250,000
Georgia: Atlanta; buses	7,500,000	0	3,750,000
Hawaii: Honolulu, Oahu; Kuakini medical center parking facility	0	8,000,000	4,000,000
Iowa:			
Ames, Marshalltown, Ottumwa, Regions 6, 14, 15, 16; buses and bus facilities	4,000,000	0	2,350,000
Cedar Rapids; hybrid electric bus consortium	0	2,960,000	1,200,000
Ottumwa; global positioning equipment	0	700,000	0
Waterloo; intermodal bus facility	0	1,340,000	670,000
State of Iowa; buses, equipment, and facilities	0	8,000,000	4,280,000
Illinois:			
Chicago replacement buses/communications system	0	13,700,000	0
State of Illinois; buses	20,000,000	0	16,850,000
Indiana:			
Gary and Hammond; buses	520,000	0	260,000
South Bend; intermodal facility	5,000,000	0	2,500,000
State of Indiana; buses and bus facilities	13,000,000	0	6,500,000
Kentucky: Lexington; buses	2,000,000	0	1,000,000
Louisiana:			
New Orleans; bus facility	6,000,000	0	3,000,000
New Orleans; buses	12,000,000	0	6,000,000
Saint Barnard Parish; intermodal facility	3,000,000	0	1,500,000
Massachusetts: Worcester; intermodal center	4,000,000	0	2,000,000
Maryland: Maryland Transit authority, Maryland; buses	10,000,000	16,000,000	13,000,000
Michigan:			
Lansing intermodal transportation center	0	4,180,000	2,090,000
State of Michigan; ISTEA set-aside requirement	10,000,000	10,000,000	10,000,000
Minnesota: Metropolitan Council, Minnesota; articulated buses	15,000,000	0	7,500,000
Missouri:			
Kansas City; Union Station intermodal	0	13,000,000	6,500,000
St. Louis; Metrolink bus purchase	0	10,000,000	3,500,000
State of Missouri; buses and bus facilities	0	11,000,000	7,000,000
North Carolina: State of North Carolina; buses and bus facilities	10,000,000	0	5,000,000
New Jersey:			
Garden State Parkway; park-n-ride at interchange 165	0	2,300,000	1,150,000
Hamilton Township; intermodal facility/bus maintenance	0	25,000,000	12,500,000
Nevada: Clark County, Nevada; buses and bus facility	14,000,000	20,000,000	17,000,000
New York:			
Albany; buses	0	10,000,000	5,000,000
Buffalo; Crossroads intermodal station	1,000,000	0	500,000
Long Island; buses	0	3,000,000	1,500,000
New Rochelle; intermodal facility	1,500,000	0	750,000
New York City; natural gas buses/fueling station	0	10,000,000	5,000,000
Rensselaer; intermodal station	7,500,000	7,500,000	7,500,000
Rochester-Genessee; buses	0	1,400,000	700,000
Syracuse; buses	2,000,000	0	1,000,000
Syracuse; intermodal station	2,000,000	0	1,000,000
Utica; buses	0	6,000,000	3,000,000
Westchester; bus facility	4,500,000	0	2,250,000
Ohio:			
Cleveland; Triskett bus facility	2,500,000	0	1,250,000
Columbia; buses	0	10,000,000	0
State of Ohio; buses and bus facilities	20,000,000	0	15,000,000
Oregon:			
Wilsonville; transit vehicles	0	500,000	250,000
Eugene lane transit district; radio system	0	1,300,000	650,000
Pennsylvania:			
Allegheny County; busway system	8,000,000	10,000,000	9,000,000
Altoona; ISTEA set-aside requirement	2,000,000	0	1,000,000
Beaver County; bus facility	1,600,000	3,300,000	2,450,000
Erie; intermodal complex	0	8,000,000	4,000,000
North Philadelphia; intermodal center	6,000,000	0	3,000,000
Philadelphia; buses	3,000,000	0	1,500,000
Philadelphia; Chestnut Street/alternative fueled vehicles	0	2,000,000	1,000,000
Philadelphia; lift-equipped buses	15,000,000	0	7,500,000
Tennessee: Nashville, Tennessee; electric buses	600,000	0	300,000
Texas:			
Corpus Christi; buses, dispatching system, and facilities	0	1,600,000	2,450,000
Corpus Christi; bus facilities	2,500,000	0	0
El Paso; buses, equipment and facilities	6,000,000	0	5,200,000
El Paso; bus equipment	2,900,000	0	0
El Paso; satellite transit terminal	1,500,000	0	0
Robstown/Corpus Christi bus shelters/curb cuts/transit center	0	800,000	0
Utah: Utah Transit Authority, Utah; buses	3,500,000	0	1,750,000
Virginia: Richmond; downtown intermodal station	0	10,000,000	5,000,000
Vermont:			
State of Vermont; buses and bus facilities	0	6,000,000	3,000,000
Marble Valley; bus upgrades	0	2,000,000	1,000,000
Washington:			
Everett; intermodal center	0	7,000,000	3,500,000
Pierce County; Tacoma Dome station	3,000,000	5,000,000	5,000,000
Seattle; Metro/King County multimodal	0	4,000,000	2,000,000
Seattle/King County; Seattle metro bus purchase	2,500,000	10,000,000	6,250,000
Wenatchee; Chelan-Douglas multimodal	0	2,000,000	0
Wisconsin: State of Wisconsin; buses	20,000,000	0	10,000,000
Total	333,000,000	333,000,000	333,000,000

The conference agreement provides for the following distribution of the recommended funding for mass transit systems as follows:

Project	*Amount*
Atlanta-North Springs project	$42,410,000
South Boston Piers (MOS-2) project	20,060,000
Canton-Akron-Cleveland commuter rail project	2,250,000
Cincinnati Northeast/Northern Kentucky rail line project	1,000,000
Dallas South Oak Cliff LRT project	16,941,000
DART North Central light rail extension project	3,000,000
Dallas-Fort Worth RAILTRAN project	6,000,000
Florida Tri-County commuter rail project	10,000,000
Houston Regional Bus project	22,630,000

Project	Amount
Jacksonville ASE extension project	9,720,625
Los Angeles Metro Rail (MOS-3)	85,000,000
Los Angeles-San Diego commuter rail project	8,500,000
MARC commuter rail project	10,000,000
Maryland Central Corridor LRT project	15,315,000
Miami-North 27th Avenue project	2,000,000
Memphis, Tennessee Regional Rail Plan	1,250,000
New Jersey Urban Core-Secaucus project	80,250,000
New Orleans Canal Street Corridor project	5,000,000
New York Queens Connection project	126,725,125
Pittsburgh Airport Phase 1 project	22,630,000
Portland-Westside LRT project	130,140,000
Sacramento LRT extension project	2,000,000
St. Louis Metro Link LRT project	12,500,000
Salt Lake City light rail project	9,759,500
San Francisco BART extension project	10,000,000
San Juan, Puerto Rico Tren Urbano project	7,500,000
Tampa to Lakeland commuter rail project	500,000
Whitehall ferry terminal, New York, New York	2,500,000
Wisconsin central commuter project	14,400,000
Burlington-Charlotte, Vermont commuter rail project	5,650,000

SOUTH-NORTH CORRIDOR PROJECT

The conferees note that the Oregon legislature and Portland area voters have approved $850 million in local and state funds for the South-North corridor project. The conferees support the inclusion of the South-North corridor in the Portland area program of interrelated projects and note that a project financing plan, based on a discretionary (section 3) share of fifty percent of the total project costs, will be considered should the Portland region seek funding for this project.

ORANGE COUNTY, CALIFORNIA

The conferees are concerned with the delay of the Federal Transit Administration in obligating the funds previously provided in fiscal years 1994 and 1995 for the Orange County Transitway project. The conferees are concerned that the FTA may fail to recognize that the Anaheim Intermodal Transportation Center is not an element of the Transitway project. The conferees, therefore, direct the FTA to work expeditiously to obligate these funds once all pending planning and financial issues are addressed adequately.

KANSAS CITY

Although no funds have been provided for the Kansas City, Missouri light rail project, the conferees believe that based on the results of the recently completed major investment study, the project may have merit and therefore encourage project sponsors to continue to seek federal support in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE RECONCILIATION BILL

Mr. BYRD. Mr. President, I heard a great deal of blather this morning about tricking and treating, about that great reconciliation bill that was passed last Friday—it may have been a little after midnight—and that that was a great treat for the American people.

Mr. President, here it is on my desk. The white papers represent the Senate amendment; the 1,862 pages just in the white. The two blue volumes, 1,839 pages, represent the House reconciliation bill.

These 1,839 pages that represent the House reconciliation bill were given 6 hours—all of 6 hours—of debate in the other body. Think of it, 6 hours! And the 1,862 pages in the Senate amendment were given 20 hours, plus 1 additional hour, I believe, on the Roth amendment, and a minute equally divided on each of various and sundry other amendments. So there you have it, 1,862 pages, a little over 20 hours, parts of 4 days in the Senate!

Now, who under God's vast Heaven knows what is in this bill? Not one Senator, not one Senator out of the 100 Senators, knew when he cast his vote for or against that monstrosity, not one knew what he was voting on! No single committee held hearings on all of this. Different committees held different hearings on parts of it. But no committee person, no committee chairman, no Member of the Senate, no staff person knew everything that Senators were voting on, and most Senators knew very little about it. We simply rubberstamped the package that was sent to the Senate by the Senate Budget Committee, and not all of the members of that committee knew what they were sending to the Senate. Is that legislating? Is that trick or treating?

Mr. President, those who wish to proclaim to the high heavens that this is a great masterpiece will come to find that "Confusion now hath made his masterpiece," and the worm will turn! The American people are going to find out in due time about the Senate's handiwork and the handiwork of the other body—what we passed for a law.

We might as well have been blindfolded. We might as well have had our ears plugged. When a pile of paper like that is acted upon in the course of 42 hours—including time consumed by roll calls—under the restrictions that govern the actions of the Senate on a reconciliation bill, how can one say that the Senate has not perpetrated a gigantic fraud upon the American people? The people send us here to know what we are doing, to know what we are voting on, and we did not. We did not. And God knows that in the heart of every Senator, that Senator has to admit that he did not know what was in that bill. He knew a little here and a little there, but he did not know most of what is in that bill.

So there you have it. That is the colossal trick or treat of the century! Right there it is. Halloween came last Friday. It is over! The kids may go around tonight and pick up a little candy and chewing gum, here and there, but the American people got theirs last Friday night!

Now the two bodies, the conferees of the two bodies have to meet and go over all of this mass of wood pulp and try to make sense out of it and then bring back what will result from the conference, the resolution of the differences between the two bodies. And who knows what differences there are? We will have that conference report up before the Senate one day.

There is no legal requirement, there is no constitutional requirement that I know of that says the Senate has to pass a reconciliation bill. Show me! I do not know of any. There is no doubt that there would be some serious budgetary consequences that would flow from not having a reconciliation bill but we do not have to have one. All we have to do is pass the appropriations bills, raise the debt limit and go home.

Think of it! If we continue to go down that road, all we will need to do is show up for a week, 10 days perhaps, during a whole year. Except for the Byrd rule, if the Senate so instructs the committees, all the committees could just send to the Budget Committee—it is not the Budget Committee's fault—all the other committees could just send to the Budget Committee whatever their pleasures might be, and the Budget Committee would be forced to put all those into one massive bill, and we could just pass that one bill and pass one omnibus appropriations bill and go home. Hot ziggedy dog, go home!

Just spend just a few days here, we have a few votes, go home! Just pass one bill! Just rubber stamp whatever the Budget Committee is forced to send to the Senate floor. Rubber stamp it! That would be another trick or treat for the American people.

Well, Mr. President, it seems to me it is preposterous to even claim that we are legislating with any knowledge or wisdom of what we are doing when we last week passed a bill like that. It was a joke we played on the American people—and a bad one.

Mr. President, I thank the Chair, and I thank all Senators, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THANKING SENATE STAFF

Mr. BYRD. Mr. President, the conference report has been the subject of praise and criticism and blame. Let me take this opportunity to express my appreciation and, I am sure, the Senate's appreciation to the floor staff under the direction of the Secretary of the Senate, Kelly Johnston, for the outstanding service that the floor staff provided to the Senate during the lengthy debate on the reconciliation bill that was passed in the early hours of the morning on Saturday, October 28.

I commend the hard work and long hours of the legislative clerk, Scott Bates, and his able assistant, David Tinsley, as well as the bill clerk, Kathie Alvarez. But most particularly, Mr. President, I applaud the outstanding efforts of the office of the Parliamentarian of the Senate, the staff of very hard-working and dedicated professionals. That office is under the supervision of the Senate Parliamentarian, Bob Dove. And he is very ably assisted by Alan Frumin, Kevin Kayes, and Beth Smerko, as well as Sally Goffinet.

The reconciliation bill that the Senate adopted last week was a massive and complicated omnibus bill. Many difficult rulings were required of the Parliamentarian, particularly in the context of the often maligned Byrd rule and the need to interpret the consistency or lack thereof of particular amendments with respect to the Byrd rule.

In many of these instances, proponents of amendments argued adamantly and with passion before the Parliamentarians that their amendments were relevant under the Byrd rule and, therefore, qualified for inclusion in the reconciliation bill. The opponents of such amendments argued just as strongly that a number of these amendments were extraneous or had no budgetary impact and, therefore, did not qualify for inclusion in the reconciliation bill.

The Parliamentarians had the very difficult task of reaching a final determination in questions such as these on the basis of their interpretations of the requirements of the Budget Act in relation to the Byrd rule as well as the precedents of the Senate in this regard. This is a very difficult and thankless responsibility, which, to my knowledge, was carried out without exception on an objective and fair and equitable basis in every instance.

So I congratulate the Parliamentarians on their performance in connection with the record-setting stream of amendments and the interpretations that had to be determined in relation to many of them during the debate on the reconciliation bill. The Senate and the American people owe these hard-working professional staff members our deep gratitude.

I would be recreant if I did not also compliment the majority leader, Mr. DOLE, and the minority leader, Mr. DASCHLE, and the chairman and the ranking member of the Senate Budget Committee, Mr. DOMENICI and Mr. EXON. The two managers of the bill demonstrated great skill, equanimity, and patience in their work.

The majority leader carried a heavy burden. I think he was fair. He was hard driving, but he succeeded in overcoming the difficulties and problems and was successful in getting Senate action on the bill.

Mr. EXON on this side did us all proud. He likewise was fair, patient, and is to be greatly commended.

Mr. DOMENICI is one of the brightest minds in this Senate. That was evidenced in the way he conducted himself during the markup and management of the bill in the committee and on the floor.

And our own minority leader demonstrated great understanding and reached out to all of the members of the minority, as he always does, and, in my judgment, did a masterful job in his work on behalf of the minority and on behalf of the people that we represent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I want to take a moment to praise the chairman and the ranking member of the Transportation Appropriations Subcommittee. The conference report they have brought to Senate demonstrates their hard work.

Although I would have dealt with some specific issues differently than the conferees did, they deserve our praise.

However, Mr. President, I do want to comment specifically on a few matters contained in the bill.

First, the House bill as passed contained numerous provisions making appropriations for certain projects contingent upon authorization. I am disappointed that this language was dropped in conference.

If we are going to continue to appropriate funds for unauthorized projects—I would hope that if such an appropriation is made subject to authorization that such language will be preserved.

Second, I am also concerned that in certain accounts the funding levels reported out of the conference are higher than the levels approved by either the Senate or the House. Reprioritization of funds in the conference in this manner does raise many legitimate concerns.

Third, the report to accompany the conferenced bill does contain numerous earmarks not contained in the reports that accompanied either the House or Senate bills. I raise this issue not to criticize, but instead to emphasize for the record that such language does not have the force of law, is not binding, and should only be considered as a recommendation to the administration. I would hope the President and the Secretary of Transportation would use their own judgment and spend these funds in a fair, rational manner based on national priorities.

In past years the Transportation appropriations bill has been riddled with earmarks and pork. I am pleased that this year's bill contains substantially fewer earmarks. To be certain, it does contain earmarks and some pork that I would like to have seen been dropped. But on the whole, the bill deserves our praise and support.

Mr. DOMENICI. Mr. President, I rise in support of the conference report to the Department of Transportation and Related Agencies appropriations bill for fiscal year 1996.

I commend both the distinguished chairman of the Appropriations Committee, Chairman HATFIELD, and the chairman of the House Appropriations Subcommittee on Transportation, Congressman WOLF, for bringing us a balanced bill considering current budget constraints.

The conference report provides $12.7 billion in budget authority and $11.9 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highway, mass transit, aviation, and maritime activities.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $13.1 billion in budget authority [BA] and $37.3 billion in new outlays.

The subcommittee is $18 million in BA below its 602(b) allocation, and it is essentially at its outlay allocation.

I urge adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

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

TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	382	25,376
H.R. 2002, conference report	12,100	11,378
Scorekeeping adjustment		
Subtotal nondefense discretionary	12,482	36,754
Mandatory:		
Outlays from prior-year BA and other actions completed		60
H.R. 2002, conference report	582	521
Adjustment to conform mandatory programs with Budget Resolution assumptions	2	−0
Subtotal mandatory	584	581
Adjusted bill total	13,066	37,335
Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	12,500	36,754
Violent crime reduction trust fund		
Mandatory	584	581
Total allocation	13,084	37,335
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary		
Nondefense discretionary	−18	−0
Violent crime reduction trust fund		
Mandatory		
Total allocation	−18	−0

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

TASMAN LIGHT RAIL CORRIDOR, SANTA CLARA COUNTY, CA.

• Mrs. BOXER. Mr. President, I would like to ask the distinguished chairman of the Appropriations Committee if he would engage in a brief colloquy with myself and my colleague from California, Senator FEINSTEIN, regarding a critical San Francisco Bay area transportation project.

Mr. HATFIELD. I would be pleased to address this issue with the Senators from California.

Mrs. BOXER. Thank you, Mr. Chairman. The Tasman corridor light rail project is an integral piece of the local rail agreement fashioned by our regional metropolitan planning organization, the Metropolitan Transportation Commission [MTC]. All of the bay area jurisdictions are a party to this agreement which represents the best in local planning and decisionmaking. When the California Supreme Court on September 28, invalidated our so-called Measure A, a half-cent sales tax dedicated to many important highway, commuter rail and transit construction projects, the planned-for local match for the Tasman project appeared to be lost. Due to the perseverance of all involved, in the few short weeks since that ruling the Tasman corridor plan has been revised to reflect the new fiscal realities. It has been proposed that only the west extension to Mountain View be built at this time. The 7.5-mile line will cost $125 million less than the original project, and only 50 percent of its funding will be derived from Federal section 3 new start funds. Of the $122 million in proposed new starts funding, some $33 million has already been appropriated and dedicated to the Tasman project by the MTC. The remainder of the funding will come from identified State, local and flexible Federal funding sources authorized under the Intermodal Surface Transportation and Efficiency Act [ISTEA]. This revised plan has the unanimous support of Santa Clara County's Transit Agency Board, and I expect shortly will be approved by the MTC and later included in the California Transportation Commission's revised State Transportation Improvement Program.

I would like to ask the distinguished chairman whether in view of these positive developments, and in deference to the local and regional planning process which has served us so well, he would agree to the following: that if the revised Tasman project secures all requisite Federal, State, and regional approvals in a timely fashion, the $33 million in unobligated balances referenced in the conference report may be provided by the MTC for the commencement of construction on the Tasman west extension.

Mr. HATFIELD. Yes, that is my understanding.

Mrs. BOXER. I thank the Chairman for his understanding and thoughtful response. At this time I would yield to my distinguished colleague from California, Senator FEINSTEIN, for additional comments.

Mrs. FEINSTEIN. I applaud the efforts of many in the bay area who moved quickly after the court's ruling to make the necessary modifications to the proposed Tasman corridor extension. This project is even more cost effective and compelling today and reflects creative land use planning and promising joint development opportunities. The bay area congressional delegation has rallied around this important project. A similar colloquy occurred in the House with Transportation Appropriations Subcommittee Chairman FRANK WOLF. Our efforts here today represent an important reaffirmation of the value of local and regional planning and decision making, a focus consistent with the goals of ISTEA and more likely to ensure timely and cost-effective project completion. I look forward to working with you, Chairman HATFIELD, in making certain that the plan for the Tasman west extension is financially sound and continues to enjoy the broad-based support it has in the past.•

FERRY BOATS AND FISHERIES

• Mr. STEVENS. Mr. President, I would like to take a moment to address a section of the Transportation appropriations bill that speaks to Federal aid to highways. Specifically, I wish to point out that the Senate included $17 million for ferry boats and facilities.

My State of Alaska has critical needs for a functioning transportation infrastructure. In the southeastern part of the State this is accomplished with ferrys and aviation. As many Members know, this part of Alaska has numerous isolated islands, and road systems that are only local in nature. The extremely mountainous coastline prohibits the Alaskan southeastern towns, including the State Capitol of Juneau, from connecting to any other road system in North America. When the weather is bad, which is quite often in this part of the world, aviation is of limited assistance.

Scheduled ferry service is of immeasurable assistance to the remote southeast towns. If available, a share of the $17 million would be directed to enhancing the ferry system between the towns of Craig, Whale Pass, Blind Slough, and Wrangell.

I ask the Appropriations Committee chairman, Senator HATFIELD, if it is his understanding that Alaska is a State that can avail itself of a share of these ferry boats and facilities funds?

Mr. HATFIELD. The Senator from Alaska is correct. Alaska may apply for a share of the $17 million dedicated to ferry boats and facilities.•

ESSENTIAL AIR SERVICE

• Mr. BAUCUS. Mr. President, the conference report we are considering today makes dramatic cuts in the essential air service program. In fact, the program will see an almost 30 percent cut in funding this year—from over $30 million last year to $22.6 million this year. The statutory language of the conference report maintains the eligibility of EAS communities nationwide—the same number of communities that are eligible today will remain eligible next year.

Therefore, we have a situation where the same number of communities are eligible for EAS funding, yet far fewer dollars are available for the program.

Mr. President, while I remain very concerned with the funding reduction for the EAS program, I am more concerned with language included in the statement of manager's report.

Language included in the statement of manager's report makes it clear that all communities eligible for EAS funding in fiscal year 1995 remain eligible in fiscal year 1996. However, the language continues on to say that the Department "may be required to make prorata reductions in the subsidy or daily/weekly service levels" in order to meet the reduced funding level. In other words, the only discretion the Department has in meeting these funding reductions is an across-the-board reduction in the level of air service of EAS communities.

This language ties the hands of the Department of Transportation. The statement of managers language is being interpreted to be the only solution available in meeting the reduction in funding.

Mr. President, the purpose of the essential air service program is to provide air service to rural, isolated communities. In my home State of Montana, our seven EAS communities are isolated. They are over 600 miles from a medium or large hub airport. A reduction in air service to these communities would be a real economic blow and would further isolate these folks.

I would ask my friend, the chairman of the Appropriations Committee, if the intent of the conferees was to give the Secretary the discretion to determine the type of program that should exist with $22.6 million in funding—and the intent was not to place one option above another? There may be other ways to reach this funding level without an across-the-board reduction in the level of service and the Secretary should have the ability to make decisions that would maintain the integrity of the EAS program in the future.

Mr. HATFIELD. Mr. President, I would say to my friend, that the intent of the conferees was to continue to maintain the current eligibility criteria for the essential air service program. However, the decision on how the program should be structured with a reduced funding level should be left to the discretion of the Secretary.

Mr. BAUCUS. Mr. President, I thank my friend. The Senator from Oregon understands the important rule that reliable air service plays in States like Montana and I appreciate his efforts to preserve this program.

At a time when life in rural America is becoming increasingly difficult, reliable air service is a vital link in our transportation network. The essential air service program is just that—it is essential and its integrity should be maintained.

I thank my friend again.●

Mr. MOYNIHAN. Mr. President, I am pleased to note that the conference report for the Department of Transportation appropriations bill includes an appropriation of $20 million for capital improvements associated with safety-related emergency repairs to Pennsylvania Station in New York City and its associated service building.

Pennsylvania Station is the busiest intermodal station in the Nation, with almost 40 percent of Amtrak's passengers nationwide passing through every day. Unfortunately, it is also the most decrepit of the Northeast corridor stations, others of which, such as Washington, DC's own Union Station, have been renovated with Federal grants. Today, Pennsylvania Station handles almost 500,000 riders a day in a subterranean complex that demands improvement. According to the New York City Fire Commissioner, there have been nine major fires at the station since 1987. Luckily, these fires have occurred at off-hours; as it stands, the station could not cope with an emergency when it is crowded with the 42,000 souls who pass through every workday between 8 and 9 a.m. In addition, structural steel in the station has shown its age and needs immediate repair. And these are just the most pressing needs.

There is a redevelopment plan to change things for the better, a $315 million project to renovate the existing Pennsylvania Station and extend it partially into the neighboring historic James A. Farley Post Office, almost doubling the emergency access to the station's platforms which lie far below street level beneath both buildings. Moreover, there is a financing plan in place that could do this with $100 million from the Federal Government—with this bill, $51.5 million has already been appropriated—$100 million from the State and city, and $115 million from a combination of historic tax credits, bonds supported by revenue from the project's retail component, and building shell improvements by the Postal Service, owner of the James A. Farley Building. On August 31, 1995, Governor Pataki of New York chartered the Pennsylvania Station Redevelopment Corp. to oversee the project, following the signing of a memorandum of agreement by himself, Mayor Giuliani of New York City, Transportation Secretary Federico Peña, and Amtrak President Thomas M. Downs.

Thanks to our colleagues on the Committee on Appropriations, $20 million can now be used immediately for pressing safety repairs at the existing station and its associated service building, in the first step of the overall redevelopment effort. These Federal funds go toward construction, and they will count toward the Federal share of the $315 million project to transform the station into a complex capable of safely handling the crowds that have made Pennsylvania Station the Nation's busiest intermodal facility.

For myself and the 75 million other people a year who use the station, I would like to thank all those who have labored hard to make the station safer, in particular our colleagues Senator HATFIELD, Senator BYRD, and Senator LAUTENBERG.

Mr. COHEN. Mr. President, I want to register my opposition to the provisions of the Transportation appropriations conference report that exempt the Federal Aviation Administration [FAA] from Government-wide procurement and personnel rules. These provisions were included by the Appropriations Committee in the Senate passed bill at the recommendation of the FAA and will take effect on April 1, 1996, unless the Congress enacts preemptive FAA reform legislation before then.

The FAA asserts that these exemptions are necessary because personnel and procurement laws have stood in the way of modernizing the FAA's Air Traffic Control System. The FAA's failure to modernize the system, however, is not rooted in the Federal procurement and personnel systems. Instead, it is a symptom of a widespread and serious management deficiency which permeates the FAA. Numerous GAO reports and DOT Inspector General reports over the last 5 years have outlined the problems the FAA has had in modernizing its air traffic control system. These reports have consistently cited poor management, not the procurement or personnel systems, as the primary cause of FAA's failures.

I understand and share the frustration with the lack of progress at the FAA. The air traffic control system designed to keep our skies safe is crumbling, and each failure of the system leads to a chorus of calls for action. Regrettably, however, out of frustration at the FAA's inability to succeed in modernizing our air traffic control system, Congress is about to grant a special dispensation to an agency that has not earned it and is ill-prepared to accept the responsibilities that such an exemption will require. If the FAA was better at managing than denying there is a problem, defending its poor performance, and deflecting criticism away from the agency, we would have replaced our air traffic control system years ago and would not have 1950's and 1960's technology guiding our Nation's air traffic.

I have been working over the past 3 years to enable Federal agencies such as the FAA to more effectively incorporate advanced computer technology into its operations. Last year, I issued a report that documented how the Federal procurement process contributes to the Government buying outdated technology but also how poor FAA management led to the disaster of the present air traffic control system. Specifically, FAA has failed in its modernization efforts, wasted billions of taxpayer dollars and still has not been able to update its computer systems since the mid-1960's due to consistently poor management. Meanwhile, the Nation's air traffic control system is wearing out. To keep the system running, the FAA must search Radio Shack for spare parts and buy vacuum tubes from Third World manufacturers because no one in the United States makes them anymore.

While it takes the Federal Government an average of 4 years compared to 1 year in the private sector to buy new technology, 30-year-old FAA computers are failing with increasing frequency in Chicago, Dallas, New York and elsewhere across the country. While the Government's antiquated procurement rules definitely slow down the process and may add years to computer buys, the rules do not explain why the FAA has not modernized its systems in decades or explain how scores of other agencies have been able to work within the rules to replace antiquated vacuum tube computers and radars.

I am working to accomplish reforms to the Federal procurement system. This year I introduced The Information Technology Management Reform Act of 1995 which was approved as an amendment to the fiscal year 1996 Defense authorization bill. The amendment includes significant changes to existing procurement regulations and procedures which would help agencies such as the FAA buy technology by providing relief from cumbersome requirements while ensuring a reasonable and responsible approach.

Among other provisions, the amendment repeals the Brooks Act, authorizes commercial-like buying procedures, and emphasizes the results of the procurement process rather than the process itself while holding agencies like the FAA accountable for their results. The Senate is now conferencing this amendment with the House proposed procurement reform bill put forward by Representatives CLINGER and SPENCE. The House has proposed serious reform in the area of streamlining the procurement process, conducting efficient competitions and making it easier to buy commercial products. I believe we will be successful in getting these proposals enacted into law and these reforms will give FAA the flexibility to effectively buy the technology it needs.

These reforms, however, will not guarantee success. We can legislate the framework for effective management to take place, but we cannot legislate good management. While we need to reform the way the Government buys computers, the FAA's failure to modernize the air traffic control system is not derived from legislated procurement and personnel requirements. It is the lack of adequate planning and a constantly changing road map of where the FAA is going that has impeded completion of the modernization effort. This is caused by managers not knowing what they want and continually changing program requirements which drives up the cost to the taxpayer.

The problem is that no one, including Congress, has ever held FAA's managers accountable for their failures. Management problems at FAA will not be solved by the exemptions contained in the appropriations bill. To the contrary, I believe the exemptions will result in more cost and less results. The exemptions do nothing to deal with the fundamental problem of poor management at the FAA.

The proposed exemptions, in addition to lacking merit, also set a dangerous precedent. Having seen the FAA's success in avoiding accountability and obtaining special treatment, other agencies may seek similar legislative exemptions. If Congress acquiesces to these piecemeal approaches, the Federal Government will be plagued by conflicting and contradictory procurement laws and personnel systems which will make it harder—not easier—to do business with the Government. Industry will have to learn literally hundreds of procurement systems. The rational approach is to have one procurement system in the Government that addresses the problems which may be perceived to be unique to FAA, but are common in every agency.

This conference report undermines ongoing efforts to enact Government-wide procurement reform, as well as rewards inept management at the FAA with exemptions from oversight rules when they are most needed. If the conference report is adopted, as I expect it will be, I urge the administration and FAA to use the new discretion authorized by the bill wisely and I urge my colleagues to hold FAA accountable for its progress in modernizing the Nation's air traffic control system. By absolving the FAA of its responsibility for past failures, Congress must now provide greater oversight of what FAA does with its new powers.

The new authority under this bill will not go into effect if Congress enacts FAA reform legislation by April 1 of next year. When the Commerce Committee marks up its own bill to meet this deadline, I urge the committee members to look at what the Congress and the administration are doing to streamline the procurement process. They will then see that we are fixing the procurement system on a Government-wide basis, and they can then focus on the real issue of managerial reform at FAA. For it is only through more effective management that the FAA will be able to efficiently and effectively modernize the air traffic control system and confront the other challenges to aviation safety in the 21st century.

Mr. SPECTER. Mr. President, as a member of the Senate Subcommittee on Transportation Appropriations, I am pleased to speak in support of the fiscal year 1996 Transportation appropriations conference report. This is an important piece of legislation, providing $37.5 billion for purposes including funding our Nation's highway, rail, and air transportation infrastructure, mass transit, Amtrak, and pipeline safety. This legislation will keep Americans on the move, create jobs, and improve our infrastructure, resulting in additional environmental and energy benefits.

I commend Chairman HATFIELD and our ranking minority member, Senator LAUTENBERG, for their efforts in negotiating this comprehensive bill and for recognizing the particular importance of some provisions to Pennsylvania, including highway and transit funding levels.

Given the difficult budget constraints faced by the subcommittee, I am particularly pleased that the bill provides $750 million for Amtrak, including improvements to the Northeast corridor. Amtrak service is essential to Pennsylvanians and I have long stressed the importance of ensuring the viability of a truly national passenger rail service.

The conference report has also adopted a $1.45 billion funding level for airport construction grants-in-aid, $200 million more than the Senate version of the bill. The statement of managers directs the Federal Aviation Administration to fairly consider a letter of intent application from Philadelphia International Airport, which has sought funding for construction of a new runway.

Given the significance to Pittsburgh of the airport busway project, I am very pleased that the conference report provides $31.6 million for fiscal year 1996 to continue construction. I urged our subcommittee to provide this level of funding because this project will ease traffic congestion between downtown and the Pittsburgh International Airport and will mitigate the impact of the Fort Pitt Bridge closing, which would otherwise create a monumental headache for Pittsburgh residents. With spending cutbacks in so many areas, we are fortunate to get this substantial amount of funds for the busway, which means so much to people who live in the Pittsburgh area.

I remain disappointed that the conference report only provides $400 million for mass transit operating assistance, which will lead to cuts of as much as 40 percent for some transit systems. In fiscal year 1995, transit systems received $710 million in Federal operating assistance, which they used to keep fares down and maintain service. On August 9, my distinguished colleague from Pennsylvania, Senator SANTORUM, and I offered an amendment to restore $40 million to the $400 million provided in this bill for mass transit operating assistance. Unfortunately, our amendment was defeated by 68 to 30.

As always, I remain committed to the millions of Pennsylvanians and other Americans who rely on public transit to commute to work, shop, and carry on their lives. Mass transit operating assistance keeps the Nation moving by keeping fares lower and maintaining existing routes. Pennsylvania's citizens and communities depend on good public transportation for mobility, access to jobs, environmental control, and economic stability. It lets the elderly visit their health care providers, shops, or friends. In rural areas, buses are essential to reduce isolation and ensure economic development. And, children use public transportation to go to school in some areas. Without affordable mass transit people in America's inner cities can't get to work. Congress has been considering welfare reform and requirements that people have jobs. If they can't afford to get to work, or bus routes are cut, we

are just making it that much harder for lower income Americans to get off welfare.

Although I am troubled by the extent of the mass transit assistance cuts, on balance the Transportation appropriations bill is a good bill, containing much else of importance to Pennsylvania and the Nation, and that is why I supported the conference report as a conferee. However, I intend to keep up my efforts next year to preserve funding for mass transit, and to work with our chairman to ensure that Congress does not go too far, too fast in reducing assistance to transit agencies throughout the Nation.

In closing, Mr. President, I would note that the conference report contains a provision on telecommuting that I authored, section 345, which requires the Secretary of Transportation to study successful private and public sector telecommuting programs and to disseminate to the general public and to Congress information about the benefits and costs of telecommuting. As my colleagues are aware, telecommuting is the practice of allowing people to work either at home or in nearby centers located closer to their home during their normal working hours, substituting telecommunications services, either partially or fully, for transportation to the traditional workplace. I believe that it is in the national interest to encourage the use of telecommuting because it can enable flexible family-friendly employment, reduce air pollution, and conserve energy. Further, as a Senator from Pennsylvania, with major urban areas such as Pittsburgh and Philadelphia, I recognize there is a real need to improve the quality of life in and around America's cities.

According to a July, 1994 Office of Technology Assessment report, between 2 to 8 million American workers already telecommute at least part time. A 1994 survey by the Conference Board found, however, that in 155 businesses nationwide, only 1 percent of employees telecommute, although 72 percent of the businesses had such an option. According to the Office of Technology Assessment, the most significant barriers to telecommuting are business and worker acceptance and costs. My provision responds to the need to broaden public awareness of the benefits and costs of telecommuting, and to identify and highlight successful programs that can be duplicated.

Mr. President, the fiscal year 1996 Transportation appropriations conference report is worthwhile legislation and deserves to be signed into law by the President.

Mr. DORGAN. Mr. President, I wanted to draw attention to something that is mysteriously missing from the conference report on the Transportation appropriations bill. The provision I am concerned about does not involve spending more or less money. Rather, I am concerned about a provision that called for an important study to be done by the Department of Transportation on the question of air fares and whether or not rural areas are paying more and getting less service.

When the Senate considered this bill, an amendment I offered was adopted without any objections. That amendment, which was cosponsored by Senators DOLE, SNOWE, and CONRAD would have required the Department of Transportation to conduct a study on air fares. There was no opposition expressed in the Senate and the Department itself supported the study.

Mr. President, I ask unanimous consent that a letter I received from Transportation Secretary Fredrico Peña supporting this provision be printed in the RECORD.

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

SECRETARY OF TRANSPORTATION,
Washington, DC.

Hon. BYRON DORGAN,
U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: I am writing this letter in order to endorse the study of air fares and service at small communities that you recently proposed. Since many changes have taken place within the airline industry since deregulation and some of these have affected small communities, I fully agree that a study of fares and service at small communities would be beneficial. I am aware that the General Accounting Office is currently conducting a similar study of small community issues. However, I believe the studies are somewhat different in their focus and I, therefore, endorse your study.

Your recommended approach to the study would compare and evaluate actual air fares and fares adjusted for distance for service between nonhub airports and large hub airports with fares for service between large hub airports. The study also would analyze service at nonhub airports with respect to the operations of regional and major airlines, the types of equipment used, and the levels of competition among commercial carriers.

In order to get a statistically valid comparison, it may be necessary to conduct a survey of regional carriers to get a more valid data set, which may require additional time to conduct a thorough study. We will also endeavor to study the overall fares paid at small communities compared to fares paid at hub airports.

I look forward to working with you and your staff on this project. If we may be of further assistance, please contact me or Steven Palmer, Assistant Secretary for Governmental Affairs, at (202) 366-4573.

Sincerely,

FEDERICO PEÑA.

Mr. DORGAN. It seems to me that we need to make some changes in aviation policy in this country and stop ignoring the fact that rural regions are suffering a serious decline in air service. The airline industry has undergone many changes since deregulation in the early 1980's. The invisible hand of competition replaced the assuring hand of government in the aviation marketplace. As a result, some areas of the country have seen lower prices and more choices in service. In other parts of the country, namely in rural areas, we have seen dramatic losses in air service and higher prices.

I realize that the General Accounting Office has studied the impact that deregulation has had on air fares in previous years. However, my sense is that air service is changing rapidly and it seems to me that more examination of air fares, especially for small rural communities, is needed.

A November 1990 report on "Deregulation and Trends in Airfares at Small and Medium-Sized Communities," found that overall, average fares per passenger mile were more than 9 percent lower in 1988 than in 1979 at small and medium-sized airports and about 5 percent lower at airports serving large communities.

It seems to me that the Department of Transportation should be paying some more attention to the problems of rural America when it comes to air service. Most experts in town and at the Department of Transportation have pledged allegiance to the god of deregulation. They espouse the great virtues of deregulation and the tremendous benefits that the free market has brought in the form of more choices and lower air fares. They are right—but only half right. The fact is that the benefits of deregulation are only the rosy part of the picture. The story not being told enough is the negative effects deregulation has had on smaller, rural communities.

I offered this amendment because it seems that it is very important that the Department of Transportation begin focusing on the impact that deregulation has had on air service in rural areas. I am fully aware that the General Accounting Office [GAO] is currently conducting a similar study. I support that but I also believe that we cannot be satisfied with just having the GAO examining this issue.

The amendment I offered and the Senate adopted would have laid out specific areas for the Department to study, including comparison of air fares in hub markets where there is a concentration of service with fares at competitive hub markets. In addition, this study would have conducted, for the first time I believe, an analysis on the level of service that rural areas are receiving and document which rural markets have had jet service replaced with turbo prop service.

Now this provision was mysteriously dropped, despite the fact that the Department supported it and that it was cosponsored by a bipartisan group of Senators—including the majority leader. It makes no sense that this provision was dropped.

This is one of the primary reasons why I am voting against this bill. I strongly believe that this amendment

should have been included in the conference report and no reasonable explanation has been provided as to why it was dropped.

I also oppose this conference report because of the significant cuts to critical rural programs.

ESSENTIAL AIR SERVICE [EAS] REDUCTIONS

The report cuts EAS by about $11 million from last year's level of $33 million. I think that these cuts are going to hurt and that a permanent funding mechanism needs to be found for the EAS program. However, before a permanent solution can be developed, it makes no sense to cut this program to this degree. The EAS program is making the difference between air service and no air service in many rural communities. Cuts of this magnitude will certainly be felt.

I do not believe that cutting the EAS program is justifiable in light of the essential role this program plays in providing air service to rural America. Deregulation has benefited some highly traveled areas of the country and rural areas have suffered. The EAS program was designed to protect rural areas and this bill strikes a critical blow at this important program.

LOCAL RAIL FREIGHT ASSISTANCE PROGRAM RESTORED

The Senate defeated an amendment offered by Senator PRESSLER to restore funding for the Local Rail Freight Assistance program [LRFA]. This program provides support to restore rail links that are likely to be abandoned. It has been a very important program in my home state of North Dakota.

The LRFA program received $17 million last year, of which $6 million was rescinded. Neither the House nor the Senate bill provided funding for LRFA and the conference report does not provide any funding. Although I am pleased that the conference report included an amendment that would authorize the State of North Dakota to spend $2.3 million to restore a rail line in Wahpeton, ND, I do not support the elimination of this important program.

INTERSTATE COMMERCE COMMISSION PHASE-OUT

The conference report provides for $13.4 million for one quarter for the ICC for salaries and expenses and assumes that the ICC will be eliminated and that legislation providing for the continuation of statutory obligations under the jurisdiction of the ICC will be enacted this year. The question as to what happens if the Congress fails to pass such legislation has not been answered. The statutory obligations will remain but the agency that has the sole jurisdiction to enforce them will have no funding to enforce them.

It makes no sense to me that funding for the ICC should be eliminated before the Congress has provided for an efficient way to address the statutory obligations that will continue to exist if the Commission is eliminated.

AIRPORT IMPROVEMENT PROGRAM GRANTS

The Report provides $1.45 billion in the grants-in-aid for airports program [AIP] instead of the $1.6 billion provided under the House bill and the $1.25 billion under the Senate bill. I am very concerned that this level of funding will not be adequate to maintain safe airports and our Nation's transportation infrastructure is in danger of crumbling at these funding levels.

CONCLUSION

Programs like EAS and LRFA are vitally important to rural areas—in fact, they are exclusively rural transportation programs. Both these programs have been seriously cut and in the case of LRFA, eliminated.

At the same time, there is substantial support for transportation programs designed to help urban areas, such as high speed rail and mass transit. Examples include:

$115 million for the northeast corridor improvement program (instead of the $100 million provided by the Senate and $130 million provided by the House).

$19.2 million for high speed rail studies, corridor planning, development, and demonstration (instead of the $10 million provided by the House and $20 million provided by the Senate). These funds will be allocated to Chicago, Detroit, St. Louis, and New York.

The report provides for $42 million for the Federal Transit Administration (FTA does have some rural programs but urban areas primarily benefit from mass transit). In addition, the report provides $85 million for transit planning and research.

Mr. President, this legislation reflects the wrong priorities for this country's transportation needs and that is why I am voting against this legislation.

Mrs. BOXER. Mr. President, I am voting "aye" today on the conference report on transportation appropriations for fiscal year 1996. But I must say that it is not without disappointment that we have not fulfilled our responsibility to maintain and enhance the transportation infrastructure in the United States.

It is a status quo budget for the most part of my State of California, and that means we are continuing to fall behind our needs to repair our highways, transit systems and airports. That failure also means that we cannot fulfill our potential economic productivity. That is a loss for our Nation as well as my State.

Nevertheless, in this extremely tight budget year the conference agreement does provide some needed assistance for California.

I am pleased to see that the conferees were able to increase funding for the Federal Aviation Administration, particularly in the areas of facilities and equipment. The operations budget in the conference agreement is higher than the amount funded in either the Senate or House bills. California is the site of several major air traffic control installations and we must continue to upgrade this critical equipment. I appreciate the conferees support for the FAA's operating budget for air traffic control operations and maintenance activities which enhance aviation safety and security.

Highway funding has increased overall, but unfortunately it is still stagnant for California, the State that has contributed the most to the Highway Trust Fund for nearly 40 years.

The agreement includes significant funding for new buses and intermodal transportation centers in California.

These include $500,000 for the Sunline Transit System, which has a remarkable program promoting a total fleet of natural gas buses; $1.5 million for needed bus replacement and parts for Long Beach Transit; $8 million to complete the Gateway intermodal center in Los Angeles; $5 million for the San Ysidro Intermodal Center in San Diego to help relieve worsening congestion at our international border; $6.7 million for new buses throughout the bay area, plus $2.3 million for bay area paratransit buses and other improvements to help the disabled; $9.75 million for Foothills Transit in the San Gabriel Valley; $5.3 million for clean fuel buses, paratransit buses, and other improvements for the growing San Joaquin Rapid Transit District; $1.5 million to replace a bus facility destroyed by the Loma Prieta earthquake and provide consolidated services in Santa Cruz; $1.2 million for park and ride facilities on congested U.S. 101 in Sonoma County; $600,000 for a bus facility in Ventura County; and $1.5 million to purchase buses for Yolo County.

The conference agreement also provides $5 million for the advanced technology transit bus, under development by Northrop and the Los Angeles MTA. Although the amount is less than the President's request, I appreciate the continuing support for this project by the Senate Appropriations Committee.

I am very concerned over a loss of approximately $100 million in transit system funding. A great part of this loss is attributable to the cuts in operating assistance in both Houses and to a dramatic cut in funding for the Los Angeles Metropolitan Transportation Authority's Red Line extension.

I share the Appropriations Committee's concern over the management of this project. However, I believe the MTA has grasped the gravity of these problems and has taken demonstrable steps to correct them. I am pleased the Senate committee members agreed to our requests to increase the funding from $45 million for the project in the Senate bill to $85 million in the final conference report.

I am, however, disappointed at the cut in funding for the bay area rail extension program. The final agreement

of $10 million for the bay area rapid transit district is well below the Senate level of $22.6 million. This cut was not justified considering the major local match provided for rail extension in the region and the willingness of the district to reduce its airport extension project by $200 million this summer.

Finally, I regret that the conference committee was unable to provide assistance for the Alameda Transportation Corridor project to consolidate rail and highway access to the ports of Los Angeles and Long Beach, eliminating more than 200 grade crossings. We have asked for appropriations seed money to enable the project to take advantage of the Federal infrastructure bank already authorized under section 1105 of the Intermodal Surface Transportation and Efficiency Act [ISTEA]. The Senate committee adopted a State infrastructure bank alternative instead and then dropped the idea in conference with the House.

California has 15,000 miles of State highways, 675 miles of rail transit, and 10,000 buses. California's State Transportation Improvement Program faces a $5 billion shortfall, and an annual highway and road maintenance deficit of $800 millilon. We are in danger of losing what we have. There is a lot of talk about how huge budget deficits leave a horrible inheritance for our children, and I agree. However, a decayed and crumbling infrastructure is no less horrible for our children to inherit.

The bill is still due. The infrastructure deficit is increasing. But today we only provide a partial payment.

Mr. BYRD. Mr. President, on behalf of Mr. DOLE, the majority leader, I ask unanimous consent that the vote on the adoption of the transportation conference report occur at 2:15 p.m. today and that paragraph 4 of rule 12 be waived.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

THE CONSERVATION TITLE

Mr. GRASSLEY. Madam President, it is my pleasure today to introduce a bill with the distinguished majority leader, Senator DOLE, the chairman of the Senate Agriculture Committee, Senator LUGAR, and the chairman of the Agriculture Subcommittee on Conservation, Senator CRAIG. This bill amends the conservation title of the farm bill that will be considered later in this Congress.

Madam President, my experience with this legislation that has been on the books for the last 10 years has generally been very favorable. I say that as a farmer, and I say that as a person who visits, as I have occasion to do now, at harvest time with my neighbors at the local New Hartford cooperative grain elevator in my State of Iowa; I say that with 10 years of experience of having hundreds of town meetings around my State, whereas, I do not find much opposition to what we passed 10 years ago.

So my legislation that we are introducing is not finding fault in any way with the basic premise of the legislation 10 years ago, but to make sure that that legislation fits, with the premise that existed 10 years ago, the intent of Congress at that particular time; and also at a time when we are in the process of cutting back Government support for agriculture, as we intend to balance the budget.

Last week, as you remember, the Senate approved the reconciliation bill, and that will bring the Federal budget into balance by the year 2002. And we do not wait until 2002 to start that. We started that last fiscal year when, earlier this calendar year, we passed the rescissions bill.

Now, in order to achieve the savings necessary to balance the budget, many difficult decisions had to be made, many difficult votes had to be cast, and all Federal programs were examined to save money. The farm programs, then, were no exception. Throughout the entire budget process, I have argued that farmers are willing to share in the effort to balance the budget because they have a lot to gain if the budget is balanced. However, I do feel that it is vital to rural America and family farmers that any cut in farm programs be coupled with, on the first hand, tax reform, and on the second, a reduction in the regulatory burden placed on farmers.

I want to emphasize, with regard to the legislation of 1985, the soil conservancy provisions and the antiswampbusting, antisodbusting provisions. When I talk about regulatory reform, I do not mean changing the original intent of that legislation. I simply mean in keeping the enforcement of that legislation to its original intent.

Put simply, then, Madam President, this bill will dramatically cut the red-tape and the regulations that farmers have to deal with while continuing, then, to maintain the conservation gains that we have made since the passage of the 1985 legislation.

I want to emphasize, regardless of the rhetoric you may hear, this bill does not jeopardize in any way the environment or the conservation gains that farmers have made since 1985. These conservation gains have been tremendous.

They have been made basically because of a timeframe that farmers could adjust economically to the requirements of the law and an opportunity to educate people about the process so that it could be self-enforcing.

What this bill does, then, is give farmers and the Department of Agriculture additional tools and flexibility to meet these conservation objectives.

Madam President, the bill addresses four major areas within the conservation title. What is called a CRP program, the conservation reserve program, the wetlands reserve provision, the conservation compliance provisions and swampbuster.

I want to briefly discuss those areas as it relates to the reforms that the four of us—Senator DOLE, myself, Senator LUGAR, and Senator CRAIG—propose.

Madam President, since the 1985 farm bill, farmers participating in the farm program have been required to comply with two regulatory mandates regarding conservation. The program referred to as the swampbuster program prohibits farmers from converting wetlands for crop production. No argument with that.

The program referred to as the sodbuster prohibits farmers from producing a crop on highly erodible land unless they comply with an approved conservation plan. It does not mean you cannot operate your farm the way you want to, but it does mean that if you do it you will do it in a way that shows good stewardship of the soil. Also, good stewardship of the soil means better economic return; most importantly, a good resource for future generations is preserved.

In general, the sodbuster program has been received favorably by farmers, and the compliance rate has been very high. Again, I want to emphasize that. That is what I hear on Saturdays when I take grain to the local New Hartford cooperative grain elevator where I visit with my neighbors, but it is also something I hear in 99 counties around Iowa that I hold town meetings in each year.

That is because in Iowa there has been a willingness to cooperate. There has also been some lever—if you want to participate in a farm program, you have to have good soil conservation practices or you will not get the safety net of agriculture. Compliance has been very, very good because it is estimated in my State that 95 percent or better of farmers have compliance with soil conservation plans.

These are plans that they have determined will cut down on erosion on their own farm, and all they have to do is get that plan approved and then

farm according to what they felt was a plan that would best fit their farming operation.

This is not one-size-fits-all approach. If you got 98,000 different farming units in the State of Iowa, you would have 98,000 different individual plans. Quite frankly, there is probably more than that. There must be, I guess. Anyway, there are that many individual farming operations. But you could have more than that number of plans.

Now, after 10 years of working with the program, it is obvious that improvements can be made to streamline the regulations and give more flexibility to both the farmer and the Department of Agriculture.

Even more significantly, Madam President, this bill attempts to put Natural Resource Conservation Service, which used to be known as Soil Conservation Service from the 1920's, until 2 years ago, it will put this segment of the Department of Agriculture back into the position of working with farmers instead of working against them.

Let me digress for a minute to explain that this situation now is kind of contentious between the farmers and Soil Conservation Service. It used to be you go into the Office of the Soil Conservation Service. You would sit down across from the desk of these State and Federal employees, and you go in and say to them, "Joe, I have a problem here on my farm. I have this tremendous amount of erosion here. What can I do about it?" Joe, being an expert trained in soil conservation would say to CHUCK GRASSLEY, "Well, I think this is what you need to do. You can do it this way, that is less expensive and might be able to accomplish the goal, or you can put in terraces, much more expensive, but you will be able to accomplish this. Or there are certain tillage practices you can do that might accomplish the same goal."

Probably Joe would come out to your farm another day and would put flags out in the field saying this is where you have to put contour strips, or this is where you have to put terraces.

It was seen very much as a cooperative, working relationship as you would sit across the desk from Joe at the county seat Soil Conservation Service.

Today, farmers do not want to go in to the Soil Conservation Service and sit down across from Joe because they might bring up something that triggers to Joe, who is now a regulator rather than a consultant and a friend, that maybe CHUCK GRASSLEY did something that violated the law and he can be punished for it.

So we want to get this relationship reestablished as a cooperative relationship, a friendly relationship where this person is going to be a consoler and a help to the farmer rather than somebody who is seen as an enemy.

I just described to you how farmers in my State and most States work very closely with the Soil Conservation Service for six decades—60 years. Much of the progress made in conservation on farmland is due to that good working relationship between the farmer and the Department of Agriculture. It was a relationship based on trust and cooperation.

Unfortunately, as I indicated, in the last few years, the farmers have begun to look at people that are now named the National Resource Conservation Service—not the Soil Conservation Service—as a potential adversary.

Some farmers are reluctant to call on the NRCS for assistance due to the fear of being penalized for a possible violation.

On the other hand, the NRCS has had its hands tied to some extent, both by Congress and its own regulations. So we have contributed some to this problem that exists of this relationship of where neighbor could be helping neighbor.

So, Madam President, this situation cannot continue to exist. It is not good for the farmer. It is not good for the NRCS. Most importantly, it is not good for the environment.

There must be a renewal of a partnership between the farmer and the NRCS if we expect the gains in conservation on private property to continue.

The NRCS must work with farmers to assist them, to educate them, instead of just regulating farmers. I sincerely believe, Madam President, that the NRCS wants to play this role as a farmer's helper and this legislation shows that we want to help them do that.

Madam President, now I want to turn to the swampbuster provisions—the issues of wetland protection.

It has become a very emotional issue in my State. Not because the original legislation in 1985 was wrong, it is what bureaucrats have tried to do with it, probably in just the last 3 or 4 years.

While farmers share the goal of protecting valuable wetlands, the scope of swampbuster has been extended far beyond its original intent through the rulemaking process to the detriment of what farmers have wanted to do, sharing this goal. A study of the legislative history shows that Congress never intended to regulate land that had been cropped regularly in the past.

Just think, on a century farm—which means it has been in the same family for over 100 years—until a couple of years ago you could have not had any problems, if that land had been regularly producing, or attempting to produce for a farmer. But now you can have problems. There is another problem. That land that had been converted prior to the passage of the 1985 act was never intended to be regulated. Both of these principles have been eroded through regulation and agency action, not through the basic legislation. This bill restores the original intent of Congress. The bill removes from swampbuster regulation land that has been cropped at least 6 out of the last 10 years.

The bill also eliminates the concept of abandonment—a regulatory concept, not a statutory one—that has been used by the Department to bring prior converted lands back under swampbuster regulation. In other words, we pass the bill, it takes effect on December 28, 1985, and everything that happened before then was history. But not to regulators. They will use some devious means to get back to affect something that took place prior to that magic date.

So, this bill sets a 1-acre minimum for wetland regulation. And most of the conflict here, that has happened between the farmers and the NRCS, has occurred because the Government has literally attempted to regulate every acre of farmland under the farm program. This 1-acre minimum also corresponds with the Army Corps of Engineers' general permit for nonagricultural property.

Just explain to me how we, as a Congress, making law so that the law applies equally across the country to different segments of the economy in the same way, can have the Army Corps of Engineers in nonagricultural land, with something less than 1 acre not being regulated and probably not producing any food for the city slickers of this country, and go over here to agricultural land administered by a different agency and say 1 square foot of wetland can be regulated.

We, again, go back to the intent of Congress not to be nitpicking in 1985. This 1-acre minimum, in conformance with the way it is for the Army Corps of Engineers, ought to solve our problem. It will be perfectly consistent.

Madam President, even though the bill is intended to restore the original intent of Congress on swampbusters, some in the environmental community may criticize these provisions because they want this expansion through regulation and administrative edict beyond what the original 1985 law intended. So I want to say to those who criticize our motives that we agree that the protection of wetlands should be a priority and it should be encouraged. But reasonable people can differ on the means of accomplishing this goal. When the Government is attempting to regulate private property it is vital that the landowner have the proper incentives in order to voluntarily satisfy the policy goals. So this bill provides for several tools that can be used by farmers to voluntarily protect wetlands.

If you do not think that this works, voluntarily protecting wetlands, there has been a massive amount of agricultural land at the incentive of the farmer to put it into wetlands, that have

come in under this voluntary program. Tens of thousands of acres have gone into wetlands because the farmers have wanted to put it there.

So this bill, first, expands the existing mitigation provisions and encourages farmers to restore, enhance and create new wetlands. Second, the bill directs the Secretary of Agriculture to pursue mitigation banking, so that farmers will finally be on the same playing field as other landowners. Both of these mitigation provisions ensure that new wetlands will continue to be created.

Last, the bill permits up to 1.5 million acres of cropped wetlands into the Conservation Reserve Program, that is the CRP. So this a strong incentive for farmers to continue to protect valuable wetlands. This provision, along with the reauthorization of the Wetlands Reserve Program, is indicative of this bill's commitment and its sponsors'—DOLE, CRAIG, GRASSLEY, LUGAR—to protecting wetlands on private property.

This bill also focuses on a renewed commitment to water quality protection. The conservation reserve provisions of the bill establish water quality as a coequal criterion with soil erosion for determining eligible lands. Furthermore, at least 1.5 million acres of filter strips, grass waterways, and other riparian areas will be enrolled in the program.

These modifications to the CRP will allow farmers to play an active role in protecting water quality in the rural areas.

So, before closing, I want to just add that all of us share the goal of conserving soil, improving water quality, enhancing wildlife, and protecting wetlands. In fact, the farmers themselves have the highest stake in conserving the land because there is better economic return, there is a responsibility to be a steward for the next generation, and besides, it is a very pretty picture, to have good farmland with good conservation practices. It is just beautiful, from an esthetic standpoint.

But the land is our livelihood and most of us farmers know that we want to pass the land on to our children and our grandchildren.

Sometimes public servants here in Washington who are elected, and bureaucrats who were unelected, forget that the farmers want to do the right thing and that right thing is to protect the environment. The unelected bureaucrats also forget that we are dealing with private property and that private property rights are truly the foundation on which freedoms are built—political freedoms, primarily.

So there must be a balance between the regulatory limits placed on farmers and their private property rights. I believe this bill strikes this delicate balance in a way that will continue to preserve this Nation's most valuable natural resources, our farmlands.

Before yielding the floor, I thank Senator DOLE, Senator CRAIG, and Senator LUGAR for working on this bill with me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, let me first of all associate myself with the remarks of the Senator from Iowa in the introduction of the legislation that he has just, in a very thoughtful and important way, gone through for the RECORD and for the American people.

I think the Senator from Iowa said something very important a few moments ago that is oftentimes missed. He is a farmer. I am a former farmer and rancher.

And he, I, Senator DOLE, and Senator LUGAR, who also have farm heritage and background owning farmland, recognize the phenomenal valuable asset this land is to the American people. Farmers have been foremost, along with ranchers, environmentalists and conservationists.

The legislation we have introduced today speaks to those interests in recognizing the important balance between conserving the land, protecting water quality, ensuring the environment, and allowing a productive environment also for the purposes of being able to farm in a profitable manner.

think this legislation does it, and it allows the farmer once again to take the initiative with USDA and its affiliate agencies as those who cooperate instead of regulators, as the Senator so clearly spoke of.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1368 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Madam President, I ask unanimous consent that I may be allowed to proceed as if in morning business for up to 10 minutes.

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

Mr. LIEBERMAN. I thank the Chair.

THE UNITED STATES ROLE IN BRINGING PEACE AND JUSTICE TO THE FORMER YUGOSLAVIA

Mr. LIEBERMAN. Madam President, I rise this morning to comment on developments in the former Yugoslavia.

I particularly want to comment on a resolution, House Resolution 247, which was adopted last night in the other body.

Madam President, I say respectfully that there are two parts to this resolution. The first I disagree with. The second I think is unnecessary.

I rise to make the point that as the representatives, the Presidents of the three major parties to the war in Bosnia, Bosnians, Croatians, Serbians—gather in Dayton, OH, to begin the effort that many thought was impossible—to negotiate a peace treaty in the Balkans—that it is appropriate for us to step back. It is a time not to pass resolutions, in my opinion. It is a time to ask questions that are appropriate about the course of the negotiations. But it is primarily a time to give the negotiators some room to see if they can achieve an agreement that will bring peace to the former Yugoslavia.

Madam President, I rise to explain why I am troubled by this resolution, and what I hope will be the course of congressional action here. Let me begin with recent events.

The people of the former Yugoslavia have suffered almost unimaginable horrors for the last several years. Every day seems to bring new reports of genocidal acts in Bosnia.

In the past week alone we have seen disclosures which are chilling, that confirm our worst suspicions about the fate of so many people who lived in the alleged safe haven of Srebrenica, who were driven from their homes and now, according to eyewitness testimony, were slaughtered by Serb forces; according to some accounts, in the presence of, perhaps at the direction of, General Mladic, the commander of the Bosnian Serb forces already indicted by the international war crimes tribunal.

New reports highlight ethnic cleansing and genocide by the Serbs in the area of Banja Luka which continues even now although these reports are sketchy because the international media has been denied access to these locations.

Madam President, last week Assistant Secretary of State for Human Rights John Shattuck was in Bosnia and Croatia to investigate the reports that have come out of the region. He found that prison camps such as Keraterm—the site several years ago of outrageous human rights violations—have been reopened. A cease-fire is declared but a prison camp is reopened, the site of torture has been reopened. He found that people had been forced from their homes in Banja Luka, some sent to prison camps, some sent into forced labor, and apparently too many others murdered, slaughtered, especially in the Sanski Most and Bosanski Novi areas around Banja Luka.

Assistant Secretary Shattuck met in Belgrade with President Milosevic and demanded immediate and unconditional access to all missing persons and to areas where crimes have or may have been committed.

He also discussed the situation of refugees from the Krajina. Several thousand Croatian citizens of Serb background want to return to their homes

there. Shattuck found indicators of a human rights situation which is nearly out of control with people of all ethnic backgrounds being dislocated, persecuted and murdered, not for what they have done but simply for who they are.

We cannot let the frequency, the regularity of these reports of systematic campaigns of rape and terror numb us to these atrocities. We must express our outrage as we did when we first heard these reports years ago. We must recommit ourselves to bringing the genocide, the torture, the rape, the slaughter to an end and to bring those responsible for this barbarity to justice.

Last week, I was privileged to join with the distinguished occupant of the chair, Senator HUTCHISON, of Texas, and our colleagues Senators MCCAIN, LEVIN, THURMOND, and others, in offering a resolution expressing the sense of the Senate on this human rights, this life and death crisis. The resolution was unanimously adopted as an amendment to the budget reconciliation bill last Friday.

Let me go to the words of that resolution because we spoke clearly and unanimously to "condemn the systematic human rights abuses against the people of Bosnia and Herzegovina."

We spoke unanimously to demand that the Bosnian Serb leadership "should immediately halt these atrocities, fully account for the missing, and allow those who have been separated to return to their families."

These are words that describe a situation that we can only imagine. It is hard for us to put ourselves into. But men and boys separated from mothers and daughters. Where are they going? What will become of them? We now find, certainly in Srebrenica, that what became of them was that they were slaughtered and buried in mass graves.

Again last week in the resolution promulgated by the occupant of the chair, Senator HUTCHISON, we spoke unanimously to assert that "'ethnic cleansing' by any faction, group, leader or government is unjustified, immoral and illegal and all perpetrators of war crimes, crimes against humanity, genocide and other human rights violations in former Yugoslavia must be held accountable."

Every side in the Bosnian conflict bears some guilt, some responsibility for ethnic violence. The Serbs of Bosnia and of Serbia-Montenegro, the Croats of Bosnia and of Croatia, rebel Moslems in northwest Bosnia, even Bosnian Government forces have inflicted war on civilian populations and driven people from their homes. But there can be no doubt that now, as throughout the years of war and strife suffered by the Bosnian people, the Serbs are primarily responsible and have committed the most heinous and brutal crimes.

America must do all that it can to end these atrocities and to ensure that the guilty are punished without supporting retribution and allowing the cycle of violence to continue. The international community has put in place a mechanism to do this—the War Crimes Tribunal for former Yugoslavia.

Earlier this month in Storrs, CT, at a dedication ceremony for the Thomas J. Dodd Library and Research Center to preserve the memories of the Nuremberg War Crimes Tribunal 50 years ago, President Clinton said: "Those accused of war crimes, crimes against humanity and genocide must be brought to justice. They must be tried and, if found guilty, they must be held accountable." I agree wholeheartedly with the President as I know my colleagues do.

Madam President, in some substantial degree the latest horrific stories of mass slaughter from Srebrenica, reflected in the resolution adopted unanimously on Friday evening, remind us of why so many of us in this Chamber have been concerned about the course of events in the former Yugoslavia. As I saw these events, and others agreed—some did not—from the beginning this has been a case of aggression by Serbia, stimulated in fact from Belgrade. Perhaps it went beyond what Belgrade sought, what Belgrade expected. Perhaps Belgrade was forced to suffer more than they expected because of the economic sanctions. But this has been a course of aggression to build a greater Serbia using genocidal tactics as a means of that aggression.

What did that mean? Again, one nation in Europe invading another, committing genocidal acts based on the religion of a people, in this case Moslem; instability in Europe, at a post-cold war time when that instability could spread, if not checked, throughout the Balkans, involving other countries—Turkey, Greece, Bulgaria, Albania—and sending a terrible message to those who had lived within the former Soviet Union about the lack of concern or unwillingness to act by the world, by the powers in Europe, by NATO.

So, many of us called for a policy of "lift and strike." Lift the arms embargo. At least give the people of Bosnia the weapons with which to defend themselves and then use NATO air power to strike at the Serbs to make them pay for the aggression and for the genocide. For too long no one listened. Excuses were given. But ultimately, a resolution passed this Chamber and the House, overwhelmingly, with bipartisan support, calling for our Government to lift the arms embargo unilaterally if the world community was not prepared to do so multilaterally.

Then came the Croatian invasion and capture of the Krajina. The outrageous, the unspeakable murders at Srebrenica—an army attacking an unarmed safe haven, U.N. peacekeepers from the Netherlands left in a horrible middle position—ultimately aroused the conscience of the world and particularly the NATO powers leading to the extremely successful NATO airstrikes against Serbian targets, poignantly forcing us to raise the question of whether those airstrikes, if they had happened at an earlier time, could have prevented some of the slaughter that occurred. Because once leadership was exercised and power was brought to bear, and those who were the aggressors were forced to suffer some pain and humiliation, the road to peace was opened. Assistant Secretary Holbrooke has moved skillfully, aggressively in difficult circumstances to find some common ground among the parties to bring about a cease-fire that now leads us to the discussions occurring in Dayton, OH, that begin tomorrow.

Some rightly have questioned the idea of negotiating with Serb leaders who may themselves be guilty of war crimes and crimes against humanity. If we hope to reach a settlement which will bring the Bosnian conflict to an end, it may be that we have no choice but to negotiate with Serb leaders. No one should misconstrue these negotiations as excusing, forgiving or forgetting war crimes which have been committed. We are doing none of that. Those who have committed war crimes with their acts or their orders will be brought to justice.

Moreover, before real negotiations can begin, the Serbs must be required to stop ethnic cleansing and other atrocities which are still taking place. This is not an unrealistic or unwarranted precondition, but a test of whether these negotiations can achieve peace. If one party or another chooses to continue to propagate the war or undertakes or tolerates ethnic cleansing, then we are not dealing with leaders who want peace.

If these leaders do not control their own forces and cannot restore an order which prevents further atrocities and turns the guilty over for punishment, then how can these leaders implement a negotiated settlement in which territory will change hands but the rights of all people will be respected?

But if those leaders gathering in Dayton do stop the fighting and the atrocities, we must give them every opportunity to achieve a negotiated settlement. We owe this to those who have already died, but more importantly to those who still live and who want to live in peace.

The settlement which eventually comes from these negotiations may not be what some of us would like, but we should not second-guess the decisions of those who will make them and who are willing to live with the results. However, a few elements will be key to any viable settlement:

To give reconciliation a chance, there must be real protection for human rights.

To provide hope for full reintegration of a multiethnic Bosnian state, there must be significant unity through a meaningful Bosnian central government.

To ensure long-term stability, a regional military balance must be ensured—not just within Bosnia, but among Bosnia, Serbia, and Croatia. This will probably require both arms control and reductions as well as arming and training the Bosnians.

Finally, to ensure justice without retribution, the settlement must require all states of the former Yugoslavia—Serbia-Montenegro and Croatia as well as all parties in Bosnia—to fully cooperate with the War Crimes Tribunal and to comply with its indictments and decisions. There can be no amnesty, no refuge for any guilty party. As President Clinton said in Storrs, CT, "There must be peace for justice to prevail, but there must be justice when peace prevails."

Madam President, the question of whether there will be a peace treaty depends on the three nations that are gathered there under American auspices in Dayton, OH. If they achieve a peace agreement and open the door to the end of this slaughter, and present an opportunity to preserve the stability in Europe—remember again, why are we interested? Twice in this century aggression and genocide unchecked in Europe led to wider war. But if a peace treaty is agreed on, it is clear that NATO forces will be needed to implement that peace treaty to monitor, to keep the parties apart.

Let us be clear that we are on the eve of proximity talks and the prospect of peace because the United States exercised leadership and power and the North Atlantic Treaty Organization exercised power through discriminate and carefully planned air strikes. United States leadership and NATO bombing against the Bosnian Serb aggressors were absolutely essential to bringing all sides to the peace process. But our involvement cannot end there.

U.S. leadership and involvement by the United States and NATO will be essential to the successful implementation of a settlement. The United States cannot bring the parties this close to peace and then just wash our hands of them. We will need to lead this effort and to be involved as befits the leader of the free world. We owe this to our NATO allies and to the alliance which has served peace and stability for nearly 50 years. We owe this to the ravaged people of Bosnia. And we owe this to the memories of all who have been the victims of genocide. It is only right—no, it is necessary—for the United States to stand up to genocide. We did not stand up in time 50 years ago and too many innocents perished as a result. We must not repeat this mistake.

The United States is the leader of NATO. NATO functioned as an extraordinarily successful defensive military alliance against the Soviet Union throughout the cold war. There are those post-cold war who have asked, what is NATO's purpose? But remember, NATO is the strongest functioning military alliance among nations in the world. The NATO powers gathered at our urging to fight alongside us in the gulf war to bring about that magnificent post-cold-war victory. Clearly, NATO will not be willing to play the role of peacekeeper or keeping the peace that may be achieved in Dayton, OH, unless the United States is part of that peacekeeping force. I think we have to be honest about that. If we are not part of that force, NATO will not go in, there will not be peace in the Balkans, and we have only more aggression, more instability, and perhaps more genocide to look forward to.

Beyond that, Madam President, I would say this. The relationship in NATO works both ways. Our allies in Europe are asking us to be part of this. Our friends in Bosnia are saying they will not trust the peace unless we are part of policing it.

But what is the next crisis going to be in which we will not want to carry the burden alone, in which we are turning to our allies in NATO and saying, "Help us"? What will they say if we say to them in this case, "Sorry, folks, you take care of it"?

So I say to my colleagues in the Senate, there is a lot on the line here. That is why I say that the resolution passed in the House last night was untimely and unhelpful. I support the policy of American forces being part of a NATO force to police a peace treaty that is agreed upon in NATO. Are there questions to ask? Yes, there are. Should the administration consult with Congress? Of course it should. And it has been. But this is a time for questions, not resolutions.

Let me also say I support the second part of the House resolution, which says troops should not be dispatched without congressional authorization. But let us remember this: So does President Clinton. He said to Senator BYRD in his letter he would welcome, encourage, and at the appropriate time request an expression of support by Congress. That is what I anticipate.

President Clinton has already begun the important process of consultations with Congress. Key senior officials—Secretary of State Christopher, Secretary of Defense Perry, the Chairman of the Joint Chiefs of Staff, General Shalikashvili—have all come to Congress to explain the why and how of this proposed undertaking. Everyone understands that there are many important questions which remain unanswered. Some of these answers will depend on the outcome of the negotiations in Dayton. Some will depend on ongoing NATO military planning. Some will depend on decisions to be made by the North Atlantic Council. But the President and other administration officials have made clear that the United States will participate in implementing a peace settlement only if several nonnegotiable conditions are met.

The operation must be a NATO operation, with full NATO command and control and no U.N. dual key arrangements.

The mandate for U.S. forces and their missions must be clear.

The forces must be large enough and the rules of engagement sufficiently robust for the NATO force to carry out its mission and to defend itself from any attack.

President Clinton and his Cabinet officials have promised to continue their close consultations with the Congress and to explain their proposals to the American people in order to assure that the President has their support.

This process of consultation should continue in a meaningful, bipartisan way. The President needs the support of Congress and the American people if this mission is to be successful. Just as President Bush recognized the need for congressional support before combat began in the Persian Gulf war, President Clinton realizes the importance of congressional support. Thus, he has said, in words nearly identical to those used by President Bush in January 1991, he "would welcome, encourage and, at the appropriate time, request an expression of support by Congress promptly after a peace agreement is reached."

So I hope that my colleagues in both Chambers will give the negotiators some room, ask questions, but hold the resolution until a much more appropriate and constructive time.

I welcome the coming debate. The stakes are too high for the people of Bosnia, for our men and women in uniform, for the position of America in the world of the next century and for all Americans for us not to engage in this debate.

Just as in those early days of 1991 when I joined a majority of the Senate in supporting George Bush's use of force in the gulf war, we are at a turning point in our history. When His Holiness Pope John Paul II was recently in the United States, he spent a short period of time with President Clinton. The President reports that the Pope said to him at the end of that conversation, "Mr. President, I am not a young man. I have a long memory. This century began with a war in Sarajevo. We must not let this century end with a war in Sarajevo."

If we believe in the hope expressed by the Pope and in the important role which America must play in the world, we must be involved in implementing peace in Bosnia. Without us there will be no involvement by NATO. Without NATO there will be no peace to implement. Without peace in the Balkans,

there will be no peace and no stability in Europe, and there will be a continuation of murder and genocide. I am not prepared to accept this outcome for America or the world.

I thank the Chair and I yield the floor.

ORDER OF PROCEDURE

Mr. KERRY addressed the Chair.

What is the business before the Senate?

The PRESIDING OFFICER. The conference report on transportation appropriations.

Mr. KERRY. Is there any time limit at this point in time?

The PRESIDING OFFICER. Yes. The previous order was to recess at the hour of 12:30 p.m. until 2:15 p.m.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed for such time as I might consume. It will not be long. I assume the Senator from Minnesota wants time.

Mr. WELLSTONE. I ask unanimous consent for 5 minutes before we close, if that would be all right.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. Madam President, I thank you very much. I shall not be long.

BOSNIAN PEACE POLICY

Mr. KERRY. I listened with interest to the comments of the Senator from Connecticut, with whom I worked on this issue, and others. He is correct that certainly the resolution passed by the Senate with respect to the arms embargo sent a message. But the truth is that the policy that has been put in place in Bosnia that has been successful was the opposite of what that resolution called on the Senate to do. People should reflect on that. The resolution that was passed so dramatically by the Senate said, "Let's abandon the place and basically just arm them and let them fight." Many of us argued that that would have been a disastrous event for the world, for the United Nations, for NATO, and that everybody would have been left asking who was responsible for this extraordinary mess if that had, indeed, been the policy of this country.

Courageously, the President pursued a different policy. The different policy that he pursued was to finally elicit from our friends and allies in Europe a willingness to do what the President had been asking them to do for some period of time, which was to be willing to take certain risks, use the power of NATO, and try to force the process to peace talks.

There is less killing in Bosnia today than there would have been if the policy of the United States Senate had been pursued. There is less killing today because the President and NATO and the European leaders undertook a policy, which I will agree was one that many of us would have liked to have seen put into place some time previously, but nevertheless, a policy different from that espoused by the Senate. It is a policy which now, hopefully, could conceivably result in a peace, though I think Secretary Holbrooke is accurate to say this is a gamble. There are huge variables, and I do not think expectations ought to be high, though obviously hopes ought to be high.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996.

The Senate continued with the consideration of the bill.

Mr. KERRY. Madam President, I rise today in support of the conference report on the Transportation appropriations bill. I would just like to take a moment to acknowledge the exceptional work of Senator LAUTENBERG and Senator HATFIELD in developing this compromise approach that is now on the floor.

This is a critical time for our public infrastructure investments. There are many of us here in the Senate who are deeply disturbed by the level of reduction on the investment side of the ledger, not just in public infrastructure, but in human beings. I am convinced we will pay a price for that. But measured against the overall choices that we are making in the Senate right now, this transportation bill, I think, has done its best, and Senators HATFIELD and LAUTENBERG have done their best, to strike a balance between transit and passenger rail and highway construction programs.

I would have liked to have seen that balance be a little bit different, but I still am heartened by the fact that they held onto important initiatives and, I might add from a parochial point of view, some important initiatives for New England and for Massachusetts. I commend them for doing that.

I am particularly pleased that the conference report recognizes the significance of multimodal and fixed guideway transportation projects as well as the need to maintain Federal support for Amtrak and the Northeast Corridor Improvement Program. I am concerned that operating subsidies for mass transit are significantly reduced and in some places, particularly in rural or outlying areas, we are going to see reductions that have a dramatic impact on low-income, disabled, and senior citizens' ability to be able to get to work, to get to shopping places, to move around the community. And while it may look OK on the short-term ledger of a budget, those things build community as much as a lot of other things that we care about. When people cannot get somewhere, storeowners lose, community centers lose, and the people lose.

So not having a vibrant transit system is not somehow going to be made up, we know, by the private sector because the bottom line has always been that the private sector cannot make money at it. That is why we have the public transit in the first place.

I must express my serious disappointment in the severe reductions in transit operating assistance that will likely mean a reduction of some $3 million for Massachusetts.

The conference report reflects the crossroads at which Congress finds itself with Amtrak. Despite the many benefits of passenger rail, some Members do not consider investment in passenger rail an appropriate use of taxpayer dollars. Others—and I count myself among this group—know from previous experience both here and abroad that the capital-intensive nature of passenger rail makes it unlikely to survive as a viable transportation mode without some form of Government support. Indeed, the U.S. ranks 35th among the nations of the world in per capita spending on passenger rail—behind such countries as Belarus, Botswana, and Guinea. In appropriating $635 million for Amtrak, which is about $160 million less than the fiscal year 1995 funding level, the conferees anticipate enactment of legislation to reform Amtrak. As a member of the Senate Commerce Committee, which has reported legislation to restructure Amtrak so as to place it on a path toward greater fiscal stability and accountability, I pledge to help move this bill forward as soon as possible.

My concern for passenger rail is particularly keen when it comes to the Northeast corridor and the need to move ahead with track work, upgrading maintenance facilities and completion of the electrification of the northern section as soon as possible. This project is vital to reducing congestion in the corridor, which in turn will result in important environmental, energy and employment benefits. The $115 million the conference report provides for NECIP, some $85 million less than in fiscal year 1995, will enable work to move forward, albeit more slowly.

Another area of special importance to Massachusetts is mass transit. I am frankly disappointed and disturbed by the significant reduction in funding agreed to by the conferees for mass transit operating assistance. From $710 million in fiscal year 1995 down to the $400 million contained in the conference report, this severe cut in funding will have a devastating effect on mass transit systems, particularly in the Pioneer Valley, Worcester, Attleboro, and the Lawrence-Haverhill areas. For Pioneer Valley alone, this means a $1 million reduction, or a cut of more than 47 percent in Federal

funds. A reduction of this magnitude will most certainly force the transit authorities to curtail service and raise fares, creating significant hardship for those who depend on mass transit—such as the elderly, disabled, and low-income riders—for basic shopping needs, and to commute to work and to school. It is my hope that this sharp downward trend in critical mass transit funding will be reversed next year.

I am grateful to the conferees for including in their report more than $20 million for the south Boston Piers Transitway. The transitway is a critical component of the State implementation plan, and is anticipated to serve 22,000 daily riders. This construction project has stayed on schedule and on budget, and has an impressive cost-effectiveness index of $9 to $16 per new passenger trip.

Another important project that will receive $2 million through the Federal Transit Administration's bus and bus facilities account in fiscal year 1996 is the Worcester Intermodal Center. The center, in a renovated Union Station in Worcester, MA, will provide convenient access to commuter rail, buses, and taxis to Worcester County's 710,000 residents.

I have heard some concerns expressed about the provisions of the conference report relating to reform of the Federal Aviation Administration, FAA, and particularly to those sections dealing with the rights of workers to organize and bargain collectively. As a member of the authorizing committee that oversees the FAA, I intend to monitor closely the FAA's personnel reform plan to assure that the labor rights of FAA workers are fully protected and will keep the statement of the conference managers to this effect in mind as the Commerce Committee considers legislation to restructure the FAA.

Another area about which I am concerned is funding for the U.S. Coast Guard. The Coast Guard is vital to my State of Massachusetts, with its hundreds of miles of coastline, harsh weather conditions, bustling maritime industry, hearty fishing industry, and thriving recreational boating population.

Indeed, the Coast Guard is vital to the safety and well-being of citizens in every coastal State, and in every State with navigable waters. Today, over 50 percent of the U.S. population lives within the coastal zone, and directly benefits from the services the Coast Guard provides. But, indirectly, the Coast Guard, in the performance of its mission, protects every American. In fact, more than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment, enforce laws and treaties, maintain aids to navigation, prevent illegal drug trafficking and illegal immigration, and preserve defense readiness.

With this high demand for services I am amazed that the Coast Guard would consider reducing its operations but in response to our budget dilemma that is exactly what it is doing. The Coast Guard is in the process of an internal downsizing and streamlining program which in 4 years will reduce its size by 12 percent or 4,000 people, and cut $400 million. However, despite these cost cutting efforts, the funding for the Coast Guard provided by the conference—$2.579 billion for operations and $362 million for acquisition, construction and improvements—is well below the President's requests of $2.618 billion for operations and $428 million for acquisition, construction, and improvements.

The Coast Guard has always been able to do more with less, but I am concerned that this level of funding will be inadequate for the Coast Guard to continue successfully to perform important missions and operations. In addition, the conference report contains contradictory provisions concerning funding—the first provision, which I fully endorse, assumes that additional funding of $300 million will be provided in the Department of Defense Appropriations Act for Coast Guard operations. The second provision, which I oppose, makes available at the discretion of the Secretary of Transportation the transfer of up to $60 million to the FAA budget. I do not think setting up agencies within a Department to battle one another for funding is a wise course.

I am pleased to see that the conference agreement disallowed the closure of any Coast Guard multimission small boat stations for fiscal year 1996. While I recognize the necessity of the Coast Guard's streamlining efforts, I am worried that efforts to downsize field operations may unreasonably increase the threat to life, property, and the environment. I concur with the views expressed in the Senate Appropriations Committee report that cited the very real though intangible deterrence benefits of these stations. Combined with their direct benefits, I believe these outweigh the value of the management efficiencies and small budgetary savings that may result from their closure. I also agree with the conference report which stated that the Coast Guard's station closure methodology failed to fairly consider distinctions among small boat stations, such as water temperature and survival time. I have proposed provisions in the Coast Guard authorization bill that establish a more formal process for station closures and require the Coast Guard to take the appropriators' concerns into consideration while allowing the Coast Guard the flexibility to modify the levels of its resources as it sees fit.

Once again, I compliment and thank the Senators from Oregon and New Jersey for their leadership in developing this important legislation. While I would have liked for it to do more in some areas, it is a commendable attempt to meet our Nation's transportation needs within the budget limits allotted to them.

I would just like to finally publicly say I am deeply concerned, also, about the reductions in the Coast Guard. I know that the Coast Guard has accepted the Presidential directive and other directives to streamline and to reduce. Those reductions and that streamlining are good, and it is important. But I am convinced that measured against the extraordinary increase in Coast Guard duties and responsibilities, we are asking them to do more than may be possible.

More than two-thirds of the total budget for the Coast Guard goes to operating expenses for public safety—the marine environment, to enforce laws and treaties, to maintain aids to navigation, to prevent illegal drug trafficking and illegal navigation, immigration, and also to preserve defense readiness. If you look at the increase in responsibility measured against the last 10 years of reduction in resources, once again I think we have to be very careful that we are not shortchanging ourselves.

Madam President, I yield the floor. I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

THE RECONCILIATION BILL

Mr. WELLSTONE. Madam President, I thank the Chair, and I will try to make this relatively brief. I know the presiding officer has a conference luncheon to go to.

Madam President, when I go back to teaching in 7 years, one of the classes that I am going to teach is going to focus on what happened on Friday night on the floor of the U.S. Senate. And I say this with a slight smile because you have to have a twinkle in your eye, but at the same time I say it with a tremendous amount of indignation.

In the dark of night my State of Minnesota was cut $524 million in medical assistance for people in our State. I will come back to that in a moment.

Late afternoon and early evening I kept asking, "Where is the Finance Committee amendment on the formula?" After all, we are not just talking about formula, we are talking about people's lives. At 6 p.m., one version, 9 p.m., the final version. All of a sudden, back room decisions. No chance for review, no chance to talk to constituents. Some States come out doing very well. Texas gains $5.2 billion; that is good for Texas. California loses $4.2 billion; that is not so good for

California. Then, in a departure from any rational allocation formula, the legislative language of the amendment contains "additional amounts," additional money. We are talking about people leveraging their votes for the following States:

We have $63 million more for Arizona; $250 million more for Florida; $34 million more for Georgia; $76 million more for Kentucky; $181 million more for South Carolina; $250 million more for the State of Washington. And then, at 9 p.m., new legislative language is released adding Vermont to the list, with an additional $50 million.

Madam President, in the dark of night, a decision was made by somebody, and I came out on the floor at 9 o'clock and said, "Who made this decision? Who were the people that made this decision accountable to? What happened to my State of Minnesota? On top of $2.4 billion of cuts in medical assistance, you now have cut my State by $524 million more."

Madam President, the majority leader came out and said, "But Minnesota is doing better than in the House formula." That is true. There we were being cut $3.5 billion. But we thought we had an understanding. We thought there was an agreement and the reductions had been reduced by $1 billion and the Senate by $2.4 billion. Then the majority leader said something to the effect, "Well, the Governor supports this."

Madam President, I am really pleased that the Governor of Minnesota does not support this. Governor Carlson is meeting with the majority leader. He is coming to Washington, DC, to try and find out what happened, and to advocate for our State, which is exactly what he should do. Whether we are Democrats or Republicans, we should be advocating for our States.

The most serious part of this decisionmaking process is—actually, there is an "A" and a "B" to the serious part. A, it is in the dark of the night, behind closed doors—decisionmaking, cutting deals, accountable to nobody, no review, no opportunity to talk to constituents. That is problem No. 1, regardless of what happened to different States.

Problem No. 2: My State was cut by $524 million.

Problem No. 3: Let us translate the statistics in human terms. We have 425,000 recipients on what we call "medical assistance" in Minnesota; 300,000 of them are children. Sixty percent of our payments go to elderly and nursing homes. Many people with disabilities rely on this support so they can stay at home and not be institutionalized. We are projected to grow from 425,000 to 535,000 medical assistance recipients in the year 2002.

Madam President, I intend to fight this all the way. Minnesota was shafted in the dark of the night decisionmaking, and a lot of people in my State are going to be hurt. I am going to make sure this formula is reversed.

Madam President, I think the more people in the country get a chance to see what is in these budget bills, the more they are not going to like it. If the President is strong and he vetoes these bills—which he should—there is no Minnesota standard of fairness in these budget cuts—and the people have a chance to be engaged in this process, I am absolutely convinced that we can inject some fairness, some elementary basic Minnesota fairness, back into this process. But, for right now, I am not letting up. I heard the Senator from Florida give a brilliant speech Friday night. I say to my colleague from Florida, I am not letting up on this. I am fighting this all the way, until Minnesota gets some fairness in this formula. I am not going to let folks, in a back room deal, shaft my State and a lot of the citizens in my State.

I am delighted that the Governor of Minnesota is going to join in this effort to make sure we get a fair formula.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CRAIG).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

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

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 557 Leg.]

YEAS—87

Abraham	Breaux	Cochran
Akaka	Brown	Cohen
Ashcroft	Bryan	Conrad
Baucus	Bumpers	Coverdell
Bennett	Burns	Craig
Bingaman	Campbell	D'Amato
Bond	Chafee	DeWine
Boxer	Coats	Dodd
Dole	Jeffords	Nickles
Domenici	Kassebaum	Nunn
Exon	Kempthorne	Pell
Faircloth	Kennedy	Pressler
Feingold	Kerry	Pryor
Feinstein	Kohl	Robb
Frist	Kyl	Roth
Glenn	Lautenberg	Santorum
Gorton	Leahy	Sarbanes
Graham	Levin	Shelby
Gramm	Lieberman	Simon
Grams	Lott	Simpson
Grassley	Lugar	Smith
Gregg	Mack	Snowe
Harkin	McCain	Specter
Hatch	McConnell	Stevens
Helms	Mikulski	Thomas
Hollings	Moseley-Braun	Thompson
Hutchison	Moynihan	Thurmond
Inhofe	Murkowski	Warner
Inouye	Murray	Wellstone

NAYS—10

Biden	Ford	Reid
Byrd	Heflin	Rockefeller
Daschle	Johnston	
Dorgan	Kerrey	

NOT VOTING—2

Bradley	Hatfield

So the conference report was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Yes.

MIDDLE EAST PEACE FACILITATION ACT

Mr. DOLE. Mr. President, tonight at midnight, the Middle East Peace Facilitation Act [MEPFA] will expire. Last night at 8:20, a written request for a short-term extension was faxed to my office by the State Department. This morning, I spoke to Secretary of State Christopher about the issue. Until the letter and phone call, my office had received no communication about the need for the latest extension. I know the Secretary is concerned that a delay in extending the act could be read as lack of support for the Middle East peace process. I share that concern, but I am also concerned that we have an administration that refuses to deal responsibly with Congress.

I want to be very clear: the U.S. Senate has gone on the record on repeated occasions supporting the Middle East peace process. We have extended MEPFA three times this year: on June 23, on August 11, and on September 29. Each time the Congress acted promptly. I hope we are able to act today as well.

We support the peace process. We understand the risks being taken by both sides. We understand that peacemaking is not easy, and that the process is subject to disruption. As I speak today, Israel's withdrawal from the West Bank town of Jenin has started. Our lead negotiator in the Middle East, Dennis Ross, called my office this morning from Israel to express his concern over the consequences of not extending MEPFA.

Extending MEPFA allows the President to waive certain provisions of law concerning the Palestine Liberation Organization. It allows the provision of United States assistance to the Palestine authority, and it allows a Palestinian office to operate in the United States. The Foreign Operations Appropriations Conference Report provides for a permanent extension of MEPFA but it is not likely to be enacted soon.

If Congress does not act today to provide another short-term extension, the President's waiver authority will lapse. Under these time constraints, unanimous consent is required to proceed.

Today, I am informed the chairman of the Foreign Relations Committee, Senator HELMS, will object to any unanimous-consent request extending MEPFA unless the terms of a previous agreement entered into by the full Senate have been met. The last time the Senate extended MEPFA, Senator HELMS and Senator KERRY of Massachusetts worked out an agreement providing for consideration of S. 908, the Foreign Relations Reorganization Act.

For the benefit of all Senators, I would like to briefly review what has happened over the last month. On September 29, the Senate passed an extension of MEPFA and entered into an agreement providing for consideration of S. 908 after the managers agreed on an amendment. On October 10, Senator HELMS wrote to Senator KERRY and urged him to make some kind of offer. The next day, Senator KERRY responded that "progress was being made" in developing an offer.

On October 19, Senator KERRY met with Senator HELMS and provided an outline—not legislation—of a proposed managers' amendment. Later that day, Senator HELMS made a counter offer to Senator KERRY, changing the amount of savings from reorganization from $1.2 billion over 4 years to $2.5 billion over 5 years. Senator KERRY's response was to propose 25 additional changes in the bill and to request unprecedented guarantees about the outcome of a House-Senate conference.

Until this morning, Senator HELMS had heard very little from Senator KERRY or his staff. While staff negotiations have begun, there is no agreement on the central issue of cost savings. Once again, the administration has refused to provide information to Congress about cost information. I hope the Democrat manager, Senator KERRY of Massachusetts, is able to make a legislative agreement today, whether the administration is willing or not.

The State Department wants Senator HELMS to lift his objection to proceeding with MEPFA despite the almost total lack of effort over the last 32 days. Senator HELMS is completely within his rights to object to any unanimous-consent request. I hope that as the day proceeds, Senator KERRY and the administration decide it is finally time to deal seriously with the Senate majority.

Contrary to some of the statements made by the administration, Senator HELMS is not insisting on "getting his way." What he is insisting on is that the will of the majority be heard, and that the Senate simply have a chance to vote on whether to save money by reorganizing our international affairs agencies.

I believe in the importance of bipartisan cooperation. Let me point out that if the administration had not orchestrated a filibuster of S. 908 earlier this year, the Middle East Peace Facilitation Act would have been permanently extended by now—in that same legislation. Unfortunately, due to the administration's intransigence and refusal to negotiate, MEPFA is once again a last-minute demand on a busy Senate schedule.

I hope we are able to work together on MEPFA, and I hope it happens today. I hope a managers' amendment is filed today. However, it is going to be very difficult, if not impossible, to work together on one issue today if there is no cooperation from the other side on moving to conference on the budget reconciliation bill.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for 5 minutes each until the hour of 3:30 p.m.

At 3:30 p.m., it will be my intention to call up the conference report to accompany the energy-water appropriations bill. A rollcall vote has been requested. Therefore, another vote is expected during today's session of the Senate. We hope to adjourn fairly early this evening.

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

APPOINTMENT OF CONFEREES ON THE RECONCILIATION BILL

Mr. DOLE. Mr. President, you would think after we broke the record on votes on the reconciliation bill—we had 39 votes here on Friday, and we were here after midnight on Thursday and midnight on Friday—that we could proceed to appoint conferees on the reconciliation bill. But I am now advised that the Democrats will want to use at least part of the 10 hours they are permitted under the Budget Act and maybe have as many as four additional rollcall votes.

I must say, had I known that, we would certainly have been here yesterday, and I was trying to accommodate Members on both sides of the aisle. I will not do that again without checking very carefully.

My view was that we had had an unprecedented number of amendments offered by the other side. We had on this, as I said, 39 votes in 1 day, never having had that many votes in the history of the Senate. And it seemed to me that we would move on to the appointment of conferees and complete action without all this additional 10 hours or 5 hours or 4 hours, whatever it is. So I will have to decide when to bring up the bill—maybe sometime late tomorrow afternoon.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I would allocate whatever leader time I may need to respond to the distinguished majority leader.

ACCOMMODATING THE SENATE SCHEDULE

Mr. DASCHLE. Mr. President, let me say that last week we began with about 130 amendments which Senators on our side had hoped to offer. I indicated to the majority leader that it would be my hope we could bring that list down to under 30, and we checked the record again and that list was reduced to 25 amendments, as I had hoped we could reduce them to. And so I think to the degree it was possible we accommodated both in time as well as in number the desire on the part of the leadership on both sides to successfully complete the deliberations on the budget resolution Friday night.

With regard to the conference report, again, we faced a number of motions to instruct; that it was my hope we could reduce in number from perhaps as many as 20 to less than a handful. I think we have agreed as a result of the discussion in conference that it will not be 20; it will not be 12; it will not be anything more than 4—4 very specific targeted motions that we would be willing to agree, timewise, to not take the 10 hours.

I wish to accommodate the schedule of the distinguished majority leader, and I hope we could work through this in a way that would accommodate both of our needs. Let me emphasize, our colleagues feel very strongly about a number of the issues that we raised through amendments last week. We feel very strongly this week. We will be watching with the great interest of everybody in the conference what develops in that conference, and we think it is very important to articulate in as strong a way as we can what our concerns are. We have a number of concerns that will not be addressed in these motions to instruct. There were a number of Senators who said they wanted the opportunity to move an amendment or a motion, and we will do that in other ways—in the form of letters, in the form of conversations with our colleagues—but we will limit our motions to instruct to four.

So it is an effort to balance, Mr. President, our degree of concern with our interest in working through this effort procedurally in an effort to accommodate all Senators.

That is what we will do whenever the distinguished leader decides to bring up the conferees motion, and we will be prepared to work with him in that regard.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair informs the Senator we are now in morning business. The Senator from New York.

EXTENSION FOR REPAYMENT OF MEXICO'S LOAN

Mr. D'AMATO. Mr. President, without any fanfare, late this past Friday afternoon, the Clinton administration quietly gave the Government of Mexico an extension on their loan payments owed to the United States taxpayers. This delay contrasts sharply with the much publicized partial prepayment Mexico made on the same loan just a few weeks ago.

Yesterday, the Mexican Government was supposed to pay the remaining $1.3 billion of their $2 billion payment to the United States. This money is only a part of the $12.5 billion in loans given to Mexico by the Clinton administration this year.

On October 6, as part of the public relations campaign for Mexican President Zedillo's visit, Mexico paid back $700 million. At that time the Clinton administration hailed this partial prepayment saying, "The American taxpayer is being repaid ahead of schedule."

But what that amounted to, Mr. President, was nothing more than a publicity stunt. This so-called prepayment turned out to be a sham.

What about the $1.3 billion still owed to the American taxpayers that was due yesterday? On Friday, the real story came out. Without the fanfare, the photo opportunities, and the state dinner at the White House, the Clinton administration quietly announced that it was their plan all along to allow Mexico to postpone paying back its loan.

Mr. President, I am outraged. It appears to this Senator that the loans to Mexico may never be repaid, and the Clinton administration knows it. I have serious doubts that the American taxpayer will ever be repaid all of the $12.5 billion that this administration sent to Mexico.

It is time to stop playing politics and tell the truth to the American public. Make no mistake about what and who is bankrolling the Clinton administration loans to the Mexican Government. It is the U.S. taxpayer, the American citizen. And the reality stands in sharp contrast to what the administration said just weeks ago. The American taxpayers are not being paid back on time.

The Clinton administration's claims that the Mexican bailout is a success rings hollow. The Mexican bailout is a failure for the American taxpayers and the Mexican economy. The history of the Clinton administration's bailout is a failed one.

On December 9, 1994, President Clinton lauded Mexico as an economic success story. And just 10 days later the Mexican Government ineptly devalued their peso by 20 percent. The peso's value subsequently went into a free fall and capital fled Mexico.

Ironically, we have recently learned that Mexican investors have been pulling their money out of Mexico before the peso's crash. They were tipped off, Mr. President. They got their money out long before the rest of the world found out what was happening. The question again emerges, why are American taxpayers forced by the Clinton administration to bail out a foreign economy that was first abandoned by its own wealthy citizens?

I have said all along that American tax dollars are being sent to Mexico to bail out wealthy global speculators. That is wrong. So where are we now? The Mexican Government, with the approval and consent of the Clinton administration, has used American taxpayer dollars to pay off investors, but the Mexican economy remains in shambles. Global speculators have reaped huge profits while U.S. taxpayers are left holding the bag.

Last Thursday, the Mexican peso dropped to a 7-month low, trading at 7.23 pesos to the dollar, almost matching its low point of 7.5 pesos to the dollar in early March. The Mexican Central Bank frantically intervened to support the peso but despite these efforts, the peso closed at 6.925 to the dollar yesterday. Banks in Mexico may have to raise short-term interest rates even higher to help the peso recover its value.

These high interest rates are already crippling Mexican families and small businesses. And, Mr. President, do you know who they hold responsible for this? The United States of America. The Clinton and Zedillo administrations' assertions that the Mexican economy is recovering simply does not hold water. It is not true. The American people and the United States Congress deserve all the facts on the Mexican economic situation.

This summer, I released a report on the Mexican economic crisis that detailed a disturbing pattern of deception and misrepresentation of the true state of the Mexican economy. News reports indicate an internal study commissioned by the International Monetary Fund [IMF], sheds new light on the subject and confirms this disturbing pattern. Now the Clinton administration has classified the report—the Whittome report—and is resisting efforts to make it available to the public. The public has a right to know the whole truth. Why is the Treasury Department hiding this information from the American public?

I have written to the Director of the IMF and copied the Secretary of the Treasury to request that this report be made public. We have sent $12.5 billion worth of taxpayer money directly from the United States and $9.8 billion from the IMF. Another $1.6 billion will be sent from the IMF to Mexico next month. And do you know who is the single largest contributor to the IMF—the United States. According to news reports, the Whittome report provides valuable insight into the handling of the Mexican economic crisis by the administration and the IMF. Yet neither of them wants to share this report with the American public.

On October 18, I wrote to the Director of the IMF asking him to make it available. The public has a right to know the whole truth but so far the Treasury Department and the IMF have not responded to my request.

We were told several weeks ago that Mexico was recovering wonderfully, that it was repaying its debt of $700 million earlier than required, but the administration knew 2-weeks ago that Mexico would be unable to pay the full debt, which was $2 billion. So they put up $700 million, when they still owe us $1.3 billion and call it a success. It is disingenuous to say the least.

Mr. President, let me make a prediction before I close. I predict that there will be a time in the not-too-distant future when we will see Mexico come quietly to the Treasury, the United States Treasury, and make a deal for more money, and this administration will once again go along with it. The American people will be the losers. We should be prepared the next time they come to say no.

There is an old saying, "You don't put good money after bad." But I guess we have an administration that figures if it is not their money, that it only belongs to the American taxpayers, that wise old saying is not valid.

I believe this Congress has a responsibility to demand that report, and I intend to submit a resolution expressing the sense of the Senate that report be made available so that the American people can see that we have a Government that operates in accordance with the rules and they can judge the situation for themselves. They can decide whether or not they are ever going to get that $12.5 billion back. The American public can decide whether or not the administration has dealt with them fairly and candidly.

Mr. President, I thank you for your courtesies and I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Oklahoma

is recognized for 5 minutes in morning business.

Mr. INHOFE. Thank you.

AMERICAN TROOPS IN BOSNIA

Mr. INHOFE. Mr. President, I want to take this opportunity and many other opportunities between now and the next few weeks, to strongly urge the President to come to Congress for authorization before he makes a decision to send American troops into Bosnia. We have discussed this in our committee meetings, our Senate Armed Services Committee, and I am very much concerned about the fact that if you look at the history of Bosnia, all the way back to the Ottoman empire, you see that you have these three warring factions that have always warred with each other.

We know that the Archduke who was assassinated was what precipitated World War I right there in Sarajevo. We know that in World War II, Marshal Tito, when he was putting together his alliance to go against the Germans, he had most of them except for Croatia. At that time Croatia was on the other side. We were on the side of the Bosnian Moslems and the Serbs. So it has been a moving target throughout the years.

The only thing that is consistent is that they have been murdering each other. And we have evidence in the last 6 months, all three factions have fired on their own troops and tried to blame the other side. So we have a long and agonizing history of what has been happening over there. There is no more hostile area any place in the world to send our troops on the ground than there.

Back in World War II, any of us who have studied history at all remember how the former Yugoslavians were able to hold off the best that Hitler had on the ratio of 1 to 8. This, in other words, is not the Persian Gulf. These are mountains with caves, Mr. President. This is an area where historically a small number of people have been able to murder a much larger force and take many, many casualties. This is the environment into which we are talking about sending our troops.

I draw an analogy between that and Lebanon in 1983. In 1983, we sent our troops over to Lebanon. We had a very modest mission at that time, and it was not until the months rolled by when the bomb went off and 241 of our troops were killed, and, of course, then there was a public cry, and we brought our troops home.

Or Somalia. I cannot hang that on the Democrats because George Bush, in December, after he lost the election, before the new President, President Clinton, was sworn in, he sent troops to Somalia really just for 7 weeks. And then he went out of office and Clinton came in. At that time I was serving in the other body. Almost every month we sent a resolution to the President, "Bring our troops home. There is no mission that is relative to our Nation's security in Somalia." And it was not until 18 of our Rangers were murdered in cold blood and they dragged their corpses through the streets of Mogadishu that there was enough public outcry to bring the troops back home, and we did with our tail between our legs. Nothing was accomplished. You see, we have adopted a foreign policy in this country where we are sending our troops out on humanitarian missions, as opposed to missions where we have our Nation's security at risk.

Well, now, this came to a head when we had our Senate Armed Services Committee meeting—it was a public meeting—just the other day. We had Secretary Christopher, Secretary Perry, and General Shalikashvili. When we came to the part where we were talking about the mission, the strongest mission they could state that we have in Bosnia is twofold: First to contain a civil war, which has been going on for hundreds of years; second, to protect the integrity of NATO, the North Atlantic Treaty Organization.

So I asked a question—and this was after there was a quote from General Rose, who was the U.N. commander in Bosnia. He said, "If America sends troops over there, they would lose more American lives than they lost in the Persian Gulf." There we lost 390 lives. So I said, "So we can reasonably assume we are going to lose hundreds of American lives if we send troops over on the ground in Bosnia? That being the case, Secretary Perry, is our mission, as you have described it, to contain a civil war and to protect the integrity of NATO worth the cost of many hundreds of American lives?" He said, "Yes," without flinching. I said, "Secretary Christopher?" He said, "Yes." And General Shalikashvili said, "Yes."

So here we have the people who are in the top ranks, the President's three top men, reflecting the wishes of the President—that is, to send troops into Bosnia on the ground.

There is something else that is very curious about this, which came up in this meeting. They stated in the meeting that no matter what the condition was 12 months from now, those troops would be back in the United States.

I ask you, Mr. President, in all of your well-read days on military science, if you have ever found a time when a country sent its troops into a warring area with a time certain to come back, regardless of the circumstances, whether we were in the middle of a very hostile situation or whether it was a peace accord, we are going to bring them home in 12 months?

They all said, "Yes." They had it written down that, "The troops will return in 12 months." As much as I hate to see it, the only thing I could think of with any degree of certainty that is going to happen in 12 months is that it will be election time, November 1996. I hope that does not have anything to do with this decision.

So I plan, in a couple of days, to go over to Bosnia. I am going to go, and I am going to stand in the same places where all of our troops are going to be standing if the President is successful in not coming to Congress for authorization to send troops. I am going to look at the hostility around me, and I am going to listen to the gunfire, and I am going to bring that message back to the American people.

This is something that has to rise above politics. We went through this same thing when President Bush wanted to send troops to the Persian Gulf. Yes, we had a real mission there relative to our Nation's security. That mission was whether or not we could have the energy necessary to be viable in fighting a war—a real mission relative to our Nation's security. At that time, he said we are going to send the troops there, and we said: Mr. President, we do not think it is wise to send the troops over, those soldiers, not knowing they have the support of the American people as well as the support of Congress behind them. He did not have to. Just like President Clinton does not have to come for authority to the Congress, President Bush did not have to, but he did it. It was a very wise move for the sake of those individuals who were going over there to lay their lives on the line, where 390 Americans died valiantly. The President, at that time, came to the Congress, asked for authority, and we had a united America in fighting the Persian Gulf war.

This war over there is not our war, Mr. President. This is a civil war. Sure, it is a problem for people in Western Europe, and I hope that Western Europe gets busy. Let them do what is necessary to protect their security interests. Perhaps they have security interests in Bosnia. We do not.

I do not want to wake up and find out that the American public did not know about this, did not care about this enough that they did not know whether they have an outcry to bring our troops back until our American corpses are dragged through the streets of Sarajevo. We can stop it right now, Mr. President. I plan to go to Bosnia and spend several days there at the end of this week and bring a story back for the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, if I understand it correctly, we are in morning business at the present time?

The PRESIDING OFFICER. Correct.

Mrs. FEINSTEIN. I ask that I may be permitted to speak for as much time as I may consume.

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

EXTENSION OF THE MIDDLE EAST PEACE FACILITATION ACT

Mrs. FEINSTEIN. Mr. President, I rise to discuss the need for an extension to the Middle East Peace Facilitation Act, which expires tonight, and the majority leader's announcement a short time ago that there will be an objection to passing that bill today.

This is very surprising to me. I was sitting in the Judiciary Committee hearings on Waco when I was told about it. I speak today as the ranking member on the pertinent subcommittee of the Foreign Relations Committee and one who was very concerned about what the repercussions would be in the peace process from the resolution we passed last week on Jerusalem. And now we are confronted this week with a situation that I think, again, has a ripple effect throughout the Middle East if we do not take action.

Mr. President, I think we ought to ask, what will one say, what will the Israelis say, what will Prime Minister Rabin say, when they are asked the question about why the Congress has refused to continue funding Palestinian economic development in support of the peace process? Prime Minister Rabin has explicitly asked for this legislation on each of his visits to the United States. Not passing the extension today, it is my understanding, stops not only the funding but the operation of the necessary offices to carry out that funding, including one here in Washington.

What is disturbing is that no one here is even arguing for letting the Middle East Peace Facilitation Act lapse. This dispute before us, in fact, has nothing to do with the Middle East. It has to do with conflicting views about whether or not or to what extent to consolidate the foreign affairs agencies of the United States Government.

This is a legitimate issue. There are strong opinions on both sides.

It seemed to me we had a process for negotiating this issue to reach some agreement. Senator KERRY on our side, the Senator from Massachusetts, and the chairman of our committee, Senator HELMS, had been negotiating. While agreement has not yet been reached, I believe it can with continued good faith at the negotiating table.

Wherever one stands on the question of consolidation one thing should be clear: The Middle East peace process is too important to be held hostage to disagreements over unconnected issues or to partisan disputes.

I wonder if anyone in this body differs with that view? Do any of my colleagues on either side of the aisle believe that the Middle East peace process just does not matter that much? Or that it is expendable enough to be turned into a political football?

One of the truly wonderful things about American foreign policy in the Middle East is that it has always been bipartisan. Strong support for Israel and active pursuit of Middle East peace have never been the province of just one party.

Indeed, this peace process is the outgrowth of the tireless efforts of President George Bush and Secretary of State James Baker. It has been carried forward with skill and dedication by the current administration.

The bipartisan nature of United States support for the Middle East peace process was never more evident than on July 21 when I joined a group of my colleagues in cosponsoring Senate bill 1064, a long-term extension of the Middle East Peace Facilitation Act.

I was proud to stand with Senators HELMS, PELL, DOLE, DASCHLE, MACK, LIEBERMAN, MCCONNELL, LEAHY, and LAUTENBERG in expressing strong support for continuing America's leading role in the peace process.

I know, too, that the chairman of the subcommittee on which I serve as ranking member, Near Eastern and South Asian Affairs, Senator BROWN, also supported the sentiments in S. 1064.

I ask my colleagues who joined me that day, what has changed? If the Middle East peace process was deserving of strong bipartisan support on July 21, why is it being held hostage to unrelated legislative disputes on October 31?

I simply do not understand how we can fail to extend this legislation. It is so important to ensuring Israel's ability to live in peace and security with its neighbors in the future. It is so important to protecting a Israel as a Jewish State, to seeing that the legitimate rights of the Palestinian people are recognized and eventually aiming for peace and security in that entire region.

I think we owe it to all those who have supported us in that area not to abandon our commitments. American Jews know what the stakes are in keeping the Middle Eastern Peace Facilitation Act in force.

Mr. President, I ask unanimous consent that an advertisement from the September 17, 1995, New York Times be printed in the RECORD at the conclusion of my remarks.

(See exhibit No. 1.)

Mrs. FEINSTEIN. The ad begins "Prime Minister Rabin, we know that pursuing peace is risky. Not pursuing it is unthinkable." The ad goes on to endorse this legislation explicitly. It reads:

> . . . We support the Middle East Peace Facilitation Act, the United States legislation which enhanced Israel's security by ensuring compliance by the Palestinians with their agreements and advancing economic development in the West Bank and Gaza, to show Palestinians that peace can improve their lives.

This ad reflects nothing less than the consensus of the organized Jewish community in America. It is signed by 29 Jewish organizations. Such a broad consensus of American Jews, Israel's strongest supporters, should not, in fact, be construed as wrong. I hope we will listen to them.

I did not think we would be in this position where one person would prevent this act from being extended and effectively cut off all aid to the peace process, all economic development assistance that in good faith America has pledged.

On top of what happened last week, when these resolutions and these actions and these nonactions by this body are extrapolated universally and particularly in the Middle East, they very often come to have different meanings.

This body went on record in July supporting this process. How can we today turn it off? How can we say what we supported in July, we do not support enough in October to pass a simple amendment to extend the act? Instead, along with ambassadors, along with other treaties, we will hold it hostage?

I think it is wrong. I think it is overkill. I think it is a redoubtable action at best. I hope that the majority leader would be able to prevail on those who want to hold this hostage to achieving goals that are unrelated to the Middle East Peace Facilitation Act, and that those parties would reconsider. I think it is very important that they do.

I thank the Chair for the time.

EXHIBIT 1

[From the New York Times, Sept. 17, 1995]

PRIME MINISTER RABIN, WE KNOW THAT PURSUING PEACE IS RISKY. NOT PURSUING IT IS UNTHINKABLE

Mr. Prime Minister, as you continue the arduous journey to peace, know that American Jewry stands with the Government of Israel.

Overwhelmingly, American Jews say "yes" to Israel's current pursuit of peace with security. Every poll reflects this.

We know there is no alternative to the peace process except continued violence and continued despair. We support your government and its vision of two peoples living side by side, in peace, so that the children of Israel can look forward to the future without fear.

To bring us closer to this goal, we support MEPFA—the Middle East Peace Facilitation Act, U.S. legislation which enhances Israel's security by ensuring compliance by the Palestinians with their agreements and advancing economic development in the West Bank

and Gaza to show Palestinians that peace can improve their lives.

The road ahead will be filled with obstacles. But to turn back would be far more dangerous. It would reward terrorists by giving them precisely what they want: the death not only of peace, but of hope.

Mr. Rabin, we say bracha v'hlatzlacha—may you be blessed with good fortune. On the eve of the Jewish New Year 5756, we offer you and the people of Israel our steadfast support and heartfelt prayers in the days ahead.

American Jewish Committee, Robert S. Rifkind, Pres. David Harris, Exec. Vice Pres.

American Jewish Congress, David V. Kahn, Pres., Phil Baum, Exec. Dir.

American Jewish League for Israel, Martin L. Kalmanson, Pres.

American Zionist Movement, Seymour D. Reich, Pres., Karen J. Rubinstein, Exec. Dir.

Americans for Progressive Israel-Hashomer Hatzair, Naftali Landesman, Pres.

Americans for Peace Now, Richard S. Gunther, Co-Pres., Linda Heller Kamm, Co-Pres., Gary E. Rubin, Exec. Dir.

Anti-Defamation League, David H. Strassler, National Chair, Abraham H. Foxman, National Dir.

Association of Reform Zionists of America, Philip Meltzer, Pres., Rabbi Ammiel Hirsch, Exec. Dir.

B'nai B'rith, Tommy Baer, Pres., Dr. Sidney Clearfield, Exec. Vice Pres.

Bnai Zion, Rabbi Reuben M. Katz, Pres., Mel Parness, Exec. Vice Pres.

Federation of Reconstructionist Synagogues and Havurot, Jane Susswein, Pres., Rabbi Mordechai Liebling, Exec. Dir.

Givat Haviva Educational Foundation, Fred Howard, Chair, Hal Cohen, Exec. Dir.

Hadassh—The Women's Zionist Organization of America, Marlene Post, Pres., Beth Wohlgelernter, Exec. Dir.

Israel Policy Forum, Robert K. Lifton, Chair, Jonathan Jacoby, Exec. Vice Pres.

Jewish Labor Committee, Lenore Miller, Pres., Michael S. Perry, Exec. Dir.

Jewish Women International (formerly B'nai B'rith Women), Susan Bruck, Pres., Dr. Norma Tucker, Exec. Dir.

Labor Zionist Alliance, Daniel Mann, Pres.

MERCAZ—Zionist Organization of the Conservative Movement, Roy Clements, Pres.

NA'AMAT USA, Sylvia Lewis, Pres.

National Committee for Labor Israel, Jay Mazur, Pres., Jerry Goodman, Exec. Dir.

National Council of Jewish Women, Susan Katz, Pres., Rosalind Paaswell, Exec. Dir.

National Jewish Community Relations Advisory Council, Lynn Lyss, Chair, Lawrence Rubin, Exec. Vice Chair.

New Israel Fund, Herbert Teitelbau, Pres. Norman S. Rosenberg, Exec. Dir.

Project Nishma, Theodore R. Mann, Co-Chair, Henry Rosovsky, Co-Chair, Edward Sanders, Co-Chair, Thomas R. Smerling, Exec. Dir.

The Abraham Fund, Alan B. Slifka, Pres., Joan A. Bronk, Interim Exec. Dir.

Union of American Hebrew Congregations, Melvin Merians, Chair, Rabbi Alexander Schindler, Pres.

United Synagogue of Conservative Judaism, Alan Ades, Pres., Rabbi Jerome N. Epstein, Exec. Vice Pres.

Women's League for Conservative Judaism, Evelyn Seelig, Pres., Bernice Balter, Exec. Dir.

World Jewish Congress, Edgar M. Bronfman, Pres., Israel Singer, Sec. General.

[From the New York Times, Sept. 12, 1995]

1,000 RABBIS AGREE: THE PEACE PROCESS MUST CONTINUE

Today, every Member of Congress will receive a letter signed by 1,000 American rabbis expressing "strong support for Israel's efforts to achieve peace with her neighbors."

Never before has so large a cross-section of American rabbis spoken so clearly about the urgent need to pursue peace. Reform, Conservative, Reconstructionist and Orthodox—from 47 states and the District of Columbia—they call upon Congress to demonstrate "leadership so that peace and security for Israel can become a reality."

The rabbis urge the renewal of the Middle East Peace Facilitation Act (MEPFA), terming it an "important and effective diplomatic tool for moving the peace process forward."

MEPFA enables the United States to play a constructive role in Israeli-Palestinian negotiations and to provide leadership in the international effort to assist the Palestinian Authority. "Furthermore, it is a key element in the fight against terror," according to the rabbis.

As the new Jewish year 5756 approaches, and Israel continues its courageous journey to a peace that will endure, let us pray, with the rabbis, for the peacemakers to succeed.

RABBINIC SUPPORT FOR THE PEACE PROCESS,

September 12, 1995.

See peace and pursue it—Psalms 34:15

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES AND THE SENATE: We are writing to express our strong support for Israel's efforts to achieve peace with her neighbors and for the active involvement of the United States in the Middle East peace process.

Right now, the Congress of the United States has the opportunity to help maintain the momentum towards peace in the Middle East and to fight terrorism against Israel. We call upon you to demonstrate your leadership so that peace and security for Israel can become a reality.

The Middle East Peace Facilitation Act (MEPFA) will expire soon. The act permits the United States to play a constructive role in the Israeli-Palestinian negotiations and to provide leadership in the international effort to assist the Palestinian Authority. As such, MEPFA has been an important and effective diplomatic tool for moving the peace process forward. Furthermore, it is a key element in the fight against terror. As Prime Minister Rabin recently said, "The solution between the Palestinians and Israel will create conditions that will reduce the influence of the extreme Islamic terrorist groups."

In its June 1 report, the State Department points out that "the United States needs to be in a position to support, encourage, and facilitate the Israeli-Palestinian dimension of the [peace] process." MEPFA's renewal ensures that the U.S. will play a key role in advancing peace and in fighting terror. Like the leaders of Israel, we believe this role to be essential. We therefore urge you to renew MEPFA in a manner that both the American and Israeli administrations believe will help further the talks and strengthen the fight against terrorism.

We care deeply about Israel. We know that this may be Israel's one true chance for peace, and that this opportunity is fragile. We are deeply concerned about the level of P.L.O. compliance; nevertheless, we are heartened by the progress that, thanks in part to MEPFA, has been attained. At the same time, we understand that reducing our country's involvement or cutting aid to the Palestinian Authority, which has committed itself to making peace with Israel, is not now the proper vehicle for expressing our concern. This is why we call upon you to support peace and let the negotiations continue unhindered.

In the voice of our tradition we say, "One does not have the responsibility to complete the task, but neither is one free to take leave of it." We urge you to play your part in helping peace grow strong. Thank you.

Sincerely,

(Signed by over 1,000 American rabbis.)

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent to extend morning business for 15 minutes.

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

RECONCILIATION

Mr. HOLLINGS. Mr. President, last Friday in the wee hours of the night there was a total abandonment of any kind of truth in budgeting. There is no better way to express it.

Under this entire charade, once again, we have lied to the American people. There is no question that in those wee hours, Mr. President, that they were trying their dead-level best and finally succeeded in buying off the votes of certain of the Senators with respect to Medicaid.

In order to purchase it, what they did was use Social Security funds. That was a use and violation—not only of the rule but of the law. The rule was called by the distinguished Senator from Florida and the distinguished Senator from Iowa, Senator HARKIN. If you ever want to see distortion, obfuscation, and abandonment of responsibility by the Parliamentarian in the U.S. Senate, I wish you would read that RECORD.

Be that as it may, the Chair would say, I do not know. We will refer to the chairman of the committee, Senator DOMENICI, and say, well, I like what the Chair has ruled. Ruled and on and on and back and forth but no idea of a parliamentary ruling or recognition of the law. That is why I take the floor today.

What really happens is that they constantly are talking about a balanced budget when everybody—both at the White House, the Democratic White House, and the Republican Congress—know that it cannot be done. It cannot be done without increasing taxes.

Here in the extreme, they are talking about decreasing taxes—about tax cuts.

Let me go right to the point here, so I can make a coherent record.

Mr. President, I ask unanimous consent that this little two-page summary of budget tables be printed in the RECORD at this particular point.

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

"Here We Go Again": Senator Ernest F. Hollings

[In billions of dollars]

Starting in 1995 with:

(a) A deficit of $283.3 billion for 1995:

Outlays	1,530
Trust funds	121.9
Unified deficit	161.4
Real deficit	283.3
Gross interest	336.0

(b) And a debt of $4,927 billion.

How do you balance the budget by:

(a) Increasing spending over revenues $1,801 billion over 7 years?

GOP "SOLID", "NO SMOKE AND MIRRORS" BUDGET PLAN

[In billions of dollars]

Year	CBO outlays	CBO revenues	Cumulative deficits
1996	1,583	1,355	−228
1997	1,624	1,419	−205
1998	1,663	1,478	−185
1999	1,718	1,549	−169
2000	1,779	1,622	−157
2001	1,819	1,701	−118
2002	1,874	1,884	+10
Total	12,060	11,008	−1,052

(b) And increasing the national debt from $4,927.0 billion to $6,728.0 billion?

DEBT[1]

[In billions of dollars]

Year	National debt	Interest costs
1995	4,927.0	336.0
1996	5,261.7	369.9
1997	5,551.4	381.6
1998	5,821.6	390.9
1999	6,081.1	404.0
2000	6,331.3	416.1
2001	6,575.9	426.8
2002	6,728.0	436.0
Increase 1995–2002	1,801.0	100.0

	1996	2002
[1] Debt off CBO's August baseline includes:		
1. Owed to the trust funds	1,361.8	2,355.7
2. Owed to Government accts	81.9	(2)
3. Owed to additional borrowing	3,794.3	4,372.7
[Note: No "unified" debt; just total debt]	5,238.0	6,728.4

[1] Off CBO's August baseline.
[2] Included above.

(c) And increasing mandatory spending for interest costs by $100 billion?

[Deficit in billions of dollars]

How? You don't!

(a) 1996 Budget: Kasich conference report, p. 3	−$108
(b) October 20, 1995, CBO letter from June O'Neill	−$105

—You just fabricate a "paper balance" by "smoke and mirrors" and borrowing more: Smoke and Mirrors.

(a) Picking up $19 billion by cutting the Consumer Price Index (CPI) by .2 percent—thereby reducing Social Security benefits and increasing taxes by increasing "bracket creep".

(b) With impossible spending cuts:

Medicare	270
Medicaid	182
Welfare	83

(c) "Backloading" the plan:

—Promising a cut of $347 billion in FY2002 when a cut of $45 billion this year will never materialize.

[In billions of dollars]

	Outlays	Revenues
(d) By increasing revenues by decreasing revenues (tax cut)		$245
2002 CBO Baseline Budget	1,874	1,884
This assumes:		
(1) Discretionary Freeze Plus Discretionary Cuts (in 2002)		121
(2) Entitlement Cuts and Interest Savings (in 2002)		226
[1996 cuts, $45 B] spending reductions (in 2002)		−$347
Using SS Trust Fund		−115
Total reductions (in 2002)		−462
+Increased borrowing from tax cut		−93
Grand total		−555
(e) By borrowing and increasing the debt (1995–2002)—Includes $636 billion "embezzlement" of the Social Security trust fund		1,801

The Real Problem—

Not Medicare—In surplus $147 billion—Paid For

Not Social Security—In surplus $481 Billion—Paid For

But interest costs on the national debt—are now at almost $1 billion a day and are growing faster than any possible spending cuts

—AND both the Republican Congress and Democratic White House as well as the media are afraid to tell the American people the truth: "A tax increase is necessary".

—SOLUTION: Spending cuts, spending freezes, tax loophole closings, withholding new programs (Americorps) and a 5 percent value added tax allocated to the deficit and the debt.

"Here We Go Again"—Promised Balanced Budgets

	billion
President Reagan (by fiscal year 1984):	
President Reagan (by fiscal year 1991):	
President Bush (by fiscal year 1995):	
1981 Budget	0
1985 GRH budget	0
1990 budget	+$20.5

Mr. HOLLINGS. Mr. President, start in the year 1995; we are going to try to balance the budget. Starting in the year 1995, you start with a deficit of $1.518 trillion in outlays, so you have a deficit here of $283 billion for 1995. And a debt of $4.927 trillion.

If you start with a deficit and a debt of almost $5 trillion and you look at the increased spending over revenues during each of the fiscal years, using Congressional Budget Office figures, you will find that cumulatively, from 1996—and each year is listed in this particular document to 2002—there is an increase of spending of $12.06 trillion over revenues received over each of those years—cumulatively, now, of $11.008 trillion.

So you are spending $1 trillion more than you are taking in over this GOP budget plan. Specifically, you can look at last month. September ended the fiscal year 1995. If you look at the outlays for that year and for this year, 1996, and you see the increase from the $1.530 trillion to $1.583—or a $53 billion increase in spending.

Now we are going to cut spending, balance the budget, cut spending—yet the very first year here we have increased spending $53 billion.

Then you go down to the debt and it is listed there of $1.801 trillion in the debt. And you found out over the 7-year period, you are not only increasing the National debt by $1.8 trillion to a level of $6.728 trillion, but you have increased interest costs on the national debt to $100 billion.

I have listed there what is owed to the trust funds, what is owed to the Government accounts, and what is owed to additional borrowing because, in my limited time, I am trying to talk about the public debt, which is No. 3, "owed to additional borrowing." But we borrow from the trust funds. We owe them, at this particular point, $1.361 trillion. And if we look at the owed to the Government accounts, such as the bank insurance funds, the Federal Savings and Loan Insurance Corporation, the credit union share insurance fund, and these other accounts, as of next year, we will owe some $81.9 billion there.

So we are moving deficits from one pocket to the other. We are not eliminating them. And, yes, we are borrowing at the public till, for a total, of course, of, as we have indicated there, a debt of $6.728 trillion.

So the question is, starting in 1995 with a deficit of $283 billion and a debt of $4.9 trillion, and increasing mandatory spending for interest costs by $100 billion, how do you balance the budget that way? Of course, you do not.

Go right to the next list of figures. My authorities are none other than the chairman of the Budget Committee on the House side, Mr. KASICH, because he was the chairman of our budget conference that got up this GOP budget and so-called reconciliation. On page 3 of the conference report by Mr. KASICH, you will find the word "deficit" for the year 2002: a $108 billion deficit.

Then you go to the letter last week from the Director of the Congressional Budget Office, Miss June O'Neill, and find on October 20, she determined a deficit of $105 billion; whether it is $105 or $108—as the old expression goes, continuing deficits as far as the eye can see—it is over $100 billion.

So, if you cannot do it, what do you do? You fabricate a paper balance, by smoke and mirrors and borrowing more. You fabricate a balance. This Senator knows as a member of the Commerce Committee, by simply borrowing again moneys that have already been represented in legislation as having been consumed. In our telecommunications bill, we came up with a budget point of order. We needed to

raise some $8 billion so we put in there the auctions of $8 billion.

Now we come again to the Commerce Committee for their reconciliation responsibility of raising $15 billion and we list again the $8 billion that has already been included in the telecommunications bill. Or, go to the Finance Committee. The Finance Committee, struggling and straining under Medicare, trying to find the money, put in what they call a BELT. The BELT says—for example, on the House side they were $35 billion shy. So it is just rhetoric or language to the effect that, with $35 billion, that the next Congress will have to make it up. That is no way to balance the budget, but that is part of the smoke and mirrors.

You can pick up $19 billion as they have with the Consumer Price Index being reduced by .2 percent, thereby reducing, of course, the Social Security benefits and increasing taxes because what you do is hit bracket creep, as they call it. Then you go with the impossible spending cuts of $270 billion in Medicare, $182 billion in Medicaid, and $83 billion in welfare.

Just take the one—welfare. Suppose you are a Governor and you are assigned the welfare responsibility with a traumatic cut. Now you have added responsibilities. What you have to do is start a training program. Two-thirds, of course, of those on welfare are children but the other one-third are those who are unskilled or untrained, generally female adults who have not had the advantage of schooling. So you have to set up schooling and a training program. Thereupon, you institute a hiring or a Government job program of last resort. Then, to get to work, you have to institute, if you please, a child care center because they have to leave the children at home to take the job. And on down the list. You are not going to save that amount, of course, on welfare.

Another way, of course, in subsection C shows backloading the plan, whereby all the real cuts are made in the last 2 years. The last year alone, for example, in the year 2002, they have to cut $347 billion. Here now, we are struggling and are not going to obtain $45 billion this year with the best of intent and the contract and the headlines and everything else and cannot even reach the $45 billion cut. But in the last year under this GOP budget, balanced budget plan, you have to cut $347 billion.

Then of course, you increase your revenues by decreasing revenues. That sounds like double talk but that is the tax cut. You get into this growth argument that we have heard, now, for the last 2 weeks. All we need is a tax cut. It is going to give us growth, growth, just like Reaganomics said back in 1981 that put us into these horrendous deficits, debt and interest costs on automatic pilot. It is going up, up and away, the spending is. That tax cut is $245 billion. Then you look of course at the—and by borrowing from the public and from the trust funds, another $1.8 trillion. And that borrowing includes $636 billion embezzlement from Social Security.

At the present time, we have a $481 billion balance in Social Security. That is not the problem. Under Social Security, it is paid for, for a good 25 to 30 years, easily. Yes, you have $481 billion there and you are going to borrow another $636. At the end of the particular budget plan, 2002, you are going to owe Social Security over $1 trillion.

So, Social Security is not the problem, 25 or 30 years out; Medicare is not the problem here, 7 years out, The problem is now. We have spending on automatic pilot. Interest costs on the national debt—like death, like taxes—cannot be avoided. In fact, treat it as a tax increase, as I do in a sense. What we have is taxes being increased automatically each day $1 billion a day. That is the real problem.

What happens here is both the Republican Congress and the Democratic White House, as well as the media—and I hope they will read this—are afraid to tell the American people the truth: That is, you cannot do it without a tax increase. So, what we need to do is cut spending, freeze spending, tax loopholes closing, withholding on new programs. I had to vote against AmeriCorps. Everybody is for voluntarism. In fact, I was party to the institution of the Peace Corps. We can make that record sometime. But you cannot go into these new programs when you are trying to get rid of the deficit and the debt and decrease spending on automatic pilot. So you need all of that plus, I suggest, a 5-percent value-added tax.

Mr. President, that is the point. We have seen this exercise. In the early 1980's, I went with the Republican leadership and with Senator Howard Baker for a freeze. We could not get it. Then we realized by 1985 that we had—in order to get this deficit and debt down for it was growing by leaps and bounds—to have automatic cuts across the board. We had Gramm-Rudman-Hollings, and we looked at it. We said we still need to close the loopholes. In 1986, we got tax reform.

Then, listen to this, in 1990, a bipartisan group of eight Senators, who hate taxes as much as anybody else, got together in the Budget Committee and voted for a value-added tax. Why? Because you cannot balance the budget without all of the above—namely, spending cuts, spending freezes, loophole closings, denying new programs, and a tax increase.

We have heard this thing about balanced budgets. I really regret it because I hear it on the floor. I see it on the screen on my TV about a balanced budget. Those working the discipline know there is no idea of balance the budget. I heard it just 15 years ago. President Reagan presented a budget—the document shows it, and I have it here—that the budget would be balanced by 1984.

Again, under President Reagan, in late 1985 under Gramm-Rudman-Hollings we pledged that balance—and we got awards for this one—that the budget would be balanced by 1991. In 1990—at that time they had gone out to Andrews Air Force Base and vetoed, abolished, Gramm-Rudman-Hollings cuts across the board and put in spending caps. Under that budget—I will show you the document—they said that by 1995, just last month, you would have a $20.5 billion surplus.

Has anyone ever heard the word "surplus" in Washington? Balanced budgets by 1984, balanced budgets by 1991, and then, finally, in 1995—we could look at the documents—a surplus of $20.5 billion. Here, instead of a surplus of $20.5 billion, we have a $283.3 billion deficit.

So there it is. "Here we go again," as our fearless leader, President Ronald Reagan, said. "Here we go again."

I thank the distinguished Chair.

CHARLAYNE HUNTER-GAULT AND A SENSE OF HISTORY

Mr. HOLLINGS. Mr. President, I would like to draw my colleagues' attention to a column in today's Washington Post that is a good remembrance of the early 1960's when black students integrated Southern colleges. In touching remarks, South Carolina native Charlayne Hunter-Gault, public television's national news correspondent, weaves an excellent reflection of the history of the times as she remembers the life of Hamilton Earl Holmes. Together in 1961, Ms. Hunter-Gault and Mr. Holmes became the first two African-American students to attend the University of Georgia.

Back in the early 1960's as the University of Georgia integrated, the State of South Carolina was employing every means to keep Clemson University segregated. We ran out of courts.

But fortunately, we had people like Mr. Holmes and Ms. Hunter-Gault who were willing to show us the way in South Carolina. Their courage and ability to stand up led to Clemson's peaceful admission of Harvey Gantt, the former mayor of Charlotte and a former candidate for U.S. Senate.

With the death of Hamilton Earl Holmes, it is important for us to remember the struggles of the past and to find the courage to move forward—and not fall further into the bitterness of racism and make mistakes of the past.

Mr. President, I ask unanimous consent that the text of Ms. Hunter-Gault's column to be printed in the RECORD.

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

[From the Washington Post, Oct. 31, 1995]

ONE IN A MILLION

(By Charlayne Hunter-Gault)

One of the black men who was not "one in a million" at the Million Man March was Hamilton Earl Holmes. But in a real sense, if the purpose was to have black men "stand up"—and surely no one could have thought that this was the first time that has happened—Hamilton had long since pioneered in standing up. And while there might have been millions cheering him on, for the most part he stood up alone.

It was in the early winter of 1961, when Hamilton Holmes, armed with a court order, walked onto the campus of the University of Georgia and into history as the first black man ever to be admitted and attend classes there in its 170-year history. If he never did anything else in his life, that single act of manly courage in the face of jeers, spitting and rioting would have been enough to qualify him as a "standup guy." But Hamp did that and a lot more. For a major part of his purpose in life was to demonstrate to the world that black men were as good as any men. Not better, but as good as, although there were times in his classes in biology and physics and calculus and all the other courses that an aspiring doctor has to take that he earned a second layer of enmity from his classmates by consistently pushing the curve up to 98 or 99 and often a hundred, leaving the next best grade some 10 points behind.

It was such a performance that led him to be elected to Phi Beta Kappa, a notation that appeared beside his name when he graduated in 1963 as one of two black students in a class of 2,000. Had he not been recovering from surgery on a heart that was as big as the world, but in the end was vulnerable to its pressures, he might have been at the Million Man March with his son, Hamilton Jr. (Chip), at his side. And while his was never the gift of oratory, he could have offered his own quiet but soul-elevating testimony to the strength of black men and to black families. He could surely have given the lie, as he always had, to notions of inferiority and rampant irresponsibility. He could have also provided as well a window into a world that existed not so long ago, one that raised obstacles and inflicted pain on black men that only the most ignorant or callous among us would forget.

Hamp had come from a distinguished black family of doctors and educators and activists who challenged the laws that kept blacks "in their place," starting when Hamp was still in junior high school with the all-white Atlanta golf course. His grandfather, a doctor who lived to be 82, once explained the family philosophy to the writer Calvin Trillin: "I trained my children from infancy to fear nothing, and I told my grandson the same thing. I told him to be meek. Be meek, but don't look too humble. Because if you look too humble they might think you're afraid, and there's nothing to be afraid about, because the Lord will send his angel to watch over you and you have nothing to fear."

And Hamp produced a distinguished family. During his 30-year marriage to Marilyn, he had a son who followed in his footsteps, albeit less ceremoniously, to the University of Georgia, graduated and now works in communications, and a daughter, Allison, also a college graduate, who is in banking. Also during those 30 years, he overcame whatever bitterness he had toward the university and became one of its biggest boosters and supporters. This was fairly amazing to me, especially since the two things Hamp wanted most in college were good labs (he had always said he could get the education he needed at Morehouse, the all-black men's college where he had a four-year, all-expenses-paid scholarship, but the university had better facilities) and the opportunity to play football for the Georgia Bulldogs. The officials at Georgia refused to let him play "for his own safety." But when I returned on a visit to Atlanta in the early '80s, one of the biggest "dawgs" around was Hamp, who by then had accepted an appointment as a trustee to the Georgia Foundation, the body that oversees university funding. The other day, Charles Knapp, the current president of the university, called Hamilton "one of our most distinguished graduates."

In the years since Hamp and I were joined at the hip of history, I have often had occasion to think back to the time when we were fighting in federal court to win the right to attend the university. President Knapp's words sent me back to those days, when the top officials of the university tried to keep Hamp out by testifying in court that he was unqualified, not because he was black. The latter would have been illegal under the 1954 Brown decision, and officials of the state had sworn to resist integration, but only "by all legal means." Hamp might have been able to overlook being called "nigger," but "unqualified"? The valedictorian of our Turner High School class of 1956? The smartest student in all Atlanta, according to his proud father, Tup. If there was a fighting word to Hamp, it was that "unqualified."

And while he was slow to anger and preferred classroom combat to the real thing, he was capable of standing up that way too. Once, when he had parked in front of the house of one of the most racist fraternities on campus, and the fraternity guys saw whose car it was, they began to taunt him and make moves that suggested they were prepared to go further. Knowing he had only himself to rely on and understanding the white southern mentality perhaps better than they themselves, Hamp made a quick but deliberate move to open the car door, reached across to the glove compartment and took out something that he immediately placed in his pocket. It was a flashlight, but who knew? Hamp was relying on the prevailing predisposition to embrace every known stereotype of black men, and his instinct proved correct. They backed off in a heartbeat. The irony of the encounter was that the next day, Hamp was summoned to the dean's office and admonished for carrying a gun. The rest of the time, the frat brothers did their dirty deeds in stealth. Like letting the air out of Hamp's tires while he was in class. Early and often.

But Hamp persevered, often finding release in a game of pickup basketball with the brothers from town, who at that point could come to football games but still had to sit in the section reserved for blacks, called the "crow's nest." They were proud of Hamp; and who knows how many of them he inspired—if not to apply to the university then to be all they could be.

If he had been well enough and so inclined, that might have been his message at the Million Man March. He might have dusted off an old speech he made in our senior year, just before he graduated, went on to become the first black student at Emory Medical School and then to a distinguished career as an orthopedic surgeon and teacher.

Back then, in the spring of 1963, he liked to talk about "The New Negro." "Ours is a competitive society," he'd say. "This is true even more so for the Negro. He must compete not only with other Negroes, but with the white man. In most instances, in competition for jobs and status with whites, the Negro must have more training and be more qualified than his white counterpart if he is to beat him out of a job. If the training and qualifications are equal, nine out of 10 times the job will go to the white man. This is a challenge to us as a race. We must not be content to be equal, education- and training-wise, but we must strive to be superior in order to be given an equal chance. This is something that I have experienced in my short tenure at the University of Georgia. I cannot feel satisfied with just equaling the average grades there. I am striving to be superior in order to be accepted as an equal. If the average is B, then I want an A. The importance of superior training cannot be overemphasized. This is a peculiar situation, I know, but it is reality, and reality is something that we Negroes must learn to live with."

How much would he have edited that speech for the march? Hamilton Earl Holmes was not there that day to be one in a million, and today we will bury him, one in a million, to be sure, but also one of many millions of black men who have given more than should have been required of any human beings, and whose death at 54 should give us pause to contemplate the meaning of his life, of theirs and of the millions of black men who live on.

INNOVATIVE LEADERSHIP BY THE INS AGAINST ILLEGAL IMMIGRATION

Mr. KENNEDY. Mr. President, I want to take this opportunity to call the attention of my colleagues in Congress to a compelling example of the kind of innovation we are seeing today by the Clinton administration in addressing the problem of illegal immigration.

Stronger border enforcement is part of the answer. But is obviously not the only answer. The Immigration and Naturalization Service estimates that 40 to 50 percent of the illegal aliens currently in the United States entered the country legally on visitors visas and other temporary visas, then remained illegally in the country after their visas expired.

The overriding challenge we face is to remove the magnet of jobs which encourage so many people to come to the United States illegally or to remain here illegally.

A key element in this strategy must be to assist employers to abide by the law and to hire only those persons entitled to work in the United States.

Clearly, the INS is making progress. Last week, the Ford Foundation and the John F. Kennedy School of Government at Harvard announced that an INS program in Dallas has won one of this year's Innovations in American Government Awards for its success in encouraging employers to remove illegal aliens from their rolls and hiring U.S. workers in their place.

This kind of innovation combats illegal immigration, helps employers, and provides good jobs for American workers. I am hopeful that as Congress considers immigration reform legislation

in the coming weeks, we can encourage more new approaches like this to combating illegal immigration.

Mr. President, I ask unanimous consent that an article from the Washington Post describing the Dallas INS initiative be printed in the RECORD.

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

[From the Washington Post, Oct. 26, 1995]

FOUNDATION AWARDS HONOR 15 CREATIVE GOVERNMENT PROGRAMS

(By Stephen Barr)

When the Immigration and Naturalization Service discovered 220 illegal immigrants were working at a Dallas plant that makes aluminum windows and doors, INS agents could have raided the plant and deported the workers. But a raid might have put the company out of business.

So INS assistant district director Neil Jacobs offered the company a "common-sense approach" to the problem. Rather than treat the company as the enemy, he gave it 60 days to recruit replacement workers from Dallas-area community and welfare programs. When the deadline arrived, the INS made its arrests and the company averted a shutdown.

Today, the Innovations in American Government awards program sponsored by the Ford Foundation and Harvard University will announce that Jacob's strategy for enforcing immigration laws is one of 15 local, state and federal programs receiving a $100,000 cash prize.

Thus is the first time that awards have gone to federal programs since the Ford Foundation and Harvard's John F. Kennedy School of Government began their initiative in 1986. The awards will go to six federal and nine state and local programs at a time when a Republican-controlled Congress is cutting federal spending and turning more responsibility over to the states.

Three of the federal programs honored this year, such as Jacobs's "Operation Jobs," reflect the government's search for less punitive and more effective ways to regulate business. A number of the local and state award winners created solutions to their problems by forgoing partnerships with unions, nonprofit organizations and private-sector companies to deliver services cheaper or more efficiently.

In the current cost-cutting environment, Michael Lipsky, the Ford Foundation official responsible for the innovations program, said, "It is the deeply felt position of the foundation that the government deserves more recognition for creativity and ought to be encouraged to be better."

As Debbie Blair, the personnel manager at General Aluminum—a plant in Dallas that tried Jacobs's approach—said, "Clearly, the old tactics used by INS were not successful. They are thinking smarter in trying to figure out a new way to solve an old problem."

In Texas, a major INS problem has been how to handle illegal immigrants, mostly from Mexico, who obtain jobs with fraudulent papers. Although job applicants must show employers documents that indicate they are U.S. citizens or legal residents, federal law allows candidates to choose which papers from a prescribed list to present employers.

In some cases when the INS found widespread violations, it would secure a warrant, raid a company without informing the employer and endanger its own agents as they conducted arrests. Jacobs found, however, that the illegal workers quickly returned to the Dallas area and got new jobs or their old jobs back. "That was frustrating us," he said.

So Jacobs, keeping in step with INS policy to work toward increasing voluntary compliance with the law, threw out his idea for "Operation Jobs" at a staff meeting one day and, after a few false starts, his Dallas office created a system linking the INS to police and community groups. The INS "treats the employer as the client rather than the enemy," he said.

Moving beyond its traditional enforcement functions, the Dallas INS office began putting employers in touch with city social service programs, refugee assistance groups and other community agencies that try to find jobs for laid-off workers, legal immigrants or school dropouts. To avert financial losses, companies are given time to recruit and train the new hires, with the understanding that at a pre-arranged time the INS will show up to make arrests.

"Everybody wins on all sides," said Tina Jenkins, a Tarrant County official who helps out-of-work residents get emergency assistance for rent and utilities. "We get people employed, the employer is happy, and it's good p.r. for INS—they aren't looked at as the bad guys."

Jacobs estimates that about 50 companies have participated in Operations Jobs over the last two years, providing residents of North Texas about 3,000 jobs that previously were held by undocumented workers.

Many companies, of course, gamble that INS will never learn about their hiring practices, and not every INS attempt at cooperation with companies under investigation works out. "We've had situations where we get back in 30 days and no one is left," Jacobs acknowledged. "But most employers feel that if 'I don't show I'm a team player now . . . .' we won't be as cooperative the next time we do an inspection."

Under pressure from the Republican Congress, the Clinton administration has been moving toward more aggressive enforcement of the prohibition on hiring illegal immigrants. Still, in Jacobs's office, fewer than a dozen of the 50 agents he supervises handle employer sanctions.

The notion that regulatory and enforcement agencies like INS and the Occupational Safety and Health Administration, also an award winner this year, should create partnerships with the private sector "doubtless reflects the mood of the time," said Alan Altshuler, the director of the innovations program at Harvard.

"Good government has to be creative, innovative government today," Altshuler said. "It is not enough to simply get rid of waste, fraud and abuse."

The 15 award winners, who were selected from a field of about 1,600, will be honored tonight at a dinner that Vice President Gore is scheduled to attend. The finalists were selected by a committee headed by former Michigan governor William G. Milliken (R) that included industry leaders, journalists and former elected officials.

The program encountered some of Washington's legendary red tape when it was informed that some of the federal agencies being honored could not legally accept the gifts. As a result, the $100,000 prizes will be administered by the nonprofit Council for Excellence in Government. The council will help the agencies sponsor conferences or events to explain their programs to other groups.

The awards represent a small fraction of the $268 million in grant money that the Ford Foundation gave away last year, Lipsky said, but provide the foundation with a forum to "stand for the proposition that there is a great deal of good in government that goes unrecognized. While no one says government is perfect, the balance between positive news and negative news goes heavily toward the negative."

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned that the total Federal debt which is $27 billion shy of $5 trillion—which we will pass this year. Of course, Congress is responsible for creating this monstrosity for which the coming generations will have to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Monday, October 30, stood at $4,975,234,385,762.72 or $18,886.08 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my most recent report this past Friday—which identified the total Federal debt as of the close of business on Thursday, October 26, 1995—shows an increase of $1,559,581,857.19 during that 4-day period. That 4-day increase is equivalent to the amount of money needed by 231,255 students to pay their college tuitions for 4 years.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995

Mr. PRESSLER. Mr. President, I want to take a few moments to update my colleagues on the progress we are making on telecommunications reform in the 104th Congress. Last Wednesday morning I had the honor of chairing the organizational meeting of the Senate-House conference on S. 652, the Telecommunications Competition and Deregulation Act of 1995.

It was truly a historic day. We began the final stage of enacting comprehensive telecommunications deregulation legislation—the most significant and

profound change in our Nation's telecommunications policy and law in over 60 years.

As conference chairman, I will continue—as I have throughout this long process—to work in an open, inclusive, and bipartisan fashion with all of my Senate and House colleagues. In particular, I want to thank the Senate Commerce Committee's ranking Democratic member, Senator FRITZ HOLLINGS of South Carolina, for his leadership and willingness to work cooperatively with me at each stage of this process.

I also heartily applaud the tremendous work of our House colleagues in helping get us to this stage of the process. I very much look forward to working closely with them under the able leadership of Commerce Committee Chairman TOM BLILEY, and ranking Democrat JOHN DINGELL, Telecommunications Subcommittee Chairman JACK FIELDS, and ranking Democrat ED MARKEY, and Judiciary Committee Chairman HENRY HYDE, and ranking Democrat JOHN CONYERS.

Let me also add that I look forward to working with President Clinton, Vice President GORE, and others in the executive branch. I have welcomed the administration's input from the beginning of the process.

I am firmly committed to moving this conference forward as rapidly as possible. In order to move quickly, however, we must remain within the confines of the two bills before us. To do otherwise would be like opening the proverbial Pandora's box. It would result in unacceptable delay as we rehash issues resolved through hours, days, weeks and months of negotiation and committee and floor votes at earlier points in this long process.

I am convinced we can rapidly move this conference forward due to the striking degree of similarity between the two bills. Moreover, we have the strong support and commitment from the leadership in both Chambers to act this year.

The time has long passed since Congress needed to reassert its rightful place in establishing national telecommunications policy. Dozens of lines of business restrictions carve up telecommunications and forbid competition. Meanwhile, once separate and distinct industry segments have become indistinguishable due to digital technology. Yet the regulatory apartheid regime remains.

The conference on telecommunications reform will produce a report to change all that. We will open all telecommunications markets to competition. The result will be a procompetitive, deregulatory and balanced regime. Competition and deregulation, after all, are the only sure-fire ways to ensure: an explosion of new technologies and choices for consumers, massive new market investment, captialization, and job creation, lower prices for telecommunications products and services, and an end to monopolies and media concentration.

The legislation we are crafting is, simply put, the most comprehensive deregulation of the telecommunications industry in American history. It will promote advanced telecommunications, information networks and other resources in such a manner as to ensure America remains the envy of the world. In order to maintain our world leadership position in communications, however, we need this legislation and we need it now.

Mr. President, I was pleased to receive a letter from the majority leader, Senator BOB DOLE, reiterating his desire to complete action on the telecommunications reform bill prior to adjourning for the year. This is entirely consistent with my stated intention from the very beginning of this process—to enact a new telecommunications deregulation law in 1995.

Mr. President, I ask unanimous consent to have the letter from Senator DOLE printed in the RECORD.

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

OCTOBER 25, 1995.

Hon. LARRY PRESSLER,
Chairman, U.S. Senate Committee on Commerce, Senate Russell Building, Washington, DC.

DEAR LARRY, Thank you for all your hard work on telecommunications reform. The year has been long, but we have moved faster and farther than anyone expected us to. It remains my desire to pass a final bill before we adjourn this session.

The next few weeks are critical and no doubt will be intense. I would appreciate your keeping me and David Wilson informed on the progress of the telecommunications conference committee. You know better than most that we must keep this legislation grounded in strong, straightforward Republican principles of competition and deregulation.

Sincerely,

BOB DOLE,
United States Senate.

EVERGREEN MARINE GROUP: CELEBRATING 20 YEARS OF SERVICE IN CHARLESTON

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the role Evergreen Marine Group has played in the economic development of my home city, State, and region over the past 20 years.

The M/V *Ever Spring* sailed into Charleston harbor on October 21, 1975. This first vessel began what was to become a long and prosperous relationship. In its first year of operations in Charleston, Evergreen carried 45,000 tons of cargo on 19 ships through the port. Last year, Evergreen carried over 1.5 million tons on more than 100 ships through Charleston.

Cargo ships reflect incredible investments by the ocean carrier and provide many opportunities for economic development in the regions they serve. They represent the equivalent of floating factories, adding value to products by delivering them where they are needed, when needed. Few Americans realize that 95 percent of our international trade moves by ship.

Evergreen's services in Charleston have allowed business and personal relationships to grow and prosper. The trading relationships forged between companies in geographically distanced nations work to bind our world. More than just raw materials, parts and finished goods flow across the oceans—ideas, culture and shared personal experiences make us more aware and considerate of the world in which we live.

Evergreen began its first scheduled container service in 1975, linking Asia with Charleston and the U.S. east coast. Ten years later, Evergreen began the industry's first two-way, round-the-world service. Today, the company operates in almost every trading market on our globe. Evergreen has also diversified into other areas, such as real estate and aviation, becoming the first private, international air carrier in Taiwan.

Yung-fa Chang, Evergreen's founder, has used hard work, tireless dedication to the customer and support of those who are working toward the common goal as the cornerstones of Evergreen's success. This past spring my home State's University of South Carolina, site of the Nation's highest ranking international business program, awarded him an honorary doctor of business administration, a testament to his achievements.

Charleston is one of the most dynamic and fastest growing regions in the country, attracting capital investment and interest from around the globe and we are proud to have Evergreen be a part of our community. We are appreciative of the commitment Evergreen has made to our area and look forward to continued success together.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

MIDDLE EAST PEACE FACILITATION ACT

Mr. PELL. Mr. President, I am informed that there will be a Republican objection to the unanimous-consent request regarding the short-term extension of the Middle East Peace Facilitation Act, also known as MEPFA.

MEPFA was enacted by the Congress in 1994, to give the President much-needed flexibility to help Israel and the Palestinians implement their historic peace treaty. Under the terms of MEPFA, the President can waive certain restrictions against the PLO. In essence, this means the President can provide assistance to the Palestinians,

and the PLO can operate an office in the United States.

MEPFA is a vital component of American support for the peace process—both practically and symbolically. On a practical level, U.S. assistance for the Palestinians has helped the fledgling Palestinian Authority to get off the dime and provide desperately needed services to the people of the West Bank and Gaza. Both Israeli and Palestinian officials agree that if their peace agreement is to succeed, there must be a dramatic improvement in the everyday lives of the Palestinian people. They must be aware of the fruits of peace.

U.S. assistance, much of which is channeled through the World Bank's fund for the Palestinians, has helped the donor community secure additional funding from other sources. With the United States leading by example, other nations have come forth with significant donations to help the Palestinians.

The United States has also used MEPFA to influence the Palestinian leadership to move in certain directions. MEPFA guarantees that our aid be transferred only if the Palestinians are complying with the letter and spirit of their peace agreements with Israel. Using our assistance as leverage, the United States has been able to ensure that the Palestinians stand by their word on critical issues such as preventing terrorism against Israel.

Israel's leaders have said that the Palestinians are doing much better when it comes to preventing terrorism, a fact which United States officials confirm. And that, in my view, is the bottom line for the success of the Israel-PLO peace treaty. If the PLO prevents acts of terrorism, then Israelis will feel more secure, more comfortable with the peace agreement. Only then will Israelis and Palestinians establish a truly lasting peace.

On a symbolic level, MEPFA is a very powerful instrument. MEPFA symbolizes the U.S. commitment to be the honest broker of the peace process. MEPFA is a signal to the Palestinians—and indeed to the rest of the world—that the United States is willing to suspend its laws against the PLO to give peace a real chance. In a certain sense, it resembles the dictum put forth during the Reagan administration regarding the former Soviet Union—"trust, but verify." In effect, we have said to the Palestinians we will trust them to fulfill their agreements, and that they will receive our blessing as long as they remain faithful.

The objection lodged earlier today puts all of that at risk. Our Republican colleagues are endangering the Middle East peace process by refusing to allow a brief, short-term extension of current laws. At a time when our traditional ally, Israel, is taking enormous risks for peace, the objection sends just the wrong signal. The objection says that some of us are unwilling to support our best friend in the Middle East, at the very time it needs us the most.

It is even more perplexing to realize that the Senate has already debated, and for all intents and purposes, resolved the substance of this issue. The Senate passed a long-term extension of MEPFA as part of the foreign operations bill, and this short-term extension is only necessary to get us to the point where the foreign ops bill becomes law.

Under these circumstances, its hard to imagine that the objection raised goes directly to the merits of the bill. I would hope that the points I have made would help to convince my colleagues of the importance of acting on this measure today, and if possible, immediately.

It troubles me that there is a willingness among some of my colleagues to jeopardize the Middle East peace process. I would hope on an issue of such critical importance to our Nation's security, we could put aside differences and deal directly with the matter at hand.

I am very concerned that we are running out of time—MEPFA expires at midnight tonight, and the House could go into recess early this evening. I hope very much that we can resolve this issue quickly, but if we cannot, there should be no doubt about the consequences and about where the responsibility lies. I am ready to pass this short-term extension here and now, and in all sincerety, I would ask anyone with an objection to come to the floor so that we might reach an agreement.

THE INTERNATIONAL WAR CRIMES TRIBUNAL FOR THE FORMER YUGOSLAVIA

Mr. PELL. Mr. President, today I wish to address an issue which holds great significance for the international world order. The subject is the International War Crimes Tribunal for the former Yugoslavia, a body which can contribute greatly to the reconciliation of the parties to this brutal conflict. As a guarantor of respect for the rule of law and for the protection of human rights, this tribunal supports the principles upon which any lasting peace must be founded. As the peace negotiations among the Bosnian Serbs, Croats, and Moslems begin tomorrow in Dayton, OH, today is an opportune time to reaffirm that the work of the tribunal is a separate but equally important step in the effort to rebuild civil society in the region. No matter the outcome of this round of negotiations, the work of the War Crimes Tribunal must go forward with strong U.S. support.

Mr. President, over the last few days, we have been horrified by a series of front page stories and photos of the terrible atrocities that have occurred in Bosnia. These press reports indicate that United States intelligence has been instrumental in locating mass graves in Bosnia. Those revelations, when paired with refugee accounts of the terrifying trek from Srebrenica to Central Bosnia, suggest that hundreds, perhaps thousands, of Moslem men and boys were murdered by the Bosnian Serbs. The United States should place a high priority on collecting information related to these atrocities and on making all evidence available to the War Crimes Tribunal. Just as the tribunals at Nuremberg punished the aggressors and facilitated the reconciliation efforts after World War II, so too must this War Crimes Tribunal redress the horrors that have occurred in Bosnia. I am proud to say that my father, the late Herbert C. Pell, a former Congressman from New York City, was President Franklin Roosevelt's representative on the U.N. War Crimes Commission that laid the groundwork for the establishment of the Nuremberg tribunal. Today, we must support this new tribunal to ensure that the injustices of the war in Bosnia are corrected.

The objectives of the tribunal are threefold: To deter further crimes by the war parties, to punish those responsible for war crimes, and to ensure justice during and after the process of reconciliation and reconstruction of Bosnia. Through the public identification, trial, and conviction of war criminals, the international community hopes to contribute to the peace process by demonstrating the strength and effectiveness of international human rights law. The U.N. Security Council created the tribunal in May of 1993, and the court convened for the first time in November of that year. Yet the progress of the tribunal has been slow. While 42 Serbs and 1 Croat have been indicated by the tribunal, only one person is actually in custody. The difficulties of taking defendants into custody are manifold, but this is not the only reason for the lack of progress.

The biggest obstacle facing the tribunal is funding. Recently, Secretary-General Boutros Boutros-Ghali placed restrictions on the work of many U.N. agencies—including the tribunal—to avoid a financial crisis in the United Nations. These fiscal restraints have seriously affected the tribunal by freezing the revenues needed to fund its work. Unfortunately, much of the responsibility for the U.N.'s debt can be laid at our own door. Throughout my tenure as chairman of the Committee on Foreign Relations, I consistently argued against the mounting American debt to the United Nations that today has reached $1.2 billion. Today, despite significant efforts on the part of the U.N. Secretariat to meet American demands for reforming its bureaucracy,

Congress is again voting for cuts in funding for the United Nations and its agencies.

A serious consequence for the tribunal of this loss of funding is the postponement announced last week of the only trial actually scheduled on the court's docket. Lawyers for Dusan Tadic, who is current the sole defendant in custody at The Hague, have requested and received a postponement of the trial until next year because of a lack of resources needed to prepare an adequate defense. Justice Richard Goldston, the chief prosecutor for the tribunal, has warned that the court will be unable to guarantee the accused's right to a fair and speedy trial without the appropriate resources. In addition, the tribunal has already been unable to send investigators into the field or to recruit lawyers and other personnel. Clearly, under the current financial crisis, the principles of the tribunal could be compromised.

Therefore, Mr. President, I believe that the United States should continue to offer financial and political support for the War Crimes Tribunal for the former Yugoslavia. Last year, I supported Senator LEAHY's amendment to the 1995 foreign operations appropriations bill that offered $25 million in goods and commodities to the United Nations for its efforts to investigate war crimes. Our contributions have been deeply appreciated and well used by the tribunal in its work. I would urge my colleagues to continue this type of support and demonstrate our firm commitment to international human rights law. As the world waits for the results of the negotiations in Ohio this week, let us remember that the work of the International War Crimes Tribunal is of equal significance in the reconstruction of the State of Bosnia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE 1872 MINING LAW

Mr. BUMPERS. Mr. President, I have just come from the second conference committee meeting on Interior appropriations. As you recall, in the first conference committee report there was a provision to take the existing moratorium on mining patents away so that the Bureau of Land Management would start issuing patents again.

Just for background information, the provision last year prevented the Interior Department from accepting new patent applications and prohibited Interior from processing existing applications except those 393 applications which had gotten relatively far in the process.

Today, the conference committee effectively rejected the patent moratorium even though when the original conference committee submitted its report to the House of Representatives, the House voted almost two to one not to accept it and to send it back to the conference committee between the House and the Senate to rework the mining patent provision. Well, they reworked it. They reworked it with Saran Wrap. It is so transparent that it does not even pass the giggle test.

What is so transparent about it? The new conference report says, we will continue the moratorium that we had last year until either: No. 1, the President signs a reconciliation bill that relates —think of it—to patenting and royalties; or No. 2, both the House and the Senate pass another piece of legislation relating to royalties, patenting and reclamation, even if the President vetoes that bill.

Mr. President, royalties, reclamation, and patenting are all in the reconciliation bill. They are scams, but they are in there. And so if the reconciliation bill is signed into law or if Congress includes the same sham provisions on another bill, the moratorium is off. The 233 patent applications that we have told BLM they cannot go forward with will be processed, will ultimately be granted, and the mining companies will receive thousands of acres of land containing billions of dollars worth of gold, silver, platinum and palladium, for which the U.S. Government will not receive one red cent. Let me strike that. They will receive a red cent. The reconciliation bill has a royalty provision. It will provide $18 million to the Treasury over the next 7 years.

I will let you be the judges, Mr. President and colleagues, is this a scam on the American people or not? Under the reconciliation bill, if these provisions stay, the Government will receive $18 million in royalties on Federal lands that are mined over the next 7 years. How much do you think the mining companies are going to take off the land in the next 7 years—Federal lands, patented and unpatented? I will tell you what it is: tens of billions of dollars of gold, silver, platinum, and palladium. And in exchange the taxpayers of this country will receive less than $5 million per year.

In the 123-year period, since the mining law of 1872 was signed by Ulysses Grant, the mining companies have extracted in today's dollars, according to the Mineral Policy Center, $241 billion—not million, billion—worth of gold, silver, platinum, palladium, and other hard rock minerals. What has poor old Uncle Sugar, Uncle Sucker gotten for that $240 billion worth of hard rock minerals? Zip, zero, nothing.

The argument is made that the mining companies create jobs, and they do. So does General Motors; so does RCA; so does General Electric. But we do not build billion-dollar buildings for those people to manufacture in, conditioned on them hiring somebody.

It is the most incredible thing. This is the seventh year I have fought this battle. In 1991, I came close. I came within one vote of stopping this. What do you think happened after that? The number of applicants for patents on lands skyrocketed. It scared the life out of the mining companies. I remember the Stillwater Mining Co., which was owned by a couple of paupers called Manville and Chevron. They applied for their patents on 2,000 acres of land in Montana 4 days after I came within one vote of winning this battle. What do you think there is under the 2,000 acres? There is $38 billion worth of platinum and palladium. That is their figure, not mine. They are the ones that say it is worth $38 billion. Two or three years ago representatives of Stillwater came to my office and said their situation was very dicy. "We are just not sure we can open this up. It may not be profitable."

So what happened? Last year Manville bought Chevron's interest in the mine and just recently Manville sold its interest to a group of public investors for $110 million plus a 5-percent royalty. They can deal with each other and retain overrides of 5 percent. But if you suggest they pay Uncle Sucker 1 percent, the hue and cry goes up in this body as though you have just defamed the Holy Bible.

When I said a moment ago that the provisions in the reconciliation bill were a scam, so transparent they would not even pass the giggle test, there is a provision in the reconciliation bill that is even worse, which says that the mining companies will pay "fair market value."

Now, does that not sound reasonable? You can go home and tell the Chamber of Commerce where they know nothing about this mining legislation, and somebody raises the issue: "But, Senator, how can you vote to give billions of dollars worth of gold and silver away that belong to the taxpayers and not get a dime in return? The mining companies are happy to pay up to 24 percent to private owners, but not one thin dime to the Federal Government. How can you justify that?"

Mr. Politician says: "I tell you how I justify it. I am going to make them pay and I have voted to make them pay fair market value."

Mr. Chamber of Commerce questioner says: "That sounds like a fair deal to me."

That is the end of the story, except for one little thing. Fair market value is defined as the surface, not the minerals.

So Stillwater Mining Co. which has 38 billion dollars' worth of platinum and palladium under their 2,000 acres will pay $10,000 under current law, and once the fair market value goes into effect they pay $200,000, or $100 per acre. Is that not something? Mr. President, $100 an acre for 2,000 acres of land, and the taxpayers of this country get the shaft again.

When you say "fair market value," I have a proposition for the mining companies: I would like to offer an amendment here for my colleagues to vote on, reversing fair market value. Define fair market value as the minerals, and we will give you the surface. They would knock that door down over there getting out of here.

Do you think they do not know what they are doing? Do you think the Senators who come in here and offer these outrageous proposals do not know what they are doing? I invite anybody to ask any Senator to explain one simple question: Why is it, Senator, that the mining companies are willing to pay the States royalties to mine hard rock minerals on State lands, why is it they are willing to pay up to 24 percent royalties on private lands, but if you suggest a 1 percent royalty on Federal lands, they are all going to go broke, shut down, and throw all those poor innocent people out of a job? I invite any Senator to come to the floor and answer that question.

Mr. President, 135 years is long enough. I thought maybe we could develop a little shame, so I raised the issue. How can you vote to cut $270 billion in Medicare for the elderly for their health care? Do not give me that wordsmith junk about how we are not cutting, we are just slowing the growth.

Mr. President, 75 percent of the people on this country over 75 on Social Security live on less than $25,000 a year. They are scared to death they will have a toothache and have to have a root canal. They are terrified of a cancer diagnosis, which they know will break them even if they are covered by Medicare. Mr. President, 50 percent go to bed terrified at night even thinking about the possibility.

So we routinely cut $270 billion from Medicare for the elderly. We cut Medicaid for the poorest of the poor. There were even proposals to cut out Medicare-Medicaid benefits for 13-year-old pregnant girls. Yes, I talked to a doctor Saturday afternoon who told me about witnessing the delivery of a baby of an 11-year-old.

Go to any indigent hospitals and find out what is going on in the world. We will take care of that. We will teach them reliance, independence. We will make good citizens out of them. We are going to cut their school lunches. We are going to cut Medicaid.

If you happen to want a college education, we are cutting education by 30 percent—the most massive cut in the history of the world in education. We are going to cut Head Start. We are going to cut school breakfasts when teachers tell me oftentimes that is the only decent meal the child gets during the day.

What are we going to do for the mining companies? We are going to give them carte blanche to mine all the hard rock minerals they want to mine off of Federal lands that belong to the taxpayers. Is that called corporate welfare? How can you call it anything else?

How can anybody with a straight face say we will balance the budget, and we are going to do it off the backs of the people who can least afford it, and we are going to give a $250 billion tax cut which is really a tax break for the wealthiest people in America.

Many people who make less than $25,000 a year and have children will never get a dime. If you have a wife and two children and you are making $100,000 a year and paying $10,000 in taxes, you get the whole smear. If you have a wife and four children making $20,000 or $25,000 a year and you pay no income tax, you do not get a dime.

What kind of tax equity, tax fairness is that? There is something seriously wrong in this Congress and there is something seriously wrong in this country when we routinely and almost cavalierly allow these giant mining companies all these hard rock minerals—billions of dollars worth every year—for nothing in exchange and penalize the most vulnerable people in America.

I do not often agree with the senior Senator from Texas, Senator GRAMM. However, when he says he wants everybody to start getting out of the wagon and help pull, I could not agree more. I say to these big corporate mining companies, many of which are foreign owned, get out of the back of the wagon and help the rest of us pull.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. 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. FAIRCLOTH. Mr. President, today I was stunned to see that the United States will consider paying $1 billion to the United Nations.

I was stunned because Mexico owes the United States $1.3 billion—it was due yesterday, and this administration told Mexico they did not have to make the payment on time—maybe later.

When I ran for the Senate in 1992, I said that I wanted to bring more common sense to Washington. This is a perfect example of our misplaced priorities, and our sense of fiscal responsibility.

Mexico owes us over $1 billion—due yesterday and they do not have to pay.

Even though the United Nations is den of waste and abuse with no reforms in sight, this waste and abuse has been going on for a long time.

On October 19, I introduced a sense-of-the-Senate, Resolution 185, that Mexico should repay its debts to the United States on time and in full.

None of these debts should be reduced or rescheduled. The sense-of-the-Senate also says that no further loans should be made to Mexico without specific congressional approval.

Mr. President, 2 weeks ago, in a big public relations move, Mexico made a $700 million repayment on the $12.5 billion in loans that it owes to the United States. However, Mexico owed the United States $2 billion on October 30, 1995.

By paying the $700 million early, they planned—and it worked—to avoid making the full payment, the remaining $1.3 billion, on October 30. Mexico bet correctly. This administration told them they did not have to pay. They could roll over the payment.

Mr. President, if Mexico does not make these payments on time in the beginning, these so called loans will quickly become foreign aid—they will not be paid off.

The Congress did not vote for foreign aid. The American taxpayer cannot afford more foreign aid. And the loans to Mexico should not become foreign aid.

The bulk of the United States loans to Mexico do not come due until 1997. They will not be fully repaid until the year 2000. But if Mexico cannot repay its short term loans on time—then I do not have any hope that the loans coming due in 1997 through 2000 will ever be repaid. They will roll it over into foreign aid.

This particular $2 billion loan has been extended now three times. This is an outrage. And what makes it worse is that the administration wants to throw away another $1 billion of taxpayers money, this time on the United Nations.

The United Nations has a huge bureaucracy. In 1993, the Bush administration found that the United Nations has no means by which to stop waste, fraud, and abuse by its employees. Mr. President, salaries for the 53,000 U.N. bureaucrats are 24 percent higher than for our civil servants. We are the ones paying the bills. They have a $12 billion retirement fund at the United Nations. The Secretary General makes more than our President. And we are sending money to support that type of extravagance.

These U.N. conferences are a waste of money and are boondoggles. There is no better description of them than a boondoggle. In 1996, one is planned in Istanbul called a City Summit held to address urban problems. One was held last March in Copenhagen called a Social Summit. From what we hear it

was quite the social occasion. And we all know about the cost of the Woman's Conference held in Communist China in September.

The highlight of the 50th anniversary celebration was their invitation to Fidel Castro—a Communist dictator—who got applause when he asked the United States to end the embargo against Cuba. I am sure this celebration cost the United States a huge sum of money. And that is what we will be paying for with the $1 billion they plan to send.

Further, Mr. President, there are now 16 U.N. peacekeeping operations around the world that are costing us over $1 billion a year.

The fact is that over the last 50 years we have paid the United Nations $96 billion. Current estimates are that we still pay 40 percent of the United Nations budget. We still pay 40 percent of U.N. budget. Yet, when a Communist dictator stands up to criticize this country, he gets a standing ovation.

Mr. President, the point of all this is the United States should be concentrating on collecting the money that is owed us and not finding ways to send more out. Instead, the Clinton administration spends its time and effort trying to appease the United Nations—and finds ways to spend tax dollars.

I want to put this administration on notice that I will do everything I can to stop the United Nations from getting this money until Mexico pays us back in full and on time.

Mr. President, I thank you.

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

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee conference on H.R. 1905 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 26, 1995.)

Mr. DOMENICI. Mr. President, it is my understanding that there will be a request for a rollcall vote on the adoption of this conference report. Therefore, I am advised on behalf of the leader that there will be another vote today expected on this conference report. We will work it as expeditiously as we can. But I understand one Senator wants to speak and will not be here until around 5 o'clock. So we will not finish any sooner than that.

Does the Senator from Arkansas wish to speak?

Mr. PRYOR. Mr. President, I thank the Senator from New Mexico. I think he just answered my question. I was just going to ask the Senator from New Mexico if he could give us approximately the time for a vote. I guess it would be sometime after 5.

I thank the Senator.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, I have a brief statement, and I believe Senator JOHNSTON will have a statement. And then we will proceed with questions and some colloquies.

Mr. President, I am pleased to present the conference report on the fiscal year 1995 energy and water development appropriations bill. This conference report on the bill, H.R. 1905, passed the House of Representatives earlier today, October 31, 1995, by a vote of 402 yeas to 24 nays.

The conference on this bill was held on October 24 and 25, 1995, and the conference report was printed in the CONGRESSIONAL RECORD of October 26, 1995. Since that time, the printed conference report has been available. Therefore, I will not elaborate on the disposition of all the items agreed to in conference.

The conference agreement provides a total of $19,336,311,000 in new budget obligational authority. This amount is $1,225,733,000 less than the President's budget request and $706,688,000 less than the enacted, fiscal year 1995 level. It is $653,854,000 over the House passed bill, and $832,841,000 below the Senate passed bill.

As you know, there are two principal functions within the Energy and Water Development appropriations bill. These functions are separated into defense and domestic discretionary accounts. The bill provides $10,656,458,000 in defense discretionary budget authority for the Department of Energy's atomic energy defense activities. This amount is $459,325,000 below the budget request but $552,678,000 above the current level. For domestic discretionary accounts, which include the U.S. Army Corps of Engineer's Civil Works Program, the Bureau of Reclamation, several independent agencies, and the nondefense activities of the Department of Energy, the conference bill provides $8,679,853,000. This amount is $766,408,000 below the budget request and $1,259,366,000 below the current level.

Due to this dramatic reduction in nondefense spending, our ability to fund new initiatives is extremely limited, and most existing programs are cut significantly below both the current year and the President's request. The conference bill makes significant reductions in the Army Corps of Engineers, the Bureau of Reclamation, solar and renewable energy, the Appalachian Regional Commission, and the Tennessee Valley Authority.

We have made some very difficult decisions in the nondefense activities of the Department of Energy. However, we have done our best to protect the basic science research capabilities of the Department of Energy. While we have made significant reductions in the areas mentioned above, we have held the line on biological and environmental research, basic energy sciences, high energy physics, and nuclear energy.

These are the fundamental basic science missions of the Department of Energy that we must maintain to ensure the best possible future for the Nation. These are missions relating to such areas as the human genome program and other medical research activities, global environmental research, materials and chemical sciences, and the physical sciences.

Title I of the conference bill provides appropriations for the U.S. Army Corps of Engineers' Civil Works Program. The conference agreement provides $3,201,272,000, which is $106,178,000 less than the budget request and $137,647,000 less than the current enacted level.

For title II, the Department of the Interior, the conference agreement includes a total of $844,342,000. This is $11,325,000 above the budget request and $27,057,000 below the current level. Within this total, the bill provides $800,203,000 for the Bureau of Reclamation, which is $11,325,000 more than the budget request and $31,033,000 less than the current level.

A total of $15,389,490,000 is provided in title III for the Department of Energy programs, projects, and activities. Of this amount, $10,639,458,000 is provided for atomic energy defense activities, which is $457,825,000 below the President's budget request and $553,611,000 above the current appropriated level.

Included in the total provided for atomic energy defense activities is $5,557,532,000 for defense environmental restoration and waste management. This amount is $429,204,000 below the budget request but $664,841,000 above the current level. The increase over the 1995 appropriation results primarily from the transfer of facilities from the old materials production account to the Defense Environmental Restoration and Waste Management program.

The conference action on DOE's Defense Environmental Management Program seeks, to the extent possible, to protect funding necessary to meet existing cleanup milestones established in compliance agreements. The conference agreement also seeks to reduce Environmental Management Program personnel at headquarters, where practicable, in an effort to apply available dollars to the cleanup effort.

Title IV, which includes appropriations for the Tennessee Valley Authority, the Appalachian Regional Commission, the Nuclear Regulatory Commission, and other independent agencies, provides $311,550,000 in budget authority. This amount is $57,513,000 below the President's request and $143,859,000 below the current year's level.

I recommend to the Senate that this conference report be approved promptly in order to complete action on this appropriations bill and clear it for the President's consideration and approval. It is our understanding that the President will sign this bill.

Mr. President, the House and Senate have worked hard for several weeks and have agreed upon a conference proposal which not only represents significant reductions from the current year's enacted appropriated levels, but is the leanest energy and water development appropriations bill since fiscal year 1990. We have heard the call of the new Republican majority to change the way Government does business and are proud to Present a bill that cuts budgets, cuts bureaucracy, and streamlines operations.

I wish to express my appreciation and thanks to our House colleagues led by the chairman of the House subcommittee, Congressman JOHN MYERS, and the ranking minority member, Congressman TOM BEVILL. I would like to express my continued admiration and respect for the distinguished Senator from Louisiana and our former chairman, Senator JOHNSTON and thank him for his hard work and support. Of course, I want to also thank my friend, the Chairman of the full Appropriations Committee, Senator HATFIELD and the ranking member of the full Appropriations Committee, Senator BYRD. It is always a pleasure to work with them both. Also, I want to express my appreciation to all the Senate conferees and staff members of the subcommittee.

Mr. President, obviously, on the domestic side of this budget, we are providing substantially less than last year and less than the President asked—that is what is happening in every domestic bill—and we think we have done it in such a way that should receive maximum support from the Senate. There was no objection to any of this in the conference by either our side or the Democratic side.

When it comes to defense, it is obvious that we are in a great transition period with reference to our nuclear deterrent capabilities and we are in a transition period as to what we are going to do for the next 40 years as we build down our nuclear arsenal and attempt to safeguard it and maintain it and make sure that our nuclear deterrent capability remains inviolate for the next 20 to 40 years.

A new approach to this is being taken in this bill. The roots are being laid for a concept called a science-based stockpile stewardship program wherein the three defense nuclear laboratories—Livermore, Los Alamos, and Sandia—will lead the defense activities in the preservation and safekeeping of the nuclear deterrent stockpile. This requires some new scientific capabilities because of one additional fact. That is, currently the United States has agreed that we will have no more underground testing of nuclear weapons. That used to be done in order to calibrate, in order to determine safety, wellbeing, longevity, and all kinds of things with reference to the system; that is, the nuclear deterrent system. We have decided as a nation not to do that, and so the science-based stockpile stewardship program requires that we engage the best of our science in producing new equipment and new instrumentation along with new computers to perform modeling of this capability so we can keep this arsenal safe, and the stewardship of it will be adequacy and deliverability at all times.

This costs a little more money than we had thought. Some new equipment is going to be built, a new facility at Livermore, and we have started that here in this bill. Los Alamos and Sandia will have a mission each with reference to it. In other words, we are going to be able to simulate one way or another what we used to find out in an underground nuclear explosion. And when we do that and do it right, we will be able to maintain the system by replacing parts and the like as we move toward building it down and maintaining it for a long period of time.

So for some who wonder what the Department of Energy does in the defense work, this is the hub of it. There are a lot of other things. But they are going to be charged—and the Defense Department has agreed with this new approach—with essentially doing what I have just described, and that is be the frontrunning institutions in the United States and hopefully in the world in seeing to it that our nuclear deterrent is always safe and deliverable and exactly what we expect as we move it down dramatically to a smaller number.

Now I yield the floor to my colleague, Senator JOHNSTON.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, one of the most able Senators I have ever served with is the distinguished Senator from New Mexico. He also happens to be one of my best friends in this body. So it is with real enthusiasm that I have undertaken to work on this appropriations bill with him. By and large, he has produced, considering the challenges, an excellent bill, for which I congratulate him. I congratulate his staff as well. Our staffs have worked together as a team. I have worked together as a team with him to produce this bill. So I have great praise for him and great admiration for him, and I might say great affection for him all at the same time.

Now, as sometimes is customary in this body, pride goeth before a fall and praise goeth before criticism, and while I mean every word of the praise, Mr. President, I am here to say that I cannot vote for the bill because of one particular area of this bill, which is called nuclear waste.

Mr. President, the conference agreement on the fiscal year 1996 energy and water development appropriation bill, H.R. 1905, provides $19,336,311,000 in new budget obligational authority, including scorekeeping adjustments. This amount is $707 million less than fiscal year 1995 appropriations, and is $1.225 billion less than the President's budget request for this bill. The agreement is $654 million more than the bill as passed by the House, but $833 million less than the bill as passed by the Senate.

I concur in the explanation and summary given by the senior Senator from New Mexico [Mr. DOMENICI], chairman of the subcommittee. I congratulate Senator DOMENICI on bringing his maiden voyage to this conclusion. This is his first appropriation bill as chairman, and he was the chairman of our conference committee also. I commend him for his hard work. I also want to express my appreciation to our House colleagues, led by our good friends Representative JOHN MYERS, of Indian, and Representative TOM BEVILL of Alabama. They have worked together as a team for many years and I am proud of our association. We have had a long tradition of bipartisan cooperation and compromise in this subcommittee, and I hope that spirit will continue. I would like to thank all of the House and Senate conferees.

Mr. President, I would like to mention several Louisiana items contained within the conference agreement. I am pleased that we have included authority for the Corps of Engineers to design and construct flood control improvements to rainfall drainage systems, in Jefferson, Orleans, and St. Tammany parishes in Louisiana. These areas have suffered disastrous floods due to torrential rainfall that occurred in southeast Louisiana in May 1995, which resulted in the loss of seven lives, inundation of 35,000 homes and estimated property and infrastructure losses exceed $3 billion. The chairman of the

House Appropriations Committee, Mr. LIVINGSTON, is to be commended for proceeding and I strongly supported the inclusion of this beginning in the conference report.

Also, included in the report is language directing the Secretary of the Army, acting through the Chief of Engineers, to design and construct a regional visitor's center in the vicinity of Shreveport, LA, as a part of the Red River Waterway project. The successful prosecution of this project which provides navigation from the Mississippi River to Shreveport, is a source of great pride to me. It is a project I have worked on during my entire career in the Senate, and navigation has now been completed.

The conference agreement also approves an amount of $7 million for the Biomedical Research Foundation of Northwest Louisiana to create the Center for Biomedical Technology Innovation. The center will serve as a focal point for the ongoing biomedical research and development that is carried out at many of the national laboratories, and for the clinical testing of products that result from that research. It will focus specifically on the development of instrumentation for minimally invasive procedures—including advanced imaging technologies—technologies for individual self care, telemedicine, and medical robotics. Priority will be given to those technologies which are most likely to reduce the cost of care. The center will be housed within the Foundation's Biomedical Research Institute, and managed by a consortium organized and led by the Biomedical Research Foundation.

Mr. President, the conference agreement, in nearly all cases, represents a fair and reasonable disposition of the differences between the House and Senate, and I hope the conference report will be approved. I regret that I cannot support the conference report.

Mr. DOMENICI. Will the Senator yield before he continues?

Mr. JOHNSTON. Yes, I will.

Mr. DOMENICI. I say that it has not been my privilege heretofore in all the years that we have served for me to chair an appropriations subcommittee and have my friend from Louisiana as ranking member. For the most part it has been reversed; if I was in the Chamber, he was chairman and I was ranking member. But that has not even occurred on this bill heretofore, and I cannot give sufficient accolades in this RECORD about this Senator. Frankly, I am going to miss him tremendously in the Senate, and I think the Senate is going to miss him because of the kinds of things he is going to say right now. It is true that there is a very, very serious deficiency in this bill, but I will answer it when he is finished and I thank him and his wonderful staff for all the help here and in the past as we put these things together. We have maintained a significant nuclear deterrent capability regardless of the criticism for the Department of Energy.

We have maintained that because of the stalwart service of Senators like BENNETT JOHNSTON on this appropriations bill. For those who are not aware of it, this is where the defense work takes place and is appropriated to maintain a nuclear stockpile. And over the years he has worked diligently in that regard.

There is a waste problem that comes from nuclear energy, and he is right, it is a serious problem. I do not believe we could have fixed it in this bill in that regard and disagreed. But I did want to make that statement before he proceeds. I say thank you very much to the Senator.

Mr. JOHNSTON. Mr. President, I thank the Senator for his generous remarks. Everything he says about what this bill accomplishes is exactly true. Mr. President, there is no more difficult nor unpleasant task in all of the Senate than dealing with the question of nuclear waste.

First of all, you have to disagree with your friends from Nevada, two of the most competent, most able, and two of my best friends in this Senate. But, Mr. President, it has been my job over a decade to have the principal responsibility for nuclear waste. Both as chairman of the appropriations subcommittee—this subcommittee—and as chairman of the authorizing committee, it has been my duty to keep it going.

Now, sometimes you try to do what is right and be with your colleagues. But, Mr. President, this program of nuclear waste is too big, it is too important, to deal with it on personalities. We have collected $10 billion for nuclear waste. We have spent $5 billion on nuclear waste and have almost nothing to show for it.

Mr. President, of all the programs in the Federal Government, there is probably more waste, there is probably more mismanagement through the years in this program than in any other program that I know of in the Federal Government. Not only that, Mr. President, it is a program which affects most Americans because there are over 100 reactors out there. There are about 80 reactor sites in this country, each of which is a potential nuclear waste dump unless we solve this problem, not to mention, in addition, the Hanford and Idaho National Labs, as well as Savannah River in South Carolina.

So, Mr. President, this is not an issue that is going to go away. It is an issue that is with us right now.

Now, what have we done in this bill? Mr. President, we have cut back to less than half the requested funding from the Department of Energy. What is that going to mean? By reducing funding to $315 million, we are going to have to stop all work on the environmental impact statement. We are going to have to stop the license application to the Nuclear Regulatory Commission. We are going to have to fire between 875 and 1,300 employees. There will be no work going forward on interim storage. It leaves only a research program with no prospect for completing the repository any time in the foreseeable future.

As a matter of fact, I have put quotes up there from the Director of Nuclear Waste, which says:

> Under the funding levels the program has historically received, the schedules for . . . start of operation in 2010 are not achievable . . .

That is, under funding levels that they have historically received, which is higher than this level.

> A flat funding profile would be insufficient to carry out the program of developing geologic disposal capability by 2010 as currently projected.

That is, if we had level funding at higher levels than this bill calls for, we will not get nuclear waste capability by 2010.

What that means, Mr. President, is it is going to cost the consumer of electricity from $5 to $7 billion additional, because that is what they have to pay for temporary storage onsite up to 2010. That does not carry us beyond 2010.

You can spool those figures up. It is going to cost that $5 to $7 billion, while at the same time we have collected $10 billion for DOE to solve the problem the DOE cannot solve. It cannot solve it at these levels of funding problems. We are paying for it twice and not solving the problem.

Mr. President, if you want to get a scandal that the people can understand out there, then do something like let somebody charge up a meal with a bunch of drinks or something to some defense contractor or somebody in the Federal Government. Everybody gets all exercised. They understand that they are cheating on the Federal Government. They are cheating, you know, violating some ethical rule.

But when you have a program of this size, the sheer enormity of it seems somehow to pass everybody's consciousness. Well, it may pass everybody else's consciousness, but I had responsibility for this, and I want to put in the RECORD what is happening. Ten billion dollars has been collected, and there is no way to solve the problem at these funding levels. You are going to have to spend another $5 to $7 billion, with a "B." Mr. President, those are not incidental dollars; those are huge dollars.

Then what is the American public going to say a few years from now when I guess somebody is going to finally wake up? They are going to say, "What have you done with all that money and the problem is not solved?"

The problem cannot be solved—the Director tells me, Dr. Dreyfus tells me, at this level we will never solve the problem. His official quotes do not say that. It says:

If the program receives funding at the levels contemplated in the Administration funding proposal, the Department would be able to carry out the program . . . .

Any major reduction . . . would require restructuring of the program plan with significant delays . . . .

Now, look up there at the top and you get the DOE request; $630 million was requested this year. We are down to $315 million. Next year it goes up to $684 million, then to $713 million, then to $732 million.

At the rate we are going, Mr. President, we will be lucky to maintain the $315 million, which means you cannot solve the problem.

Now, what does the administration say? The administration says—privately they will tell you, "Look. This is an election year." At least that is what they say inside. But officially they say, "We should not put any interim storage out at Yucca Mountain until we determine whether the site is suitable." They do not define what suitability in the site is, but a few years ago they said, "If we have this funding at that level, we can determine suitability by the year 2002." That means if you give them that kind of money. So if you do not give them that kind of money, according to that definition at that time, it would be, I guess, who knows when before you would determine even suitability of this site.

Mr. President, you cannot solve the problem. Look. Rather than do what we are doing now—and I have been trying to get this at Yucca Mountain—we honestly ought to abolish this program, abolish the tax, and let the nuclear utilities have the responsibility for their own program and have the money with which to do it. That would be much better than playing out this charade.

Mr. President, it is a charade. The President does not want to solve it. The Congress seems to be incapable of solving it. The antinuclear activists out there, of which there are many, they do not want to solve it because by not solving it then they are able to show that nuclear energy does not work.

Let me tell you, Mr. President, people are not going to build nuclear utilities in this country, not at any time for the foreseeable future, and we can foresee a pretty long time. And that is because of the economics of this program. They do not need to try to kill this program in order to try to make nuclear energy nonviable. That has already occurred. All they are doing is creating a problem all across this country and creating a big expense for taxpayers.

There is a conspiracy here, in effect, Mr. President: The administration, which has a do-nothing attitude; the antinuclear groups, of which there are many; and many out there who want to kill the program; and, believe it or not, the scientists.

You say, "scientists. They are supposed to be the ones in there trying to solve the problem." There is a phenomenon, Mr. President, in our Government now where sometimes you call on scientists to make a judgment in which they may not have a direct interest but their discipline has an interest, and it is sort of like, if you ask the scientists what has to be done, they will give you the most expensive answer because that is in the interest of the science. It is kind of like asking the trial lawyers, "What do you think we ought to do on damage awards? Should we decrease damage awards?" They would say, "Oh, no. You have got to watch out for the victim."

Well, the scientists, unfortunately, Mr. President, always go with the most expensive thing. We asked the National Research Council, a part of the National Academy of Sciences, to study one aspect of this thing and to look into the question of human intrusion. In other words, when you go to build a repository, how much of a safeguard do you have to put on that and to what standards must you build that? Let me tell you what the National Research Council said. I really want to get this off of my chest because I have been seething ever since we got this report. It is the most outrageous thing I have ever seen by a scientist. It says:

We considered a stylized intrusion scenario consisting of one bore hole of a specified diameter drilled from the surface through a canister of waste to the underlying aquifer.

What that means is that when we get around to building the repository, in order to ensure its safety, we must ensure that somebody is going to put a derrick up there and drill a hole down which pierces one of these canisters and goes down to the underlying aquifer. You say, how could that possibly happen? You have fences out there and you have guards. I do not know how it happens.

I can think of a couple of scenarios. One would be that a meteorite hits the country and destroys civilization, as it did—that is the notion, at least—when the dinosaurs died. Another is that you have some big volcano that virtually kills all life except maybe some cavemen, a few who survived and are able to rebuild civilization; or a nuclear war that virtually wipes out all civilization, except some people in caves.

I must say, Mr. President, if those scenarios happen, then why are you worried about nuclear waste anyway? I mean, civilization is gone. But if civilization survives, there is no way that you would not know that the Yucca Mountain repository is there. There is no way you would not know that. We are not going back in civilization, back in the time of the ancient Greeks, when the location of the town of Messinia was lost and they went back in and dug and found out where it was. Mr. President, civilization is marching forward, not backward. We are not going to get into the situation where, some day, people are going to be digging up there and find out that New York City was up there on the Hudson River. They are going to know that. They are going to know where Yucca Mountain is. But just assume that this takes place and civilization is wiped out. How are they going to drill this bore hole through Yucca Mountain and happen to hit a canister?

Well, there are two assumptions. One is that they know what they are doing. If they know what they are doing, they are not going to be drilling on Yucca Mountain because there is no mineral activity out there by which you would drill a hole. The second is that they do not know what they are doing, and they are going around randomly drilling holes all over the country.

Now, what do you think the chances are, Mr. President—a scientist ought to be able to tell you what the chances are, if you are doing a random hole in the thousands upon thousands of square miles in the United States, and you have one little area that is a nuclear waste dump, and of the nuclear waste dump, most of it does not have the canisters, just what are the chances of that? Is it 1 in 10 billion, 1 in a trillion, 1 in 5 trillion? These scientists ought to be able to say that. But indeed, no, they say that you have to assume "one bore hole of the specified diameter drilled from the surface through a canister of waste to the underlying aquifer."

How did they penetrate this without knowing that they have penetrated a canister? It is the most absurd thing. In any event, I digressed for a moment just to tell you what we are up against on this program. We have the scientists, we have the administration, we have the antinuclear activists, we have the people in Nevada, none of whom want to put in this program, all of which would be fine if we were starting out with a question of whether we are going to do nuclear energy or not, you could take this into consideration.

But, Mr. President, we have nuclear waste now. We are generating it at the rate of about 2,000 metric tons each year. There are 30,000 metric tons of nuclear waste now stored, principally, in what we call "swimming pools," where you basically put the rods down in pools of water, unprotected from anything. That is the only plan we really have. There are 67 powerplants in 32 States that will have run out. By the year 2010, we will have 85,000 metric tons to be stored.

Mr. President, we just simply cannot ignore this problem. I proposed an

amendment, Mr. President, in the conference committee which said, let us do the long-lead-time things we need to do, the environmental impact statement, the preliminary design, on an interim storage facility, and if you cannot start construction until 1998 and if, in the meantime, it is found to be not a suitable site, then you would stop all activity on both the interim storage facility, as well as the final storage—the repository, the underground facility, and move on to some other place.

Now, Mr. President, that was rejected by the conference—rejected on the grounds that a bill is moving through the House, and that that bill will have a chance to be enacted next year. Mr. President, next year we have the same problems we have this year. That is, you have an administration that would oppose that bill, that has threatened to veto that bill, and you still have to produce the same 67 votes—only next year is an election year.

Just what are we going to do, Mr. President? We are collecting the money—$10 billion is already collected—and we have spent $5 billion. We have a program which the director says cannot work. We are facing an assurance of having to spend some $5 billion to $7 billion between now and the year 2010 on temporary storage, and that is not funded. That is going to have to be paid for by the utilities.

Mr. President, I will be retiring from the U.S. Senate at the end of next year, and I am sure my friends from Nevada—though we are good friends—will perhaps breathe a sigh of relief and will say this guy who has been trying to cram that nuclear waste down our throats in Nevada is gone and our problem is solved. Well, Mr. President, if we are not to do this activity in Nevada, then I say it is time to terminate the program in Nevada, terminate the collection of the tax, and move on to an alternative program. Let the utilities themselves build their own, what we call, "dry cast storage" on-site. That is the activity that is going to cost the $5 to $7 billion between now and the year 2010. Or, if there is another site other than Nevada, then let us start picking that site. Let us start looking at others. I think they have a formation up in Maine which was suitable; and Texas, down in Deaf Smith County, I believe it was. Another one is up in Hanford. There was a site down in Mississippi. Potential sites are all over the country. Of course, there is the Savannah River. There was one in Tennessee. Let us start looking at those sites, because you have to put it somewhere. It either has to be on-site or somewhere.

Like the old joke about somebody who was found by an irate husband in the closet of his home and he said, "What are you doing there?" and he said, "Everybody has to be somewhere."

Believe me, nuclear waste has got to be somewhere. What we are saying in the Congress is that we do not know, we will put the problem off. Mr. President, I have seen this problem put off year after year after year while the cost escalates.

It was back in 1982 when we passed the Nuclear Waste Policy Act. That act called for us to pick three sites—first a larger number of sites and whittle that down to three sites—and then the three sites would be "characterized." That is, determined whether the three sites would be suitable as a place for the repository, and then the DOE was to pick one of those three.

When we first passed that legislation, the cost of characterization was supposed to be $60 million per site. I thought, just to determine whether a site is suitable—that is outrageous. I remember thinking that so clearly.

A few years passed and we had a hearing on it and we asked what was the cost of characterization and activity that was going forward at that time. They said, "Well, it is going to be $1.2 billion per site."

I then introduced legislation to call on the Department of Energy to pick one of the three sites and characterize that and thereby save $2.4 billion. My version did not pass because when it got to the conference committee with the House they said go ahead and name Yucca Mountain—do it politically, not scientifically. They had the votes.

It so happened that the Speaker of the House was from Texas, one of the three sites. The majority leader was from Washington, the other site. That left Nevada. Nevada got picked. I must say in all fairness Nevada probably would have been scientifically picked at least. That was the indication I got at the time.

But I think Nevada had a proper cause to complain because it was, in fact, a political decision rather than a scientific decision, although that might well have been the place where it would have been picked.

We then proceeded with Yucca Mountain. What has happened in the meantime, we are now told that the cost of characterization of Yucca Mountain is not $60 million as initially estimated, not $1.2 billion as later estimated, but $6.3 billion—not to build the facility, just to determine whether it is suitable.

How in the world did it go up that much in cost? Well, I think to a large extent because these scientists made these kind of determinations that you have to assume all kind of silly scenarios like drilling bore holes down through the canisters, like doing every conceivable study to keep these scientists busy for the rest of their lives and for their sons' and grandsons' and granddaughters' lives ad infinitum.

It is an expanding scope of work which probably is not capable of being done no matter how much money we put in here and certainly not at the levels that are contained in this bill.

Mr. President, I hate to sound a discordant note on what is otherwise an excellent job that the Senator from New Mexico has done. In his defense, he has a bill to pass. He has responsibility for that bill. The President has said he would veto this bill if we came up with interim storage. I can understand that judgment. I have a lot of sympathy for that judgment. I say that in his defense.

At the same time, Mr. President, this body needs to understand, the Congress needs to understand, the nuclear industry needs to understand, the American public and taxpayers and ratepayers need to understand that they are being made the victims of a gigantic shell game, a great rip-off, in which $10 billion has been collected, $5 billion has been spent, and there is no way to solve the problem in the direction we are going.

It will not be solved. People out there who think the Congress has a program that will eventually lead to a repository, they are wrong, Mr. President. It will lead to nothing but an endless stream of money stretching from here to infinity, with no waste dump at the end.

What will happen in the meantime is that the ratepayer will not only have to pay that $10 billion already paid, but the tax at 1 mill per kilowatt hour will continue, and in addition to that, the ratepayers of these utilities—these 80 sites around the country—their ratepayers will have to pay for temporary storage on site. Mr. President, $5 billion to $7 billion worth between now and the year 2010.

Now, are we going to pass that authorizing legislation later this year or later next year? Mr. President, I hope so. But I can say I have no confidence that is so. The history of this program has been delay, avoid the tough decision, get by until after the next election, get by until after the next career, make an excuse, spend some more money, fund some more scientists, and never, whatever you do, do not ever look at the program. Do not ever analyze what they are doing. That can be very, very, disquieting when you find out some of the incredible judgments which have gone into this gigantic waste of money.

It has been, Mr. President, it has been just incredible to consider what has been wasted on this program. No one looks into it—at least no one listens to the alarms—because no one seems to understand.

We talk about the bore holes; what does that mean? The scientists must have a reason for that, right? EPA set a carbon 14 discharge level of one-millionth background radiation, for the amounts of the carbon contained in the body naturally. Nobody said anything.

We tried to straighten that out with legislation. We gave it to the scientists and all we got was babble.

This report is an embarrassment to the National Academy of Sciences, Mr. President. It is almost unintelligible. The nuclear waste director says this means that you cannot build a repository—cannot build one no matter how much money. It just cannot pass the test.

Some of the scientists who did the report said, "Oh, no, this will make it easy to do it." It is babble, Mr. President.

Mr. President, I hope by my little soliloquy here on the floor today that we can awaken a little interest in this subject, that we can alert people who ought to be interested in it, people in the nuclear industry ought to be interested in this. Ratepayers ought to be interested in this. The National Association of Regulated Utility Commissioners ought to be interested in this.

Some years ago they said look, if you do not get this program straightened out, we are going to discontinue allowing you to rate base the 1 mill per kilowatt hour fee. That means that they were going to not pass it on to customers because it was a program that could not work, but we are going to require utilities to eat it—that is, to have their stockholders pay for it. I am telling you, this program cannot work. Who says so? Dr. Dreyfus, who is running the program, says that at these levels of funding, you cannot have an appropriate program. You cannot have a workable program.

I hope we get a little attention here. I hope early next year we can pass legislation. If we cannot, we ought to shut this program down.

I would like to reiterate my praise for the distinguished chairman of this committee for, otherwise, a very good bill. This is not his fault, because he is operating under a veto threat. But it, unfortunately, is going to be his responsibility because he now occupies the position which I did for so many years, which is the guy who has to make the program work. And as of right now, it is not working and cannot work.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me once again compliment my friend from Louisiana, Senator JOHNSTON. I am not sure how many people were listening today. But I tell you, there ought to be a lot. Because you have just expressed and explained thoroughly one of the real disasters, in terms of the U.S. Government's inability to cope with a serious problem in a realistic way.

I can recall about 3 years ago when Senator JOHNSTON was presiding, the issue came up and this project was then going to cost about $3.7 billion. It now comes close to $6 billion, I understand—a little more than the $5 billion the Senator indicated. One of the Senators on the committee said, "How much do you think it would cost to build it?" Everybody scurried around. "Build the facility?" The conclusion was it would cost far less than we are going to spend characterizing the mountain.

He gave a rather practical suggestion, it seemed to me. You give this suggestion to average Americans, they would have said, "Do it." He said, "Why don't you just build it and then find out after it is built? Do all the kinds of tests you want as to whether it will succeed. If it will not work, close it down. At least you will have something there finished and completed." Now we are just boring holes in and doing scientific work to try to achieve a goal that seems like, scientifically, the standards have been set so high we are never going to achieve it.

We do not have any disagreement on it. I think at this point we are never going to get that depository finished. We are never going to prove up the requirements. There are going be more lawsuits around, and you will never get a permanent repository in that site—not for a long time, if ever.

So the issue comes, as I see it, what do we try to do on this bill? Let me suggest, so there is no doubt about it, we would have put an interim storage facility in this bill and it would have been sited in the State of Nevada, but for the fact that the President of the United States has sent a rather clear signal through his high-level staff that they would veto a bill that designated that site or any other site specifically.

I might say to my friend from Louisiana, as hard as he tried with his amendment, when he finished it all, it was actually designating Nevada as the site before we really knew that we would have a final site here. He couched it differently but that is a truism.

Essentially, what he, the President of the United States, was saying, and his advisers, was: Do not site it there unless the permanent repository is there or we will veto it.

The Senator from New Mexico has very few alternatives. What I wanted to do was to spend $400 million in this bill and use $85 million to move ahead with the temporary facility, the temporary storage, the interim storage. But we cannot do the interim storage without an authorization bill or without a President signing something. I think my colleague would agree with that. Whether he signs an appropriation bill or authorizing bill, the President of the United States has to sign something for Congress to be able to fund an interim storage facility there or anywhere, because the law does not now permit the Federal Government to build such a facility anywhere.

Having said that, it is clear to me that we ought to at least provide some money in this bill to fund the eventuality of us getting an authorizing bill through here that the President would sign.

I say to my friend, Senator JOHNSTON, I do not deny the authenticity and truthfulness of his remarks, because he is suggesting it probably will not happen, the President will veto it. It is an election year. But I think we had to do some work and say here is some money. So we fenced $85 million in this bill—put a fence around it—and we said it will be spent for an interim facility if in fact this is authorized and permitted by the Government of the United States. That money is sitting there. We are saying to the legislators in the authorizing committees here in the Energy Committee, its counterpart in the House: Pass a bill. You can start the project.

Will the President sign it if we pass it? We do not know. But let me suggest we cannot stall this too much longer. Sooner or later, a President must sign something that will let us move in a different direction.

My original plans were $400 million, $85 million fenced for the interim facility. It turns out that I left the bill that way, and I am fully aware that the $315 million does not satisfy the Director of the program, Mr. Dan Dreyfus' needs to keep this program going on schedule as he wanted it going on schedule. But we were going to tone it down some. If we were building a temporary facility, we were going to cut the expenditures on the permanent facility and spread it out a lot longer. I think we are still on that path.

I might say for the record, this Senator is not going to be carrying this bill very many years on this floor with funding for the permanent deep repository if we have not solved the issue of an interim storage facility. In fact, I may not carry it one more time without that, in terms of continuing what seems to me to be a borderline hoax, in terms of promising the American people we are going to have an underground permanent repository.

The reason I say that is because, in spite of the good work by the current Director, Mr. Dan Dreyfus, who used to work for the Energy Committee—and we are all very, very complimentary of his work—the rules and regulations that we live by, under that project, just may be so that man cannot comply. It may be we cannot comply.

So I hope everyone understands today on the floor of the Senate, with very little attention, some very, very serious remarks have been made about the competency of this process, of the legislative process and the President, to work to get something done that must be done.

I want to add one other comment. The Senator might not remember it,

but I remember it. I speak to my friend from Louisiana. I think some of us figured, when then Senator Gary Hart of the State of Colorado proposed that we had to close the loop on atomic energy and had to have a permanent repository, I think some of us were thinking, "Well, if that gets out of hand, it is calculated to stop nuclear power."

In fact, we may go back to the RECORD and find that either you or I said that. We might have said it. That is what it was. It was an approach that said you need to close it at the tail end with a permanent repository. If you cannot do it, then you cannot have nuclear waste and therefore you cannot have nuclear energy.

The calculation is coming true. Not because we cannot do it, but because we refuse to do it in a commonsense, practical way that is really consistent with engineering and science achievement. So that is about where we are.

I ask unanimous consent to have the letter printed in the RECORD wherein the President's staff indicates they would veto this bill and move onto another project.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 13, 1995.

Hon. PETE V. DOMENICI,
Chairman, Subcommittee on Energy and Water Development Appropriations, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on H.R. 1905, the Energy and Water Development Appropriations Bill, FY 1996, as passed by the House and by the Senate. As you develop the conference version of the bill, your consideration of the Administration's views would be appreciated.

The Administration is committed to balancing the Federal budget by FY 2005. The President's budget proposes to reduce discretionary spending for FY 1996 by $5 billion in outlays below the FY 1995 enacted level. The Administration does not support the level of funding assumed by the House or Senate Committee 602(b) allocations. The Administration must evaluate each bill both in terms of funding levels provided and the share of total resources available for remaining priorities. The House-passed version of the bill is $1.8 billion below the President's request, and the Senate version is $0.3 billion below the request. With respect to the overall funding levels for programs covered by H.R. 1905, we generally prefer the Senate's recommended funding levels.

The Administration has very serious concerns about certain language provisions that may be included in the final bill. One is a provision that would direct the construction of an interim storage facility for nuclear wastes at a specific site. Others are provisions that would override environmental and other laws in specific situations, such as those concerning the Bonnevile Power Administration fish program and, potentially, the Animas/La Plata water project. If these provisions were contained in the final bill, the President's senior advisers would recommend that he veto the bill.

Since taking office, the Administration has developed and implemented a number of policies to increase government efficiency, known as "Reinventing Government," and to concentrate resources on investment programs critical to ensuring a strong economic future. The Administration is disappointed that neither the House nor the Senate, in action on this bill, has been more sensitive to these priorities.

DEPARTMENT OF ENERGY—NUCLEAR WASTE DISPOSAL FUND

The Administration strongly objects to any language that would designate a nuclear waste interim storage facility at a specific site. Any potential siting decision concerning such a facility should ultimately be based on scientific analyses. If an interim facility is to be developed, FY 1996 spending on it should only be devoted to non-site-specific design and engineering, with the majority of FY 1996 monies in this account continuing to support the scientific investigation of the proposed permanent waste repository.

The Administration is disappointed with the funding levels in both the House and Senate versions of the bill for the Civilian Radioactive Waste Management program. The Administration urges the conferees to consider seriously the funding level proposed in the President's budget in order to support fully the scientific work on the permanent repository program.

BONNEVILLE POWER ADMINISTRATION (BPA)

The Administration strongly opposes the inclusion of section 509, General Provisions, in the Senate version of the bill. This section, though somewhat vague, would limit BPA's annual fish and wildlife expenditures and introduce language specifying that BPA's spending is adequate to meet environmental requirements, which overrides existing environmental laws. The inclusion of such an override is unacceptable to the Administration. The Administration is working with the Congress and the various interested groups in the Northwest to try to identify a core program of fish recovery activities that could provide a stable base for several years at a reasonable cost.

DEPARTMENT OF ENERGY—GENERAL

The Administration is committed to maintaining the Department of Energy and to moving forward in its restructuring and realignment. We are disappointed that both the House and Senate propose to cut the Department significantly below the FY 1996 request in many areas. Although the Administration appreciates the Senate's overall restoration of nearly $250 million in reductions made by the House to the request for energy supply, research and development, we are concerned about the remaining cuts to many key areas, including the Climate Change Action Plan initiatives and the Department's global climate change research and technology development efforts.

DEPARTMENT OF ENERGY—NUCLEAR ENERGY

The Administration strongly objects to the House action that would eliminate funds requested for the Department of Energy to assist countries with Soviet-designed nuclear power plants in addressing the health and safety problems posed by these plants. The requested $83.5 million was substantially restored by the Senate. Failing to provide these funds would undercut the nuclear safety program developed in concert with other G-7 countries, countries of Central and Eastern Europe, and the New Independent States of the former Soviet Union.

The House version of the bill does not provide the $3.9 million requested for completing the processing and stabilization of North Korean spent fuel, which is currently underway. The fuel stabilization effort is important because it will help to ensure that this fuel is not processed to recover plutonium. This program is part of a United States commitment to encourage North Korea to abandon its nuclear weapons program. This key non-proliferation goal would be threatened by the House's action. The Administration urges the conferees to provide the full $3.9 million, as recommended by the Senate.

DEPARTMENT OF ENERGY—SOLAR AND RENEWABLE ENERGY PROGRAMS

Both the House and the Senate propose significant cuts to the Administration's request for solar and renewable energy research programs. These programs help to create jobs, increase energy security, and protect the environment. The House version of the bill, in particular, would eliminate or drastically reduce many programs that have been making notable technical progress, including many of the most cost-effective implementation programs for reducing greenhouse-gas emissions. The Administration urges the conferees to provide funding at least at the Senate level.

DEPARTMENT OF ENERGY—DEFENSE PROGRAMS

The Administration believes that the Senate additions above the President's request for nuclear weapons stockpile management are unnecessary, especially given the deep cuts made to many of the President's investment initiatives in both the House and Senate versions of the bill.

The Administration strongly urges that the conferees provide the Department of Energy with the flexibility to implement dual-use Cooperative Research and Development Agreements in the weapons programs.

The Administration objects to the House's proposed elimination of funding for detailed design of the National Ignition Facility (NIF). The Senate proposal to fund the NIF at the President's requested level would simply allow design work to continue without delay and would not initiate any construction activities.

DEPARTMENT OF ENERGY—ENERGY RESEARCH

The Administration commends both the House and Senate for supporting the Science Facilities Initiative. However, funding levels proposed by both the House and Senate for the U.S. Magnetic Fusion Energy program send a clear message that the program must be substantially restructured. While the Administration concurs in principle, the President's Committee of Advisors on Science and Technology has concluded that funding over the next several years must be at the level of $320 million to preserve the most indispensable elements of the U.S. fusion effort and associated international collaboration while maintaining momentum toward the goal of practical fusion energy. The Administration urges the conferees to provide at least $275 million for FY 1996.

DEPARTMENT OF ENERGY—DEPARTMENTAL ADMINISTRATION

The Administration is concerned about the personnel implications of both the House and Senate cuts to the President's requested level of funding for the Department's departmental administration. Funding at least at the House level is necessary to provide an orderly downsizing and to ensure proper departmental oversight during a time of substantial change at the Department.

ARMY CORPS OF ENGINEERS

The Administration is disappointed that both the House and Senate have rejected a budget reduction strategy for the Army

Corps of Engineers that would commit resources to those missions with the Clearest Federal role, while devolving others to State and local governments. Given this rejection, the Administration plans to continue to work with Congress on a budget reduction strategy for the Corps. The Administration urges the conferees to remove language contained in both the House and Senate versions of the bill that would limit the flexibility of the Secretary of the Army in his current efforts to restructure the Army Corps of Engineers.

The out-year cost of unrequested new starts is a concern, even though the first year cost is relatively small. For example, those in the House version of the bill would only cost $10 million in the first year, but would require $650 million to complete fully. The Administration urges the conferees to trim the list of projects, especially in the area of beach and shoreline protection projects.

The Administration is disappointed with the decision of the House and the Senate not to provide funding for several much-needed environmental studies and research activities. The Administration requests that the final bill provide flexibility for the Corps to allocate its wetlands protection funds to activities deemed to be most effective.

BUREAU OF RECLAMATION

The Administration urges the conferees to adopt the House level of funding for the Bureau of Reclamation's Safety of Dams Corrective Action program. This funding is necessary to accomplish needed repairs to Federal dams.

OTHER INDEPENDENT AGENCIES

The Administration commends the Senate for restoring funds for the independent river basin commissions. The restored funding is in keeping with the increasing emphasis on State and local resource and project management for local flood control.

We look forward to working with the conferees to address our mutual concerns.

Sincerely,

ALICE M. RIVLIN,
Director.

Mr. DOMENICI. Let me go through Animas-La Plata—Animas-La Plata and some sufficiency language which would have deemed that project to have complied with all environmental requirements; that is what the word "sufficiency" would have meant. In conference, language was sought to make it sufficient with reference to environmental requirements. Obviously, the President's staff—the chief advisor said in that same letter, which is now in the RECORD, that if sufficiency language, getting rid of any future environmental contention regarding that project was put in, they would also recommend a veto.

It is hard to tell how many of these are for real, when a President's staff says it. But I took this one as pretty serious and a compromise was worked out. I am going to put my interpretation of that compromise in the RECORD.

Suffice it to say, there is no sufficiency language in this bill. There is language that says we should proceed with the project, but it is clear that no environmental contests are waived. So that means, on the one hand, we are starting to fund the project here in this bill with another piece of money—$10 million. And we are saying, let us proceed. But we do in no way waive any challenges that might be made to it.

Mr. President, I have a few brief comments about language included in the energy and water conference report that pertains to construction of the Animas-La Plata water project. The language in the report directs the Secretary of the Interior "to proceed without delay" with those portions of the project identified in the October 25, 1991, final biological opinion.

There has been much talk about just what this language means. Specifically, opponents of the project have attempted to paint this as so-called sufficiency language exempting the project from any further environmental analyses required by Federal law. Mr. President, this is not the case. The report language does not override existing Federal environmental requirements, nor does it prevent further judicial review. Consequently, those who say this report language is an attack on the environment or a subterfuge of the judicial process are simply wrong.

At the same time, however, the language makes it clear that the Congress is absolutely committed to the swift and successful completion of this project. Under the terms of the 1988 Colorado Ute Indian Water Rights Settlement Act, the United States has a trust obligation to the Southern Ute and Ute Mountain Ute Indian Tribes to complete the project.

The final bill provides $19.3 billion in budget authority and $11.5 billion in new outlays to finance the operations of the Army Corps of Engineers, the Bureau of Reclamation, the Energy Supply Research and Development and Atomic Energy Defense and Related Programs of the Department of Energy, and several independent agencies.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $19.3 billion in budget authority and $19.7 billion in outlays for fiscal year 1996.

The subcommittee which I chair is within its section 602(b) allocation for both budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

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

ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	4,039
H.R. 1905, conference report	10,656	6,402
Scorekeeping adjustment	.....	.....
Subtotal defense discretionary	10,656	10,441
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	4,171
H.R. 1905, conference report	8,680	5,100
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	8,680	9,271
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	.....
H.R. 1905, conference report	.....	.....
Adjustment to conform mandatory programs with Budget Resolution assumptions	.....	.....
Subtotal mandatory	.....	.....
Adjusted bill total	19,336	19,712
Senate Subcommittee 602(b) allocation:		
Defense discretionary	10,928	10,632
Nondefense discretionary	8,680	9,272
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	19,608	19,904
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−272	−191
Nondefense discretionary	−0	−1
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−272	−192

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I think Senator MCCAIN has been waiting. I yield the floor.

Mr. MCCAIN. Mr. President, I have been informed by the Senator from North Dakota that he is going trick-or-treating with his children tonight at 6. I find that a transcendent priority. I will be extremely brief and submit my written comments for the RECORD. I hope all my colleagues will also make their comments brief so it is possible for those Members with children to be able to partake in this time-honored family tradition.

Mr. President, I will be relatively brief. I am again disturbed to find unauthorized projects and unappropriated projects in the conference report. I have said to the Senator from New Mexico on numerous occasions that deprives me of my ability to scrutinize, and vote, if necessary, on projects. It is my initial screening—as I say, I will submit a written statement for the RECORD—20 unauthorized projects are in this, ranging understandably from Petersburg, WV, to Arkansas City, KS, New Orleans, LA, White River, IN, to a Pennsylvania environmental pilot program. The conference report modifies the bill by increasing the authorization from $17 to $50 million for water and sewer projects. Mr. President, $3.5 million is appropriated in the conference report. The authorization is only available for projects within two Members' congressional districts.

Mr. President, this is wrong. It is wrong to do that.

There is funding for the central Indianapolis waterfront concept master plan.

Mr. President, the Corps of Engineers' authority is not to be involved in waterfront master plans unless it has to do with flood control.

The Arkansas City flood control project in Kansas was unauthorized. I will read several of them.

The Homer project in Alaska, $3.8 million; Dog River, AL, project, $200,000; Sacramento River, CA, $300,000; West Dade, FL, $150,000; Holmes Beach County, FL, $150,000; Ohio River, Greenway, IN, $500,000; Indianapolis waterfront, $2 million.

Mr. President, none of these have been authorized. They were inserted in the conference. Mr. President, we deserve better. I do not know if these projects are good or bad, and the American people certainly do not know. And there will be nothing in the CONGRESSIONAL RECORD to let us know if they are good or bad.

I notice that we are going to fund the Appalachian Commission this year for a considerable amount of money. I think it is $140 million. That clearly is something that should not continue since every part of America now needs the same kind of assistance that those States which are now included in the Appalachian Regional Commission receive.

Mr. President, I think that it is important for us to understand—another one, $2 million, acting through the Corps of Engineers, to authorize the director to proceed with engineering, design, and construction of projects for flood control improvement for the rainwater drainage systems in Jefferson, New Orleans, and St. Tampa Parish, LA—authorized to be appropriated $25 million for the initiation and partial accomplishment of projects described in these reports. My understanding is that there has been no screening, and that there has been no request for authorization. There has been nothing except that this was stuck in, in the conference report. The corps has not finished its studies as to whether this is needed.

Mr. President, again, I have no doubt that some of these projects are worthwhile, and have great virtue. But we do not know whether they do or not because they are placed in the conference into the conference report without authorization and without any kind of screening.

I would like to finally say there are several appropriations bills, including the transportation bill and several other appropriations bills, which are excellent, where the business of putting in projects in conference that were in neither the authorization nor the appropriation bills has largely been done away with. I wish I could say that is the same for this bill. It is not the case. And I think that we should reject this practice over time.

Mr. President, I hope my friend from North Dakota enjoys his evening and his children.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we have been listening to two very well briefed men who are handling this piece of legislation here on the floor. When we begin to talk about nuclear storage and that sort of thing, spending hundreds of millions of dollars, it kind of goes over some heads. But I want to talk about something that affects real people now. Several weeks ago, Mr. President, in the House an amendment was floated to this bill, and to the reconciliation bill, to sell the Power Marketing Administrations. The Power Marketing Administrations with hydroelectric furnish low-cost power to rural areas in this country. To do even better than that, the amendment came out on the bill that would sell the lakes that provide the water to generate the electricity.

I want to tell you. A furor occurred down in my part of the country because you have recreation, fishing, camping, and swimming on these various lakes—four of them in Kentucky where a father has taken a son fishing and camping, and now that son is taking his son to the lake fishing and camping. And it is something a family of low income can enjoy.

So with all these furors that followed this suggestion, our people in my part of the State said, "Sell the lakes? Never." The calls came to Washington, and Speaker GINGRICH was contacted. And he assured them that this was off the table—that it would not be considered. But it would be considered when the communities have calmed down a little bit, and it would be revisited when the communities are more comfortable with the sale, I believe the Speaker said. But Mr. KASICH, the chairman of the Budget Committee, said that they will be sold but it will be done a little later because of the furor. Then the proposal to sell the Power Marketing Administrations was proposed, and another furor followed. Again, the Speaker said that this would be off the table.

So you have to watch around this place, Mr. President, because there is always someone trying to back door you.

If you think the Power Marketing Administrations are off the table, or if the power lines and the facilities to generate this electricity is off the table, you ought to read page 476 of the reconciliation bill from the House.

We have in the statutory language now that the Secretaries of Energy, Interior, and Army cannot sell power marketing administrations. Well, on page 476 of the House reconciliation bill, they repeal those prohibitions. And in the next section they authorize and say, "The Secretaries shall"—that is plural, of Energy, Interior, and Army—"shall secure and enter into arrangements with an experienced private-sector firm to serve as advisor to the Secretaries with respect to the sale of the facilities used to generate and transmit the electrical power marketed by Southeastern Power Administration, Southwestern Power Administration, and Western Power Administration."

And so prior to December 31, 1996, they shall come back with their report to sell. And in these instructions in the reconciliation bill in the House, they say they can cluster the generated facilities where they might be sold at a higher price.

That does not seem to me that power marketing administrations and the facilities used for such a transmission line are off the table. Lo and behold, Mr. President, in this bill—in this bill—we are about to pass here in the Senate, there is no language under amendment 51.

It says:

> The conferees agree that the statutory limitations do not prohibit the legislative branch from initiating or conducting studies or collecting information regarding the sale or transfer of the power marketing administrations to non-Federal ownership.

Mr. President, the power marketing administrations are not off the table. We are just being backdoored, making big headlines, big statements, "They are off the table," then insert them in language, try to hide it, and in the language of this bill, as an afterthought, I suspect, they authorized GAO for the study.

Mr. President, I am torn about whether to vote for this piece of legislation or not because it does authorize GAO to make the study for the sale of these power marketing administrations. So I want to just say to my folks that have an interest in it all across the country—all across the country—that you better be careful because the majority has made up its mind it is going to sell the power marketing administrations. And the testimony in the House committee said that rates would go up, the rates would go up.

If you want rural electrical rates to go up, you just sell your power marketing administration, and you will see what happens to you. This majority is trying to sell everything.

Mr. DOMENICI. Mr. President, I also want to thank the Senator from Arizona for his comments. I am not sure how the Senator arrived at the number of 20 unauthorized projects, and I do not agree with that number, but it is accurate that the conference report does include some authorizations for the Corps of Engineers water projects.

When the energy and water development bill passed the Senate it included four provisions which addressed ongoing projects. The conference agreement includes four additional provisions. For example, a provision is included in response to the devastating

flooding which occurred earlier this year in New Orleans, LA, which allows the Corps of Engineers to undertake additional measures to limit the flood damages in that city. Another provision allows the corps to transfer land to the city of Prestonsburg, KY, for a public park.

So, while the conference agreement does include some small authorizations, I do not understand how the Senator arrived at his figure of 20 unauthorized projects in the conference report.

Mrs. MURRAY. Mr. President, I would like to clarify a single sentence in the conference report accompanying H.R. 1905 relating to economic development activities. Within the Department of Energy environmental management account, in the nuclear material and facilities stabilization section, there is a sentence that provides: "Additionally, none of these funds should be used for economic development activities."

It is my understanding that this language was included because there was concern by some members of Congress that money was being diverted from cleanup and restoration efforts and used for economic development. It is clear from this language that money should not be used for economic development activities when those activities are unrelated to the project for which the money was appropriated. However, where this money can be used both to achieve its intended purposes and assist in community transition and diversification, it should be so used.

The Department of Energy should allow the use of these funds to achieve as many positive results as possible and leverage this money to assist the communities they serve in achieving economic diversification.

• Mr. HATFIELD. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Energy and Water Appropriations Subcommittee, Senator DOMENICI. Included in the conference report to the fiscal year 1997 Energy and Water Appropriations bill are provisions related to the Bonneville Power Administration. I would like to focus on these provisions for a moment.

As the chairman is aware, a longer term regional review initiative was recently announced by the Bonneville Power Administration and the department of energy. It is my understanding, as a member of the conference, that the conferees were aware of and supported this reexamination of Bonneville's statutory authorities and responsibilities. However, it is my understanding that the conferees did not intend their action in this conference report to prejudice any future regional discussions regarding the comprehensive regional review of Bonneville and the electric utility industry in the Northwest.

The sharing of benefits established in the Northwest Power Act of 1980 has been accomplished in large part through a provision in the act known as the residential exchange. It is my understanding that conferees believe there should continue to be a fair sharing of the benefits from the Bonneville system for all ratepayers across the region, consistent with existing law. To further this objective, the conferees provided for $145 million to maintain the residential exchange benefits at approximately the fiscal year 1996 level. It was not intended that BPA's residential exchange payment of $145 million in fiscal year 1997 be recouped from BPA's residential exchange customers in the remaining years of the 5-year rate period.

The conference report now before the Senate encourages BPA and its customers to work together to phase out the residential exchange by October 1, 2001. Furthermore, it is my understanding that the conferees did not intend this encouragement to affect the current development of rates by BPA because the outcome of the regional review and settlement discussions are not known at this time.

Mr. President, Let me ask the Senator from New Mexico, if this comports with his understanding?

Mr. DOMENICI. Mr. President, let me say in answer to my friend from Oregon, the distinguished chairman of the full committee and the author of the provision we are now discussing, that his statement does indeed comport with my understanding.

Mr. HATFIELD. I thank my friend for engaging in this dialog with me.•

KOTZEBUE WIND ENERGY PROJECT

Mr. STEVENS. Mr. President, I have a concern regarding the conference report to H.R. 1905, the energy and water development appropriations bill for fiscal year 1996, and would like to ask Senator DOMENICI, the distinguished chairman of the subcommittee, a question about the Kotzebue wind energy project in the State of Alaska.

Mr. DOMENICI. I would be pleased to try and clarify anything of concern to my friend from Alaska.

Mr. STEVENS. On page 90 of the original Senate report (S. Rept. 104–120), the Appropriations Committee highlighted the Kotzebue project and directed the Department of Energy "* * * to provide technical assistance and other appropriate support for this project." Unfortunately, on page 60 of the statement of managers accompanying the conference report to H.R. 1905 (H. Rept. 104–293), the House and Senate conferees indicate that neither technical support nor other support is provided for the Kotzebue project.

I am disappointed by the language in the statement of managers. I want to clarify that the conferees certainly did not intend that the Department of Energy halt its current and future assistance for Kotzebue, which is an ongoing DOE wind energy project. Under the Department's sustainable technology energy partnerships [STEP] program, Kotzebue Electric Association, with the State of Alaska, will receive $580,000 in fiscal year 1995 funds from the Department's Wind Program for its 50/50 cost-shared project that will result in the installation of wind turbines near Kotzebue. This pilot project is at the forefront of Alaska's activities to promote wind energy for many of the State's remote communities. The project will provide information on the potential of wind energy as a reliable power source in our extreme arctic climate.

Furthermore, based on current DOE estimates, approximately $50,000 in fiscal year 1996 funds will be required to provide necessary technical assistance and support for the ongoing Kotzebue project, which will eventually provide 5MW of wind generation for Kotzebue plus outlying villages.

Mr. DOMENICI. I appreciate the Senator's explanation of DOE's continuing involvement in this project, and agree that termination of support for the project would jeopardize many years of work. Accordingly, we did not intend to prohibit the Department of Energy or any other agency from continuing and completing on-going technical assistance and other support for the Kotzebue, AK, wind project.

Mr. STEVENS. I thank the chairman for this clarification. I take it the conference merely meant that no funds have been earmarked for the Kotzebue project. It does not object to the project.

Mr. DOMENICI. The Senator is correct.

ANIMAS-LA PLATA

Mr. CAMPBELL. Mr. President, I rise to commend the conferees to the energy-water development appropriations bill for their action on the Animas-La Plata water project. This conference, led ably by Senators DOMENICI and JOHNSTON and Congressmen MYERS and BEVILL, has taken a decisive step toward the expedient completion of the Animas-La Plata water project.

In 1868, more than 125 years ago, the Ute Bands signed a treaty with the United States. This treaty entitled the Utes to water. One hundred years later, the Ute Tribes were not receiving their entitlement. Finally, in 1972, the United States filed suit on behalf of the Ute Tribes in an effort to quantify the native Americans' water rights.

Mr. President, the Ute Tribes have encountered procedural hurdles and stiff opposition at every turn. Even though the United States promised this water to these tribes, who more than 100 years ago had been relegated by the Federal Government to dry, arid, lands, the fact is that the Utes have not been provided the water that they were clearly entitled to in the middle of the last century.

In 1984, events took a turn for the better. All the interested parties, including the Ute Mountain Utes, the Southern Utes, Federal agencies, the States of Colorado and New Mexico, the local water districts, and other involved parties sat down at the negotiating table. They worked together, and within 2 years, in 1986, they came to an agreement on how water would finally be provided to the Utes.

Mr. President, I suggest to my colleagues that this was a rare display of cooperation. Water rights disputes in the arid West can be bitter, emotional fights of deep acrimony and enormous economic consequence. The Utes could have asserted their Winters Doctrine priority water rights in a manner that would simply have disrupted the social and economic health of the Four Corners area. Instead, they chose good faith negotiation. And we are not holding up our end.

The agreement, in essence, was this: The United States shall provide water to the Ute Tribes, and in return, the Ute Tribes shall defer their precious senior water rights. The Utes surrendered their most valuable tribal asset, in return for which the United States promised to provide water.

The United States would provide water not by taking it away from neighboring towns, farms and mines. Rather, the United States would build the Animas-La Plata project so water could be acquired. This project would create an off-stream reservoir, so that it would not be necessary to dam the Animas River, which would in turn supply the Ute Tribes and non-Indians in the region with water.

In 1988, as a Member of the House of Representatives, I introduced legislation to implement and ratify this agreement. The Colorado Ute Indian Water Rights Settlement Act of 1988 passed the House of Representatives by a wide margin, and it passed this body without a dissenting vote.

After Congress decided to provide water by building the Animas-La Plata project, the Ute Tribes discovered a new and unexpected enemy: The professional environmental advocacy groups of this country.

Mr. President, when we passed the Settlement Act in 1988, at that time the Animas-La Plata project had already met, and was in full compliance with, all the requirements of our environmental statutes, including the National Environmental Policy Act, the Clean Water Act and the Endangered Species Act. A final environmental impact statement had already been completed, all the appropriate consultations had occurred, all the necessary permits were in place.

When we ordered the Bureau of Reclamation to build the project, we expected the Bureau to do just that.

But environmental groups have advanced claim after unfounded claim against this project. Environmental groups contend that more studies and more reviews are needed to complete this project, when in fact, this project has been the focus of years of study and five reports issued pursuant to environmental statutes.

This project has been the subject of two separate biological opinions under the Endangered Species Act, an environmental impact statement and a draft supplemental environmental impact statement under the National Environmental Policy Act, and a section 404(r) permit exemption under the Clean Water Act.

This project has been reviewed with a fine-toothed comb, but environmental groups have threatened more years—40 years, to quote one of them—of litigation and delay. Their avowed purpose is to kill the Animas-La Plata project.

Mr. President, I have heard talk of alternatives to this project. Opponents of this project suggest that we should consider more alternatives. Any party is free to propose an alternative at any time. Some have even suggested that there may be a viable alternative to the Animas-La Plata project. However, those who claim that we should consider more alternatives are simply seeking to kill this project. They are not interested in providing water to the Ute Tribes as the 1988 Settlement Act requires.

If a so-called alternative does not meet all of the terms of the settlement, then it is no alternative at all. Some groups claim they can muster an alternative, but the only proposed alternatives would take water away from parties to the 1986 agreement. Mr. President, that is not an alternative. That is a sham and a dealbreaker.

Why does this situation exist? It exists because environmental extremists simply oppose all major water projects —even an off-stream project like this one, designed to minimize environmental impact. They ignore the social, recreational and economic benefits a water project and settlement such as this can bring to an arid Western region. They disagree with the congressional policy decision to meet the water demands of the Ute Indian Tribes and other water consumers.

They do not want the Animas-La Plata project to be built, even though that is what Congress has ordered. Because they oppose large water projects, they use environmental statutes as an underhanded subterfuge to tie up projects in court. With crafty attorneys, they can delay a project for years, and maybe even kill it.

Mr. President, this is what the environmentalists want. They do not care about economic security or even the unsatisfied water claims of two tribes of native Americans. They will stop at nothing to meet their extreme ideological agenda. Frankly, I am also disappointed that this administration has placed the ideological goals of the Fish and Wildlife Service and EPA ahead of its trust responsibility to native Americans.

If the project dies, then this Nation will have again broken its word to native Americans. I urge my colleagues not to follow this shameful path of dishonor and deceit. There are enough of these unfortunate incidents in the history of this Nation's dealings with native Americans.

Mr. President, the language before the Senate in the Energy-Water Development Appropriations conference report directs the Secretary of the Interior to proceed, quote, "without delay" and construct the Animas-La Plata project. I urge my colleagues to support this action. This project is the best alternative, in the eyes of Congress, to settle this water rights dispute.

I would like to take this opportunity to thank the chairman of the Energy-Water Development Subcommittee, Senator DOMENICI, for his fine efforts on behalf of the Animas-La Plata project. The Senator's efforts are a credit to his uncompromising dedication to the native Americans of Colorado and New Mexico, and I'm sure the people of New Mexico appreciate his service as much as my constituents in Colorado.

BIOFUELS ENERGY SYSTEMS

Mr. GRAMS. Mr. President, I want to clarify the intent of the Energy and Water Development appropriations conference committee with regard to their support of the Biofuels Research and Development Program within the Department of Energy. Based upon contact my office has had with the Subcommittee on Energy and Water Development Appropriations, it was never the intent of the committee to exclude the other 48 States when it made note of projects in Hawaii and Vermont. Projects, including those in my own State of Minnesota, would be eligible to apply for available funds as would be the rest of the country. Furthermore, I understand that it was never the intent of the committee to discourage a continuation of the ongoing biomass electric program in all States parallel to the ongoing biomass fuels research and development program.

While I have received word of the intent of this clarification, I want the record to reflect that I will be carefully watching the interpretation of this conference language by the Department of Energy. Should there be any misunderstanding, I will work with the distinguished chairman of the Energy and Water Subcommittee to rectify this matter.

I also seek unanimous consent to have the attached colloquy between the House Energy Subcommittee Chair and my Minnesota colleague, Representative MINGE, on this matter be printed in the RECORD.

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

COLLOQUY BETWEEN REPRESENTATIVES MYERS AND MINGE

Mr. MINGE. I wish to thank the ranking member for the time and Chairman MYERS for entering into this colloquy. I would also commend the chairman and ranking Member for reporting a balanced bill, particularly in support of the Biofuels R&D Program within the Department of Energy. And I would like to clarify the intent of the conference committee with regard to this program. Am I correct in understanding that nothing in the conference report prohibits continuing research, development and demonstration on energy crops for fuels and electricity or in any way discourages a continuation of the ongoing biomass electric program in all States in parallel to the ongoing biomass fuels research, development and demonstration program, on the understanding that the expenditures for the biomass electric program do not reduce the conferees' allocations to other biofuels programs?

Mr. MYERS. Yes, the gentleman from Minnesota is absolutely correct.

Mr. MINGE. I wish to thank the Chairman in regard to the intent of the conference committee.

DISPROPORTIONATE CIVILIAN R&D CUTS IN ENERGY AND WATER APPROPRIATIONS WILL HURT IN THE LONG RUN

Mr. BINGAMAN. Mr. President, I rise to express serious concern about the cuts made to civilian energy research and development programs in the energy and water appropriations conference report that will be adopted by the Senate today. While some level of reduction to Government programs may be expected in order to reduce and eventually eliminate the deficit, the drastic cuts in our civilian R&D programs, not just in this bill, but across the civilian research agencies—with the possible exception of the National Institutes of Health—are shortsighted.

Overall, this budget proposes a 17-percent reduction in our civilian energy R&D from the level requested in the President's budget. An ever larger percentage—35 percent—is cut from solar and renewable energy R&D. A chart comparing budget request levels versus the decisions contained in the conference report, which I ask unanimous consent be included in the RECORD at the conclusion of my remarks, shows the magnitude of the cuts in the energy and water appropriations bill. Cuts that will start us down a path that will ultimately and inevitably harm our Nation's economy and energy security.

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

(See exhibit 1.)

Mr. BINGAMAN. The Republican budget resolution adopted in June will reduce our civilian R&D budget to a four decade low as a percentage of our economy by the year 2002. These cuts will not be made up by the private sector, who are showing, through deep cuts being made in their own research budgets, an ever narrower focus and an unwillingness to invest in long-term research projects. So our research dollars will be shrinking while those of our economic rivals, Germany and Japan for example, continue to rise. Recognizing the importance of civilian research investments, they and other industrialized countries around the world are seeking to emulate the successful American model of the last half century, just as we seem to be abandoning it.

In the energy arena, our investments have paid off in terms of lowering energy costs and creating new technical advancements in photovoltaic, wind energy, solar thermal, biofuels, and geothermal systems. These developments are positioning the United States as a world leader in new technologies. This has been confirmed by a recently completed report of the Yergin Task Force on Strategic Energy R&D which found that "DOE energy R&D has resulted in billions of dollars' worth of annual consumer energy savings and new business opportunities." In addition, the Yergin report concluded that technological R&D advancements from both the public and private sectors are imperative in order for our Nation to meet its future energy needs.

With all of the significant accomplishments these R&D efforts have yielded, with huge potential in energy products and services markets over the next 25 years, and with the serious trade deficit we now face, I ask my colleagues, how do these cuts make sense? Well, Mr. President, in my opinion, they do not.

I plan to vote for the energy and water conference report today. Given where many Republicans started several months ago on the defense side of this bill, the conference report we are voting on today is not as bad as it could have been. Essentially the bill preserves the President's initiatives for stockpile stewardship and arms control verification and nonproliferation technologies, vital programs for our long-term national security. However, the details that have emerged on the DOE civilian research budget present a very bleak story—one I fear will put our Nation's well-being and prosperity at considerable risk in the long run. I urge the President to continue to fight for adequate investments in energy research even if he reluctantly signs the bill into law.

EXHIBIT 1

CUTS IN ENERGY R&D—FISCAL YEAR 1996 ENERGY AND WATER APPROPRIATIONS BILL

[In millions of dollars]

	Request	Conference
Solar and Renewable R&D	423.4	275.2
Nuclear Energy R&D	379.8	231.0
Environment, Safety and Health	164.6	128.4
Energy Research	1,721.4	1,518.5
(Of which:		
Biological and Environmental	(428.7)	(419.5)
Fusion	(363.3)	(244.1)

CUTS IN ENERGY R&D—FISCAL YEAR 1996 ENERGY AND WATER APPROPRIATIONS BILL—Continued

[In millions of dollars]

	Request	Conference
Basic Energy Sciences	(805.3)	(791.7)
Other Energy Research)	(124.2)	(63.3)
Energy Support Activities	102.6	32.0
(Of which: University and Science Education Programs)	(55.0)	(20.0)
General Science and Research	1,011.7	981.0
Total DOE Civilian Research	3,803.5	3,166.1

Fiscal year 1995 Total = $3,628.5 million.
Cut from Requested Level = $637.4 million or 17 percent.
Cut from fiscal year 1995 Level = $462.4 million or 13 percent.

ANIMAS-LA PLATA PROJECT

Mr. BINGAMAN. Mr. President, there is one more important point I want to make about this bill. I understand language regarding the Animas-La Plata project was considered which would have read, "In order to ensure the timely implementation of the Colorado-Ute Indian Water Rights Settlement Act of 1988, and notwithstanding any other provisions of law, the Secretary of the Interior is directed to proceed without further delay with construction of those facilities approved for construction in the Final Biological Opinion for the Animas-La Plata Project, Colorado and New Mexico, dated October 25, 1991." I understand this language including the phrase "notwithstanding any other provision of law" was rejected.

The conferees adopted substitute language which says, "In order to ensure the timely implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988, the Secretary of the Interior is directed to proceed without delay with construction of those facilities in conformance with the final Biological Opinion for the Animas-La Plata project, Colorado and New Mexico, dated October 25, 1991."

I understand conferees adopted the language they did because they are frustrated with the pace of the work to comply with existing law before the Secretary can legally proceed to implement the Colorado Ute Indian Water Rights Settlement Act. Efforts to finalize numerous steps required to begin construction of the project, including completion of a satisfactory supplemental environmental impact statement demonstrating compliance with the National Environmental Policy Act, Clean Water Act, and the Endangered Species Act have taken several years. Based on assurances from members of the administration and the conference committee, the amendment is intended to provide clear direction to the Bureau of Reclamation to complete the work necessary to move forward by complying expeditiously with these and other provisions of law. The House added $5 million to the administration's budget request for the project for fiscal year 1996, and the Senate concurred, to assist the Bureau in its effort to comply with the directions of the amendment.

Mr. WELLSTONE. In the conference report language, it is stated that $55.3 million is provided for biofuels energy systems. When $27.65 million is taken out for biochemical and thermochemical conversion, that leaves another $27.65 million. Then $3.94 million goes to the regional biomass program and full funding is provided for biomass power projects in Vermont and Hawaii. There is no instruction for the remainder of the nonbiochemical and nonthermochemical biomass funding. Am I correct in stating that that remainder could be applied to the Biomass Power for Rural Development Program?

Mr. DOMENICI. The Senator from Minnesota is correct. DOE could apply the funding as he describes.

I do not think there is anything further on our side.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. 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.

Mr. GORTON. Mr. President, during the past 6 months the Northwest congressional delegation and the Clinton administration have spent a great deal of time in an attempt to control the costs imposed on the Bonneville Power Administration's ratepayers by the Endangered Species Act mandating recovery of certain salmon runs of the Columbia and Snake River systems.

The threat of a financial collapse of the Bonneville Power Administration and the reality of exploding fish recovery costs borne by the region prompted this attention. The Bonneville Power Administration bears many financial burdens to threaten its ability to remain competitive. The entire electricity industry is being rocked by fierce winds of change that were not anticipated when the Northwest Power Act was passed by Congress in 1980.

The most immediate and increasing burden on BPA and its ratepayers arises out of Endangered Species Act-mandated salmon recovery costs.

Until just a few weeks ago, Clinton administration officials at the National Marine Fisheries Service estimated that BPA's share of salmon recovery costs for fiscal year 1996 would exceed $600 million. As a consequence, the Clinton administration decided, quite correctly, that neither a collapse of BPA nor huge rate increases in salmon costs would be tolerated by the people of the Pacific Northwest, and so the administration announced that BPA's salmon recovery costs would be administratively capped at $435 million for the year. That agreement is incorporated in this bill.

The Clinton administration also made the political calculation that the President could not afford to anger national environmental organizations by supporting any legislative efforts to control salmon recovery costs borne by Northwest ratepayers. After all, earlier this year, this administration enraged those organizations by signing a rescission bill that included provisions on salvage timber and Northwest timber harvest programs. So the administration, aware of this slow-burning anger among its environmental constituents, decided that it could not support a legislative remedy that would help the ratepayers of the region because that action would further outrage a vital political constituency.

The only positive aspect of the resulting agreement is that it represents the first acknowledgement on the part of the administration that there is an economic limit on Columbia and Snake River salmon costs. But this agreement, while it represents our acknowledgement of fiscal reality, is severely flawed and incomplete.

The agreement is flawed because it is so vague. First, we have not seen any paper outlining the agreement. Second, without legislation, there is no real legal protection for BPA, or for the investment already made by the region's ratepayers.

Without such protection, BPA said that many of its customers would leave the system and purchase power from cheaper alternative sources. BPA said that letting its salmon costs escalate uncontrollably would push it to the brink of financial ruin. It was, in my view, no idle threat.

But the best that BPA can now tell its customers is that the administration promises that $435 million a year from BPA should be enough for fish and, if not, there will be a pool of $325 million in Federal dollars if costs exceed that $435 million.

Mr. President, if the BPA is on the verge of financial ruin, how can a promise from the administration to not spend more than $435 million provide the certainty that BPA says it needs? What confidence can we have in an agreement that can be broken if an administration official decides next year that BPA should spend more than the $435 million? The answer: no confidence. And what happens if a Federal judge is asked to decide whether the $435 million was derived by political science rather than biological science and finds that number insufficient to meet the Endangered Species Act? Answer—the cap will be broken.

What happens if that Federal judge issues orders that require BPA to spend more than the $325 million in taxpayers' dollars made available by the agreement? Answer—taxpayers and ratepayers will pay more.

This agreement provides little, if any, assurance to BPA customers that they—or the Federal Treasury—will not be forced to pick up the tab for ESA-mandated salmon recovery. In short, this agreement, with all of its what ifs, increases the likelihood that the BPA will soon be right back where it started—on the brink of financial ruin because of rapidly escalating salmon-recovery costs.

The agreement is also incomplete. This agreement does nothing to provide any certainty or predictability for other economic interests along the Columbia and Snake Rivers system. BPA gets short-term relief from this agreement with the administration, but no certainty.

Other rivers system users—ports, PUD's, irrigators, agriculture, private utilities, non-Federal hydroelectric projects, recreational, and commercial users—are left with even less protection from Federal decisions to drawdown reservoirs, spill water over dams, increase water flows or even order dam removal.

Arguably, this agreement by the administration to limit BPA fish costs, while not changing Federal salmon policy, increases the chances that fish costs will be shifted onto other economic entities in the region. Clearly, these entities are not disinterested spectators. They are affected greatly by the vagaries of BPA policies and NMFS decisions about how the water from the Columbia and Snake Rivers will be used. The characteristics of this administration's environmental policies are inherent all across this agreement—environmentalists are listened to, but working people do not count.

This agreement is flawed because it fails to deal with the root of BPA's and the region's problem. The root problem is not how much BPA and its ratepayers spend on fish recovery. The root of the problem is that this administration has used the ESA to craft a salmon policy that forces the most expensive possible measures for the least productive returns.

Despite BPA's agreement with the administration, the necessity to control BPA and the region's fish and wildlife costs is hardly resolved. Many will use this agreement as an opportunity to declare victory and go home. but if this agreement accomplishes anything, it illustrates the need for dramatic action now on legislation fundamentally to change salmon restoration and conservation practices on the Columbia and Snake Rivers system.

This agreement is unlikely, in the long term, adequately to stabilize BPA's financial position. And, despite the claims of an administration cabinet member that this agreement will

recover the species, it clearly will do little to restore an abundant Northwest fishery. Why? Because this agreement perpetuates the status quo, a status quo that has accomplished little if any salmon recovery.

Presently, I am typecast as an enemy of salmon. I would like to dwell upon this typecast for a moment. Our last great regional natural resource debate was, of course, over the extent of measures to protect the northern spotted owl. I will make a confession. While I do not desire the extinction of that bird, I do not worry overly about its survival. I believe that it will survive, regardless of Federal policies designed to protect it, but more fundamentally, I don't worry because I don't believe that that bird is vital to the human condition or to life on this planet—while I believe that families and people are. I believe that preserving a reasonable amount of owl habitat—our old growth forests—is important, but, in truth, if you wish to portray me as opposed to the proposition that owls are more important than people, you are not far off the mark.

I see salmon in a completely different light. I am committed to conserving and restoring an abundant Northwest salmon fishery. My legislative proposal to accompany the energy and water appropriations conference report would have locked into place a $500 million a year commitment to Columbia and Snake Rivers river salmon recovery.

But ensuring a healthy salmon resource in the Northwest is not a broad enough goal for the Columbia and Snake Rivers system—we must also consider anadromous and nonanadromous fish, and resident fish populations. I will support Federal legislation that provides that consideration and also assures comparable proportionate commitments to salmon runs in other Northwest river systems. I am convinced that, within reason, Northwest citizens will make large investments to restore the region's fishery.

I believe that the region is committed to such an unprecedented environmental investment because salmon are important to our Northwest economy—they are important to our society, our culture, our lives.

Let me emphasize this point. I will support Federal legislation that requires electric ratepayers in the Pacific Northwest to pay for salmon recovery. I believe that people of the region are committed to this goal and are willing to pay for it. I ask only two conditions in return: First, that the level of expenditures be reasonably predictable, and second, that the expenditures be for scientifically credible measures to strengthen the overall fishery.

While it is inaccurate to claim that I am antisalmon, it is definitely true that I disagree profoundly with the administration's salmon management policies.

What exactly is the current Federal salmon management policy in the Northwest? Beyond spending a lot of money, I'm not sure anyone can honestly tell us what's been accomplished, or even what the goal of the recovery plan for Columbia and Snake Rivers salmon is. This is a plan that only a bureaucrat could develop and understand—it's easy to write a plan like this when there is no political accountability, and you are spending someone else's money. That's what the Federal recovery plan for salmon boils down to.

Today, Federal management of the Columbia and Snake Rivers system is driven by the ESA and it concentrates on the weakest salmon runs for recovery.

Fact: This administration's ESA strategy on the Columbia and Snake Rivers does not even propose to restore a vibrant Northwest fishery in any reasonable period of time. Fact: this recovery plan does not say that our national goal is to have the Columbia and Snake brimming with millions of fish. Instead, the ESA requires the region to focus on saving weak salmon runs—not full species of salmon, not even subspecies of salmon but only on what are called distinct population segments. There actions may mean increasing the number of one listed run of Snake River sockeye from 10 in 1994 to 50 by 2000 forty individual fish. Despite the protestations of NMFS biologists, and inside-the-beltway theorists, these recovery measures for sockeye salmon have no connection to an abundant salmon resource.

NMFS states that recovery of the listed salmon runs will require 50 years, and acknowledges that a century of extraordinary measures is probably necessary. To those involved in tribal, commercial, and recreational fishing, I warn that NMFS, empowered by the ESA, is planning for a century with no fishing.

Do not misunderstand, people in the Northwest do care about conserving and enhancing wild salmon. Wild salmon are valuable. But they are valuable because their survival and enhancement can play a large role in the recovery of an abundant and healthy resource. We have learned that some degree of genetic diversity is important to healthy salmon stocks. The problem with the current law is that it empowers Federal regulators to spend unlimited amounts of money to save genetically distinct salmon runs as a goal in itself and not as a measure to a broader goal.

The goal of Federal regulators is not an abundant fishery, nor is their goal connected in any way to economic reality. Federal policy—driven by saving one genetically distinct run—is in conflict with rebuilding an abundant fishery. A fraction of the dollars the Federal Government is taking from the Northwest economy, dedicated to recovery of their specific fish populations, would produce a infinitely greater return if focused on fish populations throughout the system, including saveable salmon runs and some wild stocks.

I make these points about current Federal salmon policy because the agreement arranged by the Clinton administration and BPA does nothing to change what is wrong with current Federal fish management policies and practices. This agreement literally papers over the problems inherent in poor Federal policy with dollars—dollars paid by Northwest ratepayers and U.S. taxpayers.

But in the end, this flawed Federal policy will not be papered over. As long as Northwest salmon recovery measures and costs are dictated by the Federal Government and the EPA we will have court failure. We will have higher costs and little, if any, increase in the number of salmon to show for it.

It is time to change the direction of our salmon recovery policies and the agreement by this administration and BPA does nothing to do so.

Northwest salmon policy should be changed so that it is directed at three goals. First, we must restore an abundant fishery resource. Second, we must enhance the fishery with the least possible economic dislocation. Third, we must give the authority over decisions for salmon recovery back to the region.

Mr. President, I have my own views about effective salmon recovery measures, but I will fight hard to see that Federal law is changed so that nobody in Washington, DC—including me—will make the decisions on how best to conserve and enhance fish populations in the Northwest. The region must be given the freedom itself to make those decisions. If our region, after an inclusive and thoughtful process, decides to spend $500 million a year to restore one weak run of salmon—I will almost certainly disagree—but as a U.S. Senator, I would defend, absolutely, the region's authority to make that choice.

I often disagree with our Northwest Indian tribes on issues of public policy but our Northwest tribes should be heard on how best to restore an abundant fishery. I often disagree with Washington State's representatives on the NW Power Planning Council, but I believe that the Council should be involved in helping to make these decisions. The heads of Northwest fishery agencies and our best scientists should have a significant voice in this process. The region should decide which salmon runs to enhance—not D.C. bureaucrats.

Northwest salmon management measures should be decided by the people, local governments and interests in the Northwest. Today, the region is barred from making these decisions because of Federal law. Federal law

grants to one agency, the National Marine Fisheries Service, nearly total control over our Columbia and Snake Rivers systems. I want to dramatically alter this miserable status quo—I want the people of the region to make their own decisions on these issues.

Mr. President, our country is now in a state of revolution over the excessive role the Federal Government plays in our daily lives. The proposition that we should take power from the Federal Government and put it in the hands of local people is driving the debate on issues ranging from education to telecommunications to transportation to welfare. In the opinion of this Senator, the revolution should not stop there.

It shouldn't stop there because these aren't the only fields in which a revolution is occurring. Another is clearly underway in the way our country delivers energy to families and businesses. In the Northwest, this requires a thorough review of BPA and the Northwest utility marketplace.

Our region is just beginning to explore what to do in the face of changes that will dramatically reshape the region's energy marketplace. Over the next few months, I will be seeking the opinions of all who are concerned about what the future holds for Northwest energy policies. We will need to ask questions—tough questions—that don't merely tinker around the edges but delve deeper in order to create more competition and less reliance on government subsidies. In a word—overhaul.

In this process our region will also explore what to do about ESA-mandated salmon recovery measures and how to pay for them. I intend to participate in this process. Questions of energy policy, the role of the Northwest Power Planning Council and salmon recovery and its cost will come before Congress in the next several years.

I believe that residents of the Pacific Northwest will not continue to tolerate exploding costs in the name of salmon recovery, when the immediate benefits are so slight and the promised benefits are esoteric and distant.

Much of the Northwest was built based on a model of Federal answers to regional needs. Those decisions were appropriated at one point in time because our region could not, without Federal aid, have developed and grown. But current salmon recovery measures still reflect the old faith in centralized Federal answers to regional problems.

Now, however, like nearly every issue before the Congress, the answer to the problems of the last 50 years may not be the answers to the problems of the next 50 years. Policies that assure centralized Federal control of energy and salmon policy demand careful review and dramatic change. The status quo is not the answer to the region's problems.

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

Mr. GORTON. Yes.

Mr. McCAIN. Does the Senator know and the other Members know it is Halloween and not only do Members have children who they would like to go to Halloween with, but there are members of the staff here and all over Capitol Hill that would like to observe Halloween?

I know these are important issues. I know the Senator from Nevada is here. We had one Senator who has already had to leave to miss a vote. I ask my colleagues just once to let us go ahead and have this vote and submit written statements for the RECORD.

Mr. DOMENICI. Mr. President, I——

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. I will yield to the Senator.

Mr. DOMENICI. How much time did the Senator from Nevada want?

Mr. BRYAN. Mr. President, 5 minutes.

Mr. DOMENICI. How much time does the Senator from Washington need?

Mr. GORTON. I suppose I would take about 10 minutes.

I think the way in which the question could be answered, I suppose, would be to have the vote tomorrow.

Mr. DOMENICI. I think the leader wants to get this bill finished tonight.

Is there any reason on this side the Senators want a rollcall vote? Could we just agree the Senator would have 10 minutes?

Mr. GORTON. I think I can probably complete in that period of time.

Mr. DOMENICI. Does the Senator from Nevada want 5?

Could we agree to vote at 6:05 p.m.?

Mr. JOHNSTON. From this side I do not think that a vote is necessary.

Mr. DOMENICI. It is.

Mr. WELLSTONE. Yes, it is.

Mr. DOMENICI. I ask unanimous consent that the rollcall vote which has been ordered start at 6:05 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object.

Can the Senator put his statement in the RECORD—he will not change the outcome of the vote—so I can catch a 6 o'clock train and get home?

Mr. GORTON. I will not put my statement in the RECORD. I do wish to make it.

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. Is there any objection to the request?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, I was going to say, under those circumstances I am perfectly willing to allow the vote to take place now and make statements afterward, if that will help the Senator from Delaware.

Mr. BIDEN. That would be wonderful, Mr. President.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. BRYAN. I agree.

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

The Senate will proceed to vote now. And Senators can put their statements in the RECORD or make statements after the vote.

The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Idaho Mr. [KEMPTHORNE] are necessarily absent.

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

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 89, nays 6, as follows:

{Rollcall Vote No. 558 Leg.}

YEAS—89

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Bryan	Grassley	Nunn
Bumpers	Gregg	Pell
Burns	Harkin	Pressler
Byrd	Hatch	Reid
Campbell	Heflin	Robb
Chafee	Helms	Rockefeller
Coats	Hollings	Roth
Cochran	Hutchison	Santorum
Cohen	Inhofe	Sarbanes
Conrad	Inouye	Shelby
Coverdell	Jeffords	Simon
Craig	Kassebaum	Simpson
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thompson
Dole	Kyl	Thurmond
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Exon	Levin	

NAYS—6

Brown	Lieberman	Smith
Johnston	McCain	Thomas

NOT VOTING—4

Bradley	Kempthorne
Hatfield	Pryor

So, the conference report on H.R. 1905 was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. DOLE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, thank you. The bill that has just passed is extremely important to my State as it is to a good many States in this Nation.

Mr. President, this bill funds Yucca Mountain at $400 million for fiscal year

1996 with $85 million set for a monitored retrieval site.

What does that mean? That means that to create a managed site to handle high-level nuclear waste until Yucca Mountain is completed. The bill does not designate where this MRS would be located.

Under the terms of the current Nuclear Waste Disposal Act, an MRS cannot be placed in the same State where the permanent repository is located. This means that this Congress must act, and I hope it would act soon on a bill to designate a site for a monitored retrievable storage.

This administration continues to fight a program to open a permanent nuclear waste repository. They ask for no money in their budget request and they continue to be less than helpful in getting an MRS operational.

This is a national disgrace, Mr. President. This country has spent over $5 billion—let me repeat, $5 billion—of electrical ratepayers' money at Yucca Mountain, and what do we have to show for it? A 1-mile hole in the ground. Which is a start, I have to admit but we have a long way to go before an application can even be filed to begin the process of opening a repository facility.

I have introduced S. 1271, the Nuclear Waste Policy Act of 1995. I hope we could move on legislation like this.

Mr. President, 32 States currently generate power from nuclear energy. A brief summary of a percentage of nuclear energy consumed on a State-by-State basis is included for the RECORD, Mr. President.

It is phenomenal to me that 82 percent of Vermont, 74 percent of Connecticut and 74 percent of Maine's power is generated by nuclear energy. These States should be working every day to open up an MRS and a geologic repository so their States do not have to shut down their nuclear power.

I will say they are simply years away from doing that—and not tens of years but a very, very short period of time.

It is time for this Senate to come to grips with the issue of nuclear waste. The Governor of my State recently entered into an agreement with the Secretary of Energy to finally remove the DOE and defense nuclear materials that are stored at the National Engineering Laboratory in Idaho.

It is imperative that we move forward with operating facilities to meet the terms of that agreement which will remove all materials from Idaho in the year 2035.

Mr. President, there is a uniqueness about this agreement. It is no longer just a signed piece of paper between DOE and a Governor. There is a Federal court order that the Department of Energy is now operating under to deal with the issues of Idaho and to deal with the issues across the Nation.

That means 10,851 shipments of spent fuel and transuranic waste will be leaving Idaho. This is the first time Idaho has ever had a schedule for removal. That schedule is now in place and a Federal judge says to DOE they must respond.

Mr. President, it is time that this Senate and this Congress came together in its obligation to the American people to build the facilities necessary to solve this very, very important problem.

Some day, some ratepayer and some taxpayer is going to catch on to the fact that we are simply spending money and not addressing a problem. Mr. President, $5 billion, $10 billion later, one nuclear reactor down, the lights dark in a portion of a major city in this country because the power can no longer be supplied—that should not be the answer to our problem. We should respond and we should respond in a timely fashion.

I thank the Senator from Washington for allowing me to proceed.

Mr. GORTON. Mr. President, before the last vote, I had the floor and I was asked shortly after I began my remarks under this bill to allow the vote to take place so that various people can go home.

I ask unanimous consent that the remarks I am about to make be consolidated with those I made before the vote and be printed in the RECORD before the vote.

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

Mr. SARBANES. Reserving the right to object, I ask unanimous consent that Senator KERRY be recognized after the completion of Senator GORTON's statement.

Mr. REID. I object.

The PRESIDING OFFICER. Objection heard.

Mr. KERRY. Could the Senator inform us how long he will anticipate speaking?

Mr. GORTON. Approximately 10 minutes.

The PRESIDING OFFICER. Approximately 10 minutes.

Mr. REID. I was similarly situated with the distinguished Senator from Washington. Both of us agreed to forbear making a statement so the vote could proceed.

I simply want the Senator from Washington—we simply agreed to not make our statement so that everybody could cast a vote, and those who wanted to go home went home.

Mr. KERRY. Mr. President, the Senator is correct, and I think that is fair.

I ask unanimous consent that I be permitted to proceed after the Senator from Nevada has completed.

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

Mr. DOLE. How much time are we talking about here?

The PRESIDING OFFICER. Ten minutes.

Mr. KERRY. I cannot say because it depends on—there is no way I can answer that.

Mr. DOLE. Have you got consent to speak for more than 5 minutes?

Mr. KERRY. I have consent to have the floor.

The PRESIDING OFFICER. There was no specific time.

Mr. DOLE. We did not go into morning business? Because we have a speaker on this side who wishes to speak and I wonder how long he is going to have to wait.

Mr. KERRY. Maybe the majority leader and I could visit for a minute and see if we could work that out, Mr. President. Would that meet the minority leader's approval?

Mr. DOLE. Fine. I just do not want to start speaking here and never get back to this side of the aisle.

The PRESIDING OFFICER. The Senator from Washington still controls the time.

Mr. DOLE. Why do we not visit while the Senator from Washington speaks?

Mr. SARBANES. Are we limiting everyone to 5 minutes?

Mr. DOLE. I thought we had gotten the regular, routine morning business for 5 minutes. Apparently not.

Mr. SARBANES. The Senator from Washington, as I understand it, will speak for more than 5 minutes. We have no objection to that.

Mr. GORTON. Both the Senators from Washington and Nevada are speaking on the bill we just passed, deferring their right to speak before the vote in order to accommodate Members who wanted to leave.

Mr. SARBANES. We understand that.

The PRESIDING OFFICER. There have been no other time agreements or restrictions.

Mr. DOLE. There has been no consent on who speaks?

The PRESIDING OFFICER. It will be the Senator from Washington, who has the floor now, then the Senator from Nevada has been recognized to speak following that, and then we had consent for Senator JOHN KERRY of Massachusetts to follow.

The Senator from Washington.

Mr. GORTON. Was my unanimous-consent agreement to have the speech consolidated before the vote?

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

(The remarks of Mr. GORTON appear at an earlier point in the RECORD.)

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, the energy and water conference report that was just adopted earlier this evening is correct when it concludes that the Nation's nuclear waste policy with respect to permanent disposal is deeply flawed.

It is a program that has cost some $5 billion, and the solution to the nuclear waste issue in America is no closer to resolution today than it was in 1982. The reason for that, Mr. President, is

that politics and not science has been a driving force. The second reason is because of unrealistic deadlines that have been constantly mandated on the program that have been counterproductive.

Based upon some of the comments made by a number of my colleagues this evening, the Nation is about ready to commit another serious error in nuclear waste policy as it relates to interim or short-term storage or, as it has been characterized by some, a monitored retrieval storage system.

Mr. President, we have been to that show before. In the early 1980's the advocates of nuclear power, in urging upon the Congress the adoption of an AFR program, Away From Reactor Program, indicated that unless action was taken immediately, a number of nuclear reactors around the country would be forced to close down because of the nuclear waste problem and the Nation would face an energy crisis. The Congress did not respond to the request made by the nuclear power industry, and no nuclear reactor was closed as a consequence.

In the debate that is about to ensue on the interim storage issue, we are about ready to fall into that similar trap that was foisted upon us by Congress in 1987 in urging unrealistic deadlines and that science is to take a second place to the politics of nuclear waste.

I think it may be helpful, Mr. President, to respond and to go into a little of the history of the program.

In 1982, the Congress enacted the Nuclear Waste Policy Act. I think the Congress attempted to develop a sensible policy. Its underlying premise is that we should search the entire country looking at various types of repositories. We would look in the New England States of America for granite, look in the Southeast for salt domes. We would look in parts of the West for a volcanic material called tuff. Those three sites would be evaluated and studied—"characterized" is the technical terminology that is used. And those three sites would be forwarded to the President of the United States, and the President would make a decision.

The law also contemplated that there would be regional bounds, or equity; that is, no part of the country would bear the entire burden of the Nation's nuclear waste disposal.

Mr. President, no sooner had that policy been signed into law by President Reagan in the early part of 1983, than immediately politics became a driving force. In the campaign year that ensued, candidates for the Presidency asserted that, if elected—the promise was made to constituents of particular States that those States would be off limits in terms of being considered for a nuclear waste repository.

Indeed, the Department of Energy itself was immersed in the politics of nuclear waste and in an internal memorandum concluded that New England with granite as a possible repository site would be eliminated because the politics—the politics, not the science, Mr. President—would be too difficult. So one particular region of the country would be written off.

Ultimately it was decided that a repository should not attempt to be sited east of the Mississippi River, not because of the science, not because of the geology, but because of the politics.

So I repeat, Mr. President, this is a program that has been driven not by science, but by politics and with the imposition of totally unrealistic time lines.

That is not just the conclusion of the Senator from Nevada. That is the conclusion of virtually every independent comment or observation. The technical review committee, the General Accounting Office, and others have all lamented that politics and unrealistic deadlines have caused the problem.

Mr. President, fast forward to 1987, 5 years after the enactment of the Nuclear Waste Policy Act. In a conference report done in the still of evening, without an opportunity to debate the merits of this amendment, an addition was inserted into the conference report which indicated that rather than three sites being studied or characterized, only one site would be studied and that site would be Yucca Mountain in Nevada.

I know of no scientist worthy of that name who would assert as a matter of public policy and good science that that was a sensible judgment. And yet the politics dictated that the State of Nevada, a small State with a small congressional representation, should be targeted out as the site and the only site to be characterized.

This was not done in the context of public policy debate. It was not done where the representatives of Nevada had an opportunity to debate the merits or demerits. This was done surreptitiously in a conference report, and as the Members of the Chamber fully understand, that means that it is impossible to debate an amendment to remove that provision up or down.

I wish I could say that that is the only tragic experience that the State of Nevada has had with the politics of nuclear waste. In 1992, the issue before the Congress was in an energy bill. In neither the House nor the Senate was debate or consideration given, as that piece of legislation was processed, to a reduction of health and safety standards that would apply only at Yucca Mountain.

Once again, Mr. President, the State of Nevada was victimized by having a provision inserted into the energy bill that had not been debated, had not been considered by the Members of either House, and was added to the conference report. Once again, the State was disadvantaged in terms of raising legitimate public health and safety issues because the conference report is up or down, no opportunity to amend.

The 1987 amendments are known ignominiously in Nevada as the "screw Nevada" plan. The 1992 amendments are "screw Nevada II," and I am afraid that we are about to see unfold in this Congress what might be "screw Nevada III."

Mr. President, the State of Nevada continually seems to be focused with a nuclear bull's-eye on either Yucca Mountain or the Nevada test site. As in 1981 when the Away From Reactor Program was debated, again we hear the hysteria beginning to mount that unless we provide for interim storage, nuclear reactors will close and, indeed, regions of our country may be left without power.

Nonsense. No nuclear reactor closed in 1981 as a result of the failure to adopt the AFR program. And no nuclear reactors are about ready to close today because of the failure to provide for an interim storage.

There are two provisions, Mr. President, that currently exist in the Nuclear Waste Policy Act that I apprehend are in danger. One is a matter of fairness. One simply states that if a State is being characterized, studied, evaluated for the permanent high-level nuclear waste repository, it may not be designated as an interim storage, an MRS, monitor retrieval storage. Nuclear waste, whatever one feels about the propriety or the soundness of pursuing nuclear power, ought not to be the burden of a single State. And the Congress in 1992, to effect some semblance of fairness, made that point that if you are being considered for the permanent repository, you ought not to have to be considered for the interim storage.

Recognizing another political fact of life, a reality, the Congress further concluded that an interim storage ought not to be selected until after the permanent site is selected because of the concern that everybody in this Chamber fully understands, that once an interim site is chosen, it will de facto—de facto—become the permanent site. That is the state of the record.

What is involved with all of this hysteria about the need to have immediately an interim storage? It is the hysteria and propaganda of a nuclear power industry. Current law authorizes on-site storage, called dry-cast storage, and a number of responsible nuclear utilities have availed themselves of it.

Not far from the Nation's Capital, I was privileged to visit such a nuclear reactor site in Calvert Cliffs where on-site dry-cast storage currently exists. It results in no change in the law and is available as a result of it having been licensed by the Nuclear Regulatory Commission.

This provides a window of opportunity of approximately 100 years for

us to deal responsibly and sensibly with the issue of nuclear waste and not driven by the immediacy of the politics nor of the unrealistic deadlines that are being thrust upon us.

I know most Members of the Chamber would assume Nevada is the only one with a dog in this fight. That is simply not the case. Mr. President, there are 43 States that will be affected by the transfer of nuclear waste across the country. Some of the largest cities in the country, some of the most populous areas will be affected by some 16,000 shipments that literally will move from every point on the compass.

Not only do we apprehend the possibility of an accident, there are literally hundreds and hundreds of derailments each year in which a shipment of high-level nuclear waste could be the subject of an accident, more recently in Hyder, AZ, as we tragically found out the possibility of an act of terrorism. I cannot think of a more inviting target: a train load of high-level nuclear waste en route to a major metropolitan area to be targeted for an act of terrorism. As we have learned in the Hyder, AZ, incident, it took but a matter of minutes and did not require much sophistication to effect that tragedy.

Mr. President, in this Congress, we have heard a lot about State's rights. Most of the debates in the major pieces of legislation that we have had have constantly emphasized the importance of returning to the States, to abandon the notion that the Federal Government has preeminent wisdom on major public policy issues, to allow the States to make decisions for themselves.

It is for that reason I find it inconsistent with that philosophy that a number of my colleagues in the Chamber are suggesting that the Federal Government must preempt local government decisions and somehow formulate this policy of having an interim storage site chosen by this Congress and the site to be chosen is Nevada. That makes no sense to me, Mr. President, and I see no reason why that need be done.

I might also point out to my colleagues that there is a certain hypocrisy. A number of my colleagues have gotten up and have expressed their strong support and commitment for nuclear power. Many apprehend that the industry, which is on its death bed in terms of its economic vitality and its prospects in the financial markets of the world, they believe passionately that locating an interim-storage site will regenerate interest in terms of the financial markets in the country in nuclear power. That is fine if they believe that. We have heard impassioned pleas by the distinguished senior Senator from Louisiana.

Let me just say to my colleagues that those of you who believe that a nuclear power future is the future that you envision or contemplate for America, and if you think that that is the kind of public policy we need to adopt, volunteer your own State. Volunteer your own State. The current law permits a State to step forward and say, "Look, we will voluntarily accept an interim site," and if that is what you believe and you are honest with your convictions and consistent with your convictions and believe it is in the national interest, then go ahead and volunteer your own State.

What I take strong exception to and bitterly resent is the notion that somehow only Nevada can be the solution for the interim and the permanent nuclear waste problem in America. I do so, Mr. President, because Nevada has not chosen to have a nuclear power future. We have no nuclear reactors in Nevada. We do not want nuclear reactors in Nevada. We had no part of the decision made by many States to locate nuclear reactors in their own States and their own communities, and Nevada ought not to be called upon to bear the burden of the Nation's high-level nuclear waste when it neither sought such a policy nor participated in the decision of other States to do so.

So, end this hypocrisy for those of my colleagues who want nuclear power to continue as a source of energy for America. Step forward and do the responsible thing if that is what you believe: Volunteer your own State. You can do so, but leave my State out of that equation, because we did not buy into the nuclear bargain that you did.

Mr. President, I thank you, and I yield the floor to the distinguished Senator from Massachusetts.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

MIDDLE EAST PEACE FACILITATION ACT AND STATE DEPARTMENT REORGANIZATION

Mr. KERRY. Mr. President, during the interval, I had an opportunity to visit with the majority leader, and I think that we have agreed to try to find a way to resolve some of the impasse here. But I would just like to say for the Record, and I think it is a very important principle that we need to try to set out on the Senate floor at this time with the hopes that it will enable us to depart from a new point tomorrow with respect to the issue of the State Department reorganization and the reauthorization bill, S. 908.

There is currently a direct linkage, regrettably, between the passage of the Middle East Peace Facilitation Act and the arrival at an agreement by the managers of S. 908. I would simply like to say for the Record, and I do not intend to go on at great length about this or to try to create a firestorm of any kind, but I do want to say for the Record that there are many, many Members on the Democratic side, and particularly all of the members on the Democratic side of the Foreign Relations Committee, who feel very, very strongly that it is inappropriate to link the Middle East Peace Facilitation Act to a reorganization, an internal reorganization of departments of foreign policy in this country.

One represents an internal bureaucratic decision; the other represents an agreement by the United States of America, signed by the President of the United States, to engage in a certain set of actions with respect to a very volatile issue universally accepted to be one of the most complicated and important to the United States and to other countries in the world.

Our ally, Israel, does not deserve to have the peace process made hostage to a bureaucratic decisionmaking process in this country. My hope is that in order to permit us to go forward, we can be told that that linkage will not exist; that that linkage is inappropriate. I think the time is of the essence here, because this facilitation act will expire within hours—the next 24 hours—and we have a small window of opportunity here to try to correct this situation.

I might also add, Mr. President, and I say this purely for the purposes of making the Record clear as to where we stand, that there are now 18 nominations being held up within the Foreign Relations Committee; the START treaty is being held up within the Foreign Relations Committee, and the chemical weapons treaty is also being held up. Clearly, there is a lot of hostage-taking here, and while I understand completely the desire of the chairman to move in a certain direction, I think it is equally important that we try to do so with comity, within a collegiate atmosphere and with bipartisanship, because foreign policy has always been stronger when we are bipartisan.

Let me also say for the Record, I heard the majority leader—and I had a chance to talk with him briefly now—earlier today express his concern that somehow additional requests were made of Senator HELMS at a sort of subsequent, post-meeting time that somehow upset the negotiating process. And I simply want to clarify, for the RECORD, that we have had a series of meetings with Senator HELMS. In fact, on September 29, late in the evening, we entered into a unanimous-consent agreement which said that after the managers of the bill have agreed on a managers' amendment, S. 908 would come back to the floor. Subsequently, we went to work trying to reach some kind of an agreement.

We had a series of meetings over a period of weeks, and during the course of those meetings, we managed to pull together a certain number of proposals

that we made to Senator HELMS, including a specific figure of reductions. During the course of the meeting with Senator HELMS, he indicated that the offering of reductions was not sufficient and that, therefore, there was really no room for further discussion at that time. And so the meeting, Mr. President, really terminated prior to our having completed all of the issues.

Subsequent to that meeting, as progress was made in an offering on the numbers and other issues, it became apparent that there might then be more room for discussion, and so those items that were simply never reached during the course of that meeting were put on the table, as they had been, I might add, in previous discussions.

I have secured from the administration a finite list of items. I have indicated to Senator HELMS that that list will not change, and it has not changed. I have indicated to Senator HELMS that we have even screened out a number of issues from the list that we gave him, which the administration gave us, that we thought were important, but which members of the committee felt strongly that they did not want to delete. So it is already a reduced list.

There is one final issue that the majority leader referred to which we think is a fair issue for concern. As we currently stand today in the Senate, a united Democratic caucus is unwilling to allow this bill to move for the simple reason that the caucus objects to having a one-sided process foisted on it, where there is not some kind of give in the legislative process. And so we are concerned that, without some agreement about a Senate position, a Senate consensus, if you will, that we arrive at to go to a conference without some assurance that the Senate position is the position we will try to achieve out of the conference, to effectively do nothing now, because it means that whatever we pass here, without some assurances about where we will go with respect to the Senate position in the conference, would simply open the bill up to be completely rewritten in the conference. So we would simply be back where we are, in a position of not having really furthered the legislative process whatsoever and having forced the Democratic caucus to then come back and filibuster the conference report, which takes none of us anywhere.

So the purpose of the agreement we reached on September 29, where we released the Middle East peace facilitation program in order to arrive at the agreement of the managers' amendment, we said the following: We entered into a unanimous-consent agreement that we would turn to S. 908 after the managers of the bill have agreed on a managers' amendment.

Now, if we have agreed on a managers' amendment, and that is the reason we allowed the bill to come to the floor, what would the purpose be of taking that position and simply throwing it out the window as we go to the conference? So we have simply asked that as we go into the conference, there be some agreement. We are not unwilling to change what we do; we are not unwilling to suggest that the House might not have a better proposal, or that some other proposal might not be put in front of us at a later time; but we believe that there ought to be a de minimis position that the Senate has arrived at and that, by consensus, we would agree on further changes, not that changes could not be made.

That is not an uncommon position for the U.S. Senate to take. We often instruct our conferees that the position taken in the Senate will be the position. We have instructed conferees that we will not recede from a certain position. Indeed, when we have had 87 or 90 votes on a particular issue in the Senate, that has almost automatically dictated that was the consensus position of the Senate—that we would not recede from it.

So we do not think we are asking for anything unreasonable, Mr. President. One of the great difficulties here is that, in the unanimous-consent agreement we came to with the chairman of the committee, there are only 4 hours of debate and only one amendment. If we are to come to the floor with a managers' amendment and only one amendment, and that amendment is to contemplate a full reorganization structure with major reductions which would affect salaries, posts, post closings, and administrative capacity, we have to make sure that it is correct. That is not easy. We have to make sure that we have really crossed the t's and dotted the i's and come to an agreement that we can all understand.

So I say again to my friend, the chairman from North Carolina, that we are prepared to sit tomorrow, but we are not prepared to sit in a hostage situation. We need to know that the committee business can move forward, and we need especially to know that this particular peace initiative, which is so vital to our ability to move forward in the Middle East, will not be linked to this particular effort.

I cannot emphasize that enough. We are at a critical point in the Middle East peace process. Israel's withdrawal from the West Bank town of Janin has just begun. The Secretary has just arrived back from Oman, from the economic summit, where the United States and Japan and Europe are working with countries of the Middle East to finalize the initiatives for the development of the West Bank and Gaza economy. And with the passage, only a week ago, of the Jerusalem initiative in the Senate, it is really even more important that the U.S. Senate fulfill its role, together with the administration, in representing the United States, that we fulfill our role as a facilitator and an honest broker in the peace process.

Our policy in the Middle East has always been bipartisan, and we believe that some things should be above politics. And peace in the Middle East is clearly one of them. So the delinkage, we believe, is extremely important, and holding a critical piece of legislation hostage to a proposal about how the foreign affairs bureaucracy in this country is organized, I think, undoes some of that facilitation capacity and honest broker perception.

So it is my profound hope that tomorrow we will all make wise decisions dealing with these two items and come to an agreement on a managers' amendment, which I believe is possible. I hope we will do that.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I question this whole idea of linkage. I do not think it has legitimacy. I have never seen it used to this degree, or in this manner, in the 19 years that I have been in the Senate, and I think it is very harmful to the national interests of the United States.

Now all of us have bills we would like to see get enacted. There is a process one goes through in order for that to be accomplished. Senators can oppose that, and of course under the rules of the Senate, if enough Members are in opposition you may be required to gain 60 votes in order to limit debate, in order to get to the consideration of the legislation.

Now, the reorganization plan for the foreign policy agencies of the Government is highly controversial. It has very severe and significant foreign policy implications. Some support it, some oppose it, some are in between. They support some parts of it, oppose other parts of it.

Many objective outside groups who deal in the foreign policy field are critical of one or another aspect of the proposal embraced in the plan put forward by the chairman of the Foreign Relations Committee.

Now, that bill was not a bipartisan product out of the Foreign Relations Committee—just to the contrary. It has been highly controversial ever since it has been brought out of the committee, in my judgment.

Now, that is one problem: what is to be done on the reorganization.

A different problem has been raised by the linkage of the reorganization with every other matter in the foreign policy field. Now, it is graphically demonstrated at this particular time because we have the situation of holding up the Middle East Peace Facilitation

Act, which expires at midnight tonight and needs to be extended.

Of course, failure to extend the Middle East Peace Facilitation Act could cause serious harm to U.S. national interests and to the cause of peace in the Middle East more generally. I will not go into all the provisions of the MEPFA because it is a matter that has been considered here before.

It has been moved through by overwhelming support in the Congress. If the United States fails to play its role in that process, other nations will cease to play their part. Of course, the efforts to move towards peace will be severely hampered. It is clearly a matter of vital national interest and it ought not to be held hostage.

Now, this is not the only hostage that is being held. In fact, the list is very, very long indeed. I do not intend tonight to address all aspects of that. I do want to make the point that in effect everything on the Foreign Relations Committee agenda is being held hostage in the insistence that capitulation be made in order to gain their way on a substantive piece of legislation.

The ambassadors are being held up, the START II treaty is being held up, the Chemical Weapons Convention, the Convention on Biological Diversity, the Law of the Sea Treaty, more than a dozen bilateral investment treaties, mutual legal assistance treaties and extradition treaties are being held up.

Some of these treaties may well turn out to be controversial. Others are not. In any event, we ought to be able to deal with them. We ought to have a business meeting of the committee and address them, report them out, amend them, turn them down—whatever the will of the Members may be on the substance of the matters that are before the Senate.

Now, I have seen ambassadors held up on occasion—usually one or two of them—but I have never seen this unprecedented situation. There are currently 18 ambassadorial nominees in the committee who have had their hearings and are waiting to be reported. Some have had their hearings as far back as early and midsummer. They have been waiting for months now for movement on their confirmation. Others have their files completed and are awaiting hearings. There is also a large number of Foreign Service officers whose promotions are being held up.

This situation is very disturbing for three related reasons. First, it is unfair to the individual nominees and their families who have absolutely nothing to do with this consolidation proposal. The play of the game is that the chairman and others support a certain consolidation proposal, and they in effect say if we do not get our way on it we are not going to allow any other business to be transacted. We will not act on these ambassadors. We are not going to act on these treaties. We are not going to act on any other matter before the committee.

It has been highlighted here of course because we have this pressing issue of the Middle East Peace Facilitation Act which expires at midnight tonight.

These nominees that are being held hostage—our Foreign Service officers—are not being held hostage by foreigners; they are being held hostage right here in the U.S. Senate. It is very unfair to the individual nominees and their families. They are being punished for reasons completely unrelated to their nominations.

Secondly, I think it is symptomatic of a very disturbing trend towards disparaging and undermining the professionals in the Foreign Service.

Finally, I think it is clearly contrary to the national interests of the United States.

Now, many of these nominees have families. They have children who should have started school in the places to which they are expecting to be sent. They have made arrangements in their personal lives to undertake this responsibility and they are being taken hostage not for an issue that involves their nomination—that is a different matter.

None of this involves the nominee or the nominee's record. It is an issue totally unrelated to the nominee. They are being used as hostages in order for people to gain their way on a completely unrelated issue.

Now, U.S. interests also suffer, and I think suffer severely by our failure to send these ambassadors out to assume their jobs. I do not know that I need remind my colleagues about the danger connected with this line of work.

The fact of the matter is in the last 25 years more ambassadors have lost their lives in service to their country than have generals in the armed services. There is an honor roll in the State Department of the men and women who have lost their lives serving the Nation.

Not having these ambassadors out there at their posts only can hurt the United States. They are not there promoting U.S. interests such as human rights, conflict resolution, antiterrorism, counternarcotics cooperation, encouraging U.S. exports. They are not there to assist U.S. tourists or business people. They are not there to deal with sensitive situations. They are not there to promote U.S. good will and to represent American values and ideals. Some of these are countries like Malaysia, South Africa, Indonesia, Pakistan, China, Lebanon. Let me just quote from a letter that was sent by the American Academy of Diplomacy. The American Academy of Diplomacy is chaired by the former Secretary of State, Lawrence Eagleburger. Lawrence Eagleburger is cited by the chairman of the committee in support of his reorganization proposals. In fact, he testified in front of our committee in support of certain aspects of the reorganization proposal which the chairman now is trying to leverage through. He will not take it on its own and deal with it through the regular process. He wants to hold all these other things hostage to it.

Let me quote from the letter the Academy sent on this very issue:

> The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would leave the United States without appropriate representation in these countries at a time of dramatic, historical, global change. We believe that decisions on America's diplomatic representation abroad, including both the timing of such action and the qualifications of those nominated, should be made strictly on the basis of our interests in the country involved.

I think that is very well put. I commend the entire letter to my colleagues.

I ask unanimous consent to have it printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SARBANES. In addition to holding these Ambassadors hostage, the chairman is refusing to take action on a number of other very important matters before the committee, a number of very significant treaties. We have completed hearings on the START II treaty. Agreement has been reached on all the substantive issues relating to that treaty, but no business meeting has been scheduled to consider it. We have not moved on the Chemical Weapons Convention, the Convention on Biological Diversity, and the Law of the Sea Treaty. More than a dozen bilateral investment treaties, mutual legal assistance treaties and extradition treaties are being held.

So, Madam President, I will not go on at greater length. It is late into the evening. There are a number of other observations I would like to make on this ambassadorial issue because I think we are being terribly unfair to a lot of people, people who really put their lives on the line and are disparaged, often, here in the Congress in the course of debate, in a very unfair way.

These attacks on these professionals are extremely unfair. They are losing their lives. Then we are told that they wear long coats and high hats and live in marble palaces.

Ambassador Robert Frasure lost his life in Bosnia. He was not wearing a long coat and high hat. In fact, as State Department spokesman Nicholas Burns put it, "he was riding in an armored personnel carrier and wearing a flak jacket, not striped pants." His wife recently wrote a very moving letter to the editor of the Washington

Post, in the course of which she said, in defense—it should never have been necessary for her to have to defend—but she said:

Our diplomats are some of the finest, bravest, most courageous people I have ever met. In the past 10 years alone, my husband and I mourned the death of seven of our friends and embassy colleagues.

She then goes on to list them.

She says, commenting about these remarks that have been made, about the long coats and the high hats and the marble palaces:

I am outraged also because I remember the dangers as well as the many hardships our family endured in Bob's 20-year career.

So, Madam President, I just took the floor to challenge the fundamental premise of the legitimacy of this linkage. I have never seen it done in this manner or to anything approximating this degree. It is my strongly held view that very important national interests of the United States are being sacrificed.

I yield the floor.

EXHIBIT 1

THE AMERICAN ACADEMY OF DIPLOMACY,
Washington, DC, August 9, 1995.

Hon. JESSE A. HELMS,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR MR. CHAIRMAN: The Academy has noted, according to press reports of August 2, that following a deadlock in the Senate on the State Department authorization bill, a hold would be placed on 17 ambassadorial nominations and that committee action was being canceled or postponed on 22 other nominations subject to Senate confirmation.

The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would have the United States without appropriate representation in these countries at a time of dramatic, historic global change.

We believe that decisions on America's diplomatic representation abroad, including both the riming of such action and the qualifications of those nominated, should be made strictly on the basis of our interest in the country involved.

Sincerely,

L. BRUCE LAINGEN,
President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I thank the Senator from Massachusetts, [Mr. KERRY], and the Senator from Maryland, [Mr. SARBANES], for their remarks and their thoughts. I absolutely agree it is inappropriate to link MEPFA to the State Department legislation. I do not recall in the years I have been in the Senate, 35, or as chairman of the committee, any similar action being taken.

Mr. SARBANES. Will the chairman yield on that point? When did the former chairman, if I may say, the very distinguished former chairman, go on the Foreign Relations Committee?

Mr. PELL. I think it was 1964.

Mr. SARBANES. So the Senator has been on it more than three decades?

Mr. PELL. Correct.

Mr. SARBANES. Has my colleague ever seen anything comparable to what is now taking place?

Mr. PELL. No, and that is the point that bothers me.

Mr. SARBANES. I thank the Senator.

Mr. PELL. I think we should deal with the question of the extension of MEPFA on its merits and the merits clearly lie with the quick passage of the short-term extension. We should not, as Senator KERRY noted, trifle with the peace process for the sake of reorganizing our bureaucracy. We should pass MEPFA now with no linkage.

In this regard, I am particularly struck by the words of the Senator from Maryland. I know I am correct in saying I am the only former Foreign Service officer in the Senate. Because the Foreign Service was only created in 1926 under the Rogers Act, I think I am the only Foreign Service officer ever to have served in the Senate. I would also point out this linkage that is being created by the chairman of the committee not only sets a bad precedent, but is a linkage that should never have been made in the first instance. It has not been done in the past and it would be a great sin to move this way now.

I also congratulate the Senator from Massachusetts on his handling of this debate on this matter. As chairman, and now ranking member, of the International Operations Subcommittee, he has done an outstanding job.

I promised to limit myself to 4 minutes, and I think I have complied.

The PRESIDING OFFICER. The Senator from New Hampshire.

LOUIS BEAULIEU

Mr. SMITH. Madam President, I rise for just a brief moment to pay tribute to a friend who has passed away recently. I wanted the Senate to have some idea of what a great man he was.

Mr. President, my good friend Louis Beaulieu was born March 26, 1924. He passed away this year on his 71st birthday, March 26, 1995.

Mr. President, Louis Beaulieu was not only a friend for over 15 years, but a great American patriot. No, you would not recognize his name with the likes of George Washington, Thomas Jefferson, and Thomas Paine, but if Louis Beaulieu had lived in 1776, he would have stood shoulder-to-shoulder with those great Americans as they carved out a nation. Louis Beaulieu had the same trust in God, love of family, patriotic spirit, and sense of honor that characterized the Founding Fathers that Louis admired and loved so much.

I want to take a few moments to share with my colleagues a little bit about Louis Beaulieu's life.

Louis lived his entire life in Newmarket, NH, and he shared his last 46 years with his wonderful wife, and my close friend, Lois. Together they had seven children, Judy, Jeanne, Janie, Joanne, Janet, Jill, and Louis. For those 46 years Louis also owned and operated a small business side-by-side with Lois. "Beaulieu and Wife Auto Towing and Salvage" was the name Louis gave his business, illustrating his clever wit and unpretentious personality.

Louis left his hometown of Newmarket to serve his country during World War II in the U.S. Army. He was stationed in Bremen, Germany where he was in the counter intelligence corps as well as a French language interpreter.

Louis' patriotism and sacrifice for freedom was further exemplified by his membership in the American Legion and the Veterans of Foreign Wars.

He served his community as a member of the Newmarket Lions Club and the Newmarket Historical Society, and tirelessly devoted his energy to the Amos Tuck Society, New Hampshire Right to Life, Gun Owners of New Hampshire, the National Rifle Association, the National Federation of Independent Business, the National Chamber of Commerce, and the Portsmouth Chamber of Commerce, and, of course, the campaigns of BOB SMITH as Congressman and Senator.

Louis was a hardworking small businessman, a devoted husband and dad, a veteran, and a dedicated community leader. Louis was also a bedrock conservative and was one of the first people who supported me back in the early days when it was "BOB who?" Lois and Louis were both confident that I would win a seat in Congress and bring our brand of yankee conservatism to the ways of Washington. Without their efforts, I would not be serving here today in the Senate realizing my dream—and theirs.

Louis did it all—he made signs, passed out brochures, raised and gave money, attended rallys, hosted events, and campaigned tirelessly for me over the years—always with his wife, Lois, at his side. He did it all with humor, grace, and sincerity and he never asked for anything in return. He was the essence of everything good about America, and everything good about politics. He cared, and he worked tirelessly to make America a better country. And he succeeded in doing just that.

When we lost Louis, we lost a true American patriot, and a very special man. Lois lost a devoted husband, the children lost a wonderful father, and I lost one of my best friends.

I will miss my friend very much. Without the sacrifices that Louis made on my behalf, as I said, I would not be here in the U.S. Senate.

I will do my best in the remaining years that I serve here to strive to remain worthy of the faith, trust, and

confidence that Louis Beaulieu had in me, and I will continue to work for the same values and the same principles that Louis so long espoused. In so doing, his legacy will live forever.

Louis Beaulieu, "thanks for the memories", and the friendship.

Madam President, I ask unanimous consent that a tribute written about Louis' wife, Lois, on the eve of his passing be printed in the RECORD.

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

THE LEGACY OF LOUIS BEAULIEU

(By Lois Beaulieu, March 25, 1995)

My Louis is a legend in his time; he left us a legacy of hope, love, patience and perseverance. And he planted so many seeds in us all. They will be nurtured and grow with his memory and his spirit which is all around us and will live forever.

Louis goes far and wide, deep and lasting in our memories and our hearts forever.

Family, friends and loved ones are being cleansed and there is a healing process so miraculous he would be proud.

He was a good husband, father and friend to all who knew him.

Our life together was a beautiful adventure in all we did together. We laughed and loved and cried but always together, good and bad, mostly all good. The memories—oh so many memories—he left with us all.

God, thank You for our 46 years together. I know we all belong to You and someday You will call us home to be with You and Louis.

Thank You God for our seven beautiful children: our Judy, Jeanne, Janie, Joey, Janet, Joanne, and Jil. Our seventeen grandchildren: Laura, David, James, Jason, Joshua, Javelle, Jamie, Jennifer, Jeremy, Shelby, Mark, Joseph, Jayne, Manny, Joel, Jacob and three great-grandchildren that Louis lived to see and hold and rock: Lucas James, Sadie Anne and 3-week-old Sarah Beth. Oh how he loved his family.

He was a proud man and so proud of his wife and told me so often. So, so proud of his bang family and bragged about them all the time.

So proud of his business, Beaulieu and Wife we built from the bottom up. He was a great worker, a great lover, a great father, grandfather and great grandfather and—yes—even Santa Claus.

He was also a great friend and pal and buddy to all who knew him.

He loved life, he loved living, he loved working, and he loved his wife and family.

Louis loved his God and Savior, Jesus Christ. He is truly a legend, a one of a kind.

He is imbedded in our hearts forever. His spirit is alive and well and we feel his presence always around us.

Au Revoir, my love, your wife forever and ever—until we meet again—Lois.

Mr. SMITH. Thank you, Madam President.

PRESIDENT STONEWALLING ON AMERICAN POW'S AND MIA'S

Mr. SMITH. Madam President, I want to turn to a subject that has long been an area that I have worked on over the years, and I have come to the Senate floor today to report to my colleagues and to the American people on what I consider to be a very disturbing track record by the administration on the issue of unaccounted for American POW's listed as missing in action.

Many of my colleagues are well aware of the deep concern that I and others have had on the POW/MIA issue as a result of some of the previous debates we have had in the Senate concerning United States policy toward Communist Vietnam. But I do not think some of my colleagues or the American people are generally aware of the extent to which this administration is continuing to stonewall and drag its feet in efforts to resolve key questions on this POW/MIA issue. Although the administration's rhetoric might suggest otherwise, the facts show that many leads which could resolve the uncertainty of our missing are not being pursued with vigor.

That is a sad statement to have to make, Madam President. But it is true. And in some very important areas information is deliberately being withheld from Congress in addition to information still being withheld by Communist countries abroad.

This is an outrage, Madam President. It is bad enough that Communist countries are still withholding information about the remains of our servicemen after all these years. But when our own Government deliberately withholds information that would shed light on this issue, it is especially outrageous. It is a very serious comment to say that our own Government is deliberately withholding information. But I am going to prove that on the floor of the Senate as I continue my remarks, because of the administration's actions and inactions which I shall explain in detail in a few moments.

Communist Vietnam, Communist Laos, Communist North Korea, and Communist China are all being let off the hook on key questions regarding missing American servicemen and women.

As a Vietnam veteran who served this country in the United States Navy, and as a member of the Senate Armed Services Committee, I find the administration's track record on this issue deeply offensive. I am going to explain why. But before I do, I think it is important for people to have a perspective of where I am coming from on this issue.

Many of my colleagues have worked on this issue in the past. Many are familiar with some of the things that I have done. I do not think I would be presumptuous if I said that I considered myself to be somewhat of an expert on this issue. I have worked on it for 11 years. Before coming to the Senate in 1991, I spent 6 years in the U.S. House of Representatives where I was a member of the POW/MIA Task Force, and there I worked to get access to my own Government files that they had in their possession to the families of the missing.

When I came to the Senate in 1991, I introduced legislation which ultimately formed the Select Committee on POW/MIA Affairs. Along with Senator KERRY, I cochaired an 18-month investigation by this committee which sunset at the end of the Bush administration.

Our work has been criticized, and some of that criticism is justified. However, I do not think anyone would dispute the fact that our committee played a pivotal role in helping to open many of our Government's files on the POW/MIA's from the Vietnam war. We held numerous hearings, deposed hundreds of witnesses, and learned a great deal about policy decisions that were made on the POW/MIA issue at the end of the Vietnam war.

I am convinced that our work on that committee forced the Government of Vietnam to do more than to resolve to the issue, and, although I am not convinced that Vietnam has done enough, obviously, it did move them and our own Government in the right direction.

Our committee also helped jump start the establishment of a joint commission with Russia which has been researching cold war shoot-downs along with the plight of the Korean war and the Vietnam war POW/MIA's.

I know my colleagues would agree with me that our Government owes just as much to the families from those wars as they do to the Vietnam families.

The Korean and cold war families have been forgotten, Madam President.

I have traveled to Russia on two occasions to hold talks on this issue. I was the first United States Senator to travel to Pyongyang, North Korea, and I went there for the sole purpose of discussing POW/MIA's. In fact, I have been to North Korea twice to discuss this issue. I brought back 11 remains of our servicemen on one of these trips from Korea.

Finally, I have been to Vietnam five times in the years that I have been in Congress, and two of those trips were with Senator JOHN KERRY of Massachusetts.

I point all of this out not to draw to attention to my efforts—I do not want any attention drawn to my efforts—but to underscore that when there is an attempt to dupe those of us here in the Congress by the administration on information, I do not intend to be duped. I continue to follow this issue closely. I know what the President has done, and, more importantly, I know what he has not done. And he knows that I know what he has not done.

When the Senate Select Committee on POW/MIA Affairs sunset in January 1993—and I might add we had to fight for the funding just to keep it going that long—we stated the following in our final report:

With this final report, the committee will cease to exist, but that does not mean that

our own hard work on this issue will also end. To the extent that there remain questions outstanding that are not adequately dealt with by the Executive Branch, we will ensure that these questions are pursued.

Let me now explain those issues that are not being adequately dealt with by the executive branch, in my judgment. I have here a chart. This is a summary of several POW/MIA-related provisions from last year's National Defense Authorization Act.

I want the American people to know that this act was signed into law by the President of the United States, Bill Clinton, on October 5, 1994. It is the law of the land. This is not BOB SMITH's opinion. This is not a congressional resolution. This is the law of the land signed October 5, 1994.

And these POW/MIA provisions that were in this bill right here, those provisions had bipartisan support in this Congress. And, as you know, in 1994 it was the other political party who controlled the Congress. So that further exemplifies the bipartisan support of this legislation.

When something is signed into law by the President, the administration has a responsibility to adhere to it—it is the law—not in a manner that they deem appropriate, but in the manner prescribed in the law. It is now a year later. It is October 1995, 1 year since this law, the Defense Authorization Act, went into effect. I think it is appropriate for us to review whether the administration has fully complied with that law.

Section 1031 requires the Defense Department to assist Korean war and cold war POW/MIA families seeking information about their loved ones. Specifically, the Secretary of Defense was required to designate a point of contact for these families that would assist them, the families, in obtaining Government records on their loved ones and ensuring that these records were rapidly declassified.

This past week I received the following letter from the Korean/Cold War Family Association of the Missing concerning the Defense Department's compliance with this law. I want to read it into the RECORD because it is very disturbing.

[Dear Senator SMITH:]

In response to your letter of today's date, I shall herewith attempt to answer in what manner the Defense Department has complied with Section 1031 [right here] of last year's National Defense Authorization Act by the numbers.

1. Establish an official to serve as a single point of contact for immediate family members of Korean/Cold War MIA/POW's.

That is one of the provisions:

In October, 1994 our association began our requests from the DPMO [or the office of POW/MIA's in the government] to name our Single Point of Contact. Jim Wold [who heads that office] insisted that as the Director of DPMO he was automatically our Single Point of Contact. Once we convinced Mr. Wold that it was feasibly impossible for him to act as such, he agreed to appoint a suitable person. In the first quarter of 1995 we were informed Dr. Angelo Collura would serve as our Point of Contact along with two assistants and at that time were given his phone number. Our ability to reach Dr. Collura by phone has been sporadic at best. On too many occasions, when we were finally able to contact Dr. Collura for follow up to previous requests, Dr. Collura stated he was not able to follow through on questions because he was "pulled off Korean/Cold War to work on Vietnam War."

2. To have that official assist family members in locating POW/MIA information and learning how to identify such information. We were told explicitly that it was up to the families to locate the information ourselves because 1. DPMO was not tasked to do it and 2. DPMO did not have the assets to do it. So obviously we have had no assistance in this. When questioned on the matter, we were referred to the DPMO contract with the Federal Research Division of the Library of Congress. This contract was for the FRD to "gather, copy and deliver to DPMO" documents pertaining to Korean/Cold War POW/MIA held in U.S. archives and agencies. As of July, 1995 20,000 pages have been gathered, copied and delivered to DPMO for families to review. There has been no effort to forward specific case pertinent information to the individual families because no one in DPMO is tasked to do so. This haphazard, certainly overly expensive, redundant method of research was DPMO's intent to comply with an entirely separate section of law. Do we feel assistance has been provided? No.

3. To have that official rapidly declassify any relevant documents that are located? Dr. Collura stated it was not his job to declassify documents and he was getting no cooperation from the section of DPMO whose job it was to declassify documents. "They are too busy with Vietnam," or "DPMO can get no cooperation from the agency which originated that document." To date I know of no documents which have been declassified by our Single Point of Contact.

They go on to say, in conclusion:

Can you tell me what they do other than to spend over $13 million annually ignoring not only the spirit of the laws passed but the very laws themselves? Surely a private business, contracted for half that amount of money, could comply with all the sections of the 1995 Defense Authorization Act pertaining to POW/MIA's and getting information to the families.

I ask unanimous consent that the letter be printed in the RECORD.

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

KOREAN/COLD WAR FAMILY
ASSOCIATION OF THE MISSING,
Coppell, TX, October 23, 1995.

Senator BOB SMITH,
c/o DINO CARLUCCIO.

DEAR DINO: In response to your letter of today's date, I shall herewith attempt to answer in what manner the Defense Department has complied with Section 1031 of last year's National Defense Authorization Act by the numbers.

1. *Establish an official to serve as a single point of contact for immediate family members of Korean/Cold War POW/MIAs.* In October, 1994 our association began our requests for DPMO to name our Single Point of Contact. Jim Wold insisted that as the Director of DPMO he was automatically our Single Point of Contact. Once we convinced Mr. Wold that it was feasibly impossible for them to act as such, he agreed to appoint a suitable person. In the first quarter of 1995 we were informed Dr. Angelo Collura would serve as our Point of Contact along with assistants and at that time was given his phone number. Our ability to reach Dr. Collura by phone has been sporadic at best. On too many occasions, when we were finally able to contact Dr. Collura for follow up to previous requests, Dr. Collura stated he was not able to follow through on questions because he was "pulled off Korean/Cold War to work on Vietnam War."

2. *To have that official assist family members in locating POW/MIA information and learning how to identify such information.* We were told explicitly that it was up to the families to locate the information ourselves because 1. DPMO was not tasked to do it and 2. DPMO did not have the assets to do it. So obviously we have had no assistance in this. When questioned on the matter, we were referred to the DPMO contract with the Federal Research Division of the Library of Congress. This contract was for the FRD to "gather, copy and deliver to DPMO" documents pertaining to Korean/Cold War POW/MIA held in U.S. archives and agencies. As of July, 1995 20,000 pages had been gathered, copied and delivered to DPMO for families to review. There has been no effort to forward specific case pertinent information to the individual families because no one in DPMO is tasked to do so. This haphazard, certainly overly expensive, redundant method of research was DPMO's intent to comply with an entirely separate section of law. Do we feel assistance has been provided? No.

3. *To have official rapidly declassify any relevant documents that are located?* Dr. Collura stated it was not his job to declassify documents and he was getting no cooperation from the section of DPMO whose job it was to declassify documents. "They are too busy with Vietnam." or "DPMO can get no cooperation from the agency which originated that document." To date I know of no documents which have been declassified by our Single Point of Contact.

Dino, I still do not know what our Single Point of Contact, Dr. Collura does other than to be "pulled off the Korean/Cold War POW/MIAs to work on Vietnam War POW/MIAs", but then after three years of DPMO, I still do not know what DPMO does. Just today I was told by DPMO that it was not a central point of documentation for POW/MIAs. Can you tell me what they do other than to spend over $13 million annually ignoring not only the spirit of the laws passed but the very laws themselves? Surely a private business, contracted for half that amount of money, could comply with all the sections of the 1995 Defense Authorization Act pertaining to POW/MIAs and getting the information to the families.

Again, thank you for your assistance. Without your help, the men and their families would still be in the limbo of 1954. Please see attached final form letter sent to all the families.

Most sincerely,

PAT WILSON DUNTON,
President.

HEADQUARTERS, U.S. AIR FORCE,
Washington, DC, April 16, 1954.

MRS. GERALDINE B. WILSON,
MacDill Air Force Base, Tampa, FL.

DEAR MRS. WILSON: Reference is made to the letter from General McCormick notifying you that the missing status of your husband has been terminated. In order that you

will have all the information presently available to us, I would like to advise you regarding the possible recovery of his remains for return to the United States.

The truce agreement reached with the Communist forces provides for certain activities in connection with the recovery of remains of our honored dead from Communist-held territory. It also provides that the specific procedures and the time limit for the recovery operation shall be determined by the Military Armistice Commission. Until the necessary arrangements for the operation have been completed, we will not know when recovery and return of remains can be initiated.

I appreciate the anxiety you are experiencing, and regret that no information other than that which as now been furnished you is available at this time. You may be sure, however, that we will notify you immediately when further information becomes available.

If I may assist you with any unusual problems or circumstances regarding the above matter, please do not hesitate to contact me. Correspondence should be addressed as follows, to insure prompt delivery to my office:

Director of Supply and Services, Attention: Mortuary Branch, Headquarters, United States Air Force, Washington 25, DC.

Please accept my sincere sympathy in the great loss you have sustained.

Sincerely yours,

L.F. CARLBERG,
Colonel, USAF.

EXECUTIVE SUMMARY

The Secretary of Defense established the Defense Prisoner of War/Missing in Action Office (DPMO) in July 1993 to provide centralized management of prisoner of war/missing in action (POW/MIA) affairs within the Department of Defense. Creation of the office brought together four disparate DoD offices that had been working in the POW/MIA arena for varying amounts of time.

In August 1994, the Director, DPMO, on his own initiative, requested an evaluation of his office by the Deputy Assistant Inspector General for Program Evaluation (PED). We focused our initial work on assessing the processes that provide definition, direction, and structure for the organization. We found that well developed processes in these areas were not yet in place. Specifically, we found that: basic missions and tasks were not well defined or communicated within the organization; no strategic planning process was in place; and the organizational structure was turbulent, poorly defined, and not consistent with current policy guidance regarding organizational layering.

After documenting these observations and providing a briefing to the Director in December 1994, we redirected our work to provide constructive suggestions on defining mission and tasks, establishing a planning process, and structuring the organization at the DPMO. The results of that work are presented in this White Paper and summarized in the paragraphs that follow.

DEFINING MISSIONS AND TASKS

In defining its missions and tasks, the DPMO faces challenges posed by the broad nature of its charter, the different institutional backgrounds of the office's components, and the divergent nature of its internal and external clients. Overcoming these obstacles first requires recognition of the conflicting perspectives that clients and components bring to bear on the operations of the agency. We suggest putting together a specific statement of the organization's purpose and translating it into some general goals as a way to produce awareness of where groups differ on attacking a common problem. This process can also contribute to communication and help foster commitment to the goals that are ultimately established. Only the members of an organization can validly formulate its goals, and the process should incorporate a wide range of input and discussion. However, we do provide some illustrative general goals for DPMO to facilitate our discussion. We recommend finalizing the draft instructions on Missions and Functions as a good vehicle for documenting the results of this effort.

STRATEGIC PLANNING

Carrying out the missions and tasks established by the DPMO means setting up a good planning process. This involves translating the established purposes into more specific objectives or initiatives. Formulating these specific objectives should take into account the internal and external environment and attempt to identify strengths and weaknesses of the organization. The process should also account for the resources needed to reach the objectives and determine ways to measure progress towards achieving objectives. We point out the strategic planning guidelines set forth in the Government Performance and Results Act and urge the DPMO to adopt this model. We suggest that planning efforts should start small and need not wait until full developed strategic plans are in place. We also recommend that the organization adopt performance measures that are simple to apply and linked to the budget process.

ORGANIZATIONAL STRUCTURES

In our discussion of organization structure, we recommend that the DPMO refrain from any ad hoc structural changes until it makes a more systematic assessment of its organizational needs. We analyzed three general alternative ways to divide the work and the assignment of responsibilities and authority in the DPMO:

Alternative 1: The Current Structure With Well Defined Mission and Tasks.

Alternative 2: A matrix-type structure using task forces for specified activities.

Alternative 3: A structure that allocates a significant portion of the work load and responsibility structure by geographic region.

Criteria we present for analyzing structures include clear lines of authority and responsibility, decentralization where possible, and congruence with the strategy of the organization. In formulating the alternatives, we assume that all current functions will remain with the DPMO. The description of each alternative includes any assumptions made concerning the work processes at the DPMO. We believe the alternatives presented are viable alternatives for consideration, in whole or in part, but only those more familiar with the organization can validate our assumptions. Accordingly, we make no specific recommendations on the structure most appropriate for the DPMO.

CONCLUDING REMARKS

In concluding, we recognize the difficulty in setting aside time for such process building. However, in our experience, without the strong leadership that such actions require, the organization will continue to experience difficulty in justifying its resource requirements and completing the assigned mission.

CONCLUSIONS

Likes building a ship while under sail, it is not easy to meld disparate organizational entities together while faced with multiple operational demands. However, that is the challenge faced by the DPMO Our initial research at DPMO led us to conclude that the organization lacked (1) well defined missions and tasks, (2) a planning system to see that major goals were accomplished, and (3) a stable organizational structure that supported effective management.

To assist the office in tackling these areas, we outlined methods that we believe will help the organization define its mission, establish a planning system, and structure its organization. We recognize the difficulty in setting aside time for such process building. However, without the strong leadership that such actions require, the organization will continue to experience difficulty in justifying its resource requirements and completing the assigned mission.

Mr. SMITH. I think the letter certainly sums it up, Madam President. The bottom line is, on section 1031, did the administration comply? The answer is, no, they did not comply. Not only do they not comply, they indicate they have no intention of complying, that they cannot comply, they do not have time to comply.

You have to remember, Madam President, I would point out to you, as one who has worked very closely in constituent services as a Member of the House and Senate, this is not your typical bureaucrat runaround where somebody is trying to find out what happened to some particular thing in the Government or trying to get to the right agency. These are families who lost loved ones, who lost loved ones in the service of their country, and to get that kind of a runaround from people who are told to comply with law is disgraceful.

Let me turn to section 1032. This requires the Secretary of Defense to recommend changes to the Missing Persons Act within 6 months; that is, by April 5, 1995. This is an act from the 1940's that allows the Defense Department to declare that servicemen who became missing in hostile territory are automatically dead after 1 year if no information surfaces indicating who they are.

Senator DOLE, Senator LAUTENBERG, Senator LIEBERMAN and I sponsored legislation to correct this. However, I wanted to allow the Secretary of Defense, to be fair, a chance to submit his own recommendations that we could then work out and reconcile with Senator DOLE's legislation and the Armed Services Committee. I did not try to say I had all the answers. I knew we had problems. We wanted to work it out.

Did we get the report by the end of the 6-month period? The answer is, no, we did not. We did not get it until the end of June, 2 months late. It was obvious the Defense Department made no serious attempts to consult with Members of Congress before submitting what turned out to be an inadequate report. Their delay in submitting the required report has pushed back our own timetable in reviewing this matter. As a result, it remains one of the

outstanding issues in the current conference committee deliberations on the fiscal year 1996 Defense Authorization Act.

Congressman DORNAN in the House has worked tirelessly to revise the Missing Persons Act. I want to compliment him for his work. He recognizes the seriousness of this issue, especially as Congress, as we speak, considers sending 25,000 American servicemen into Bosnia, and the White House is leading that effort.

Madam President, we have memos from the Carter administration between President Carter, Secretary of Defense Howard Brown, and National Security Council staff which show in clear terms how the Missing Persons Act was abused, clearly abused, to satisfy other political and foreign policy agendas. There are always other items that move to the surface and push this down. As a result, many Vietnam-era POW/MIA families endured a great injustice as their loved ones were simply written off as dead. These memos clearly show why the law needs to be reformed.

I ask unanimous consent that these memos that I have be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. SMITH. To sum up on section 1032, Madam President, the record clearly shows that the required report was not submitted by the required date. The administration did not comply. So, again, regrettably the answer is "no" again to the law which was supposed to be complied with in April 1995.

Section 1033 urges the Secretary of Defense to establish contact with the Communist Chinese Ministry of Defense officials on Korean War American POW's and MIA's.

Madam President, we have learned, through declassified CIA documents and through documents obtained from Russia, that the Chinese have a wealth of information—a wealth of information —on missing Americans from the Korean war. In fact, the North Koreans told me that when I visited them in P'yongyang in 1992. They made a point of telling me. They showed me books. They showed me photographs of the camps. And in those photographs, in those books, were Communist Chinese guards.

The North Koreans said, "Senator, we know you're here in North Korea looking for information on American POW's. You ought to talk to the Chinese because they were the ones that ran the camps. They were the ones who packed up the American prisoners and took them across the Yalu River when General MacArthur pushed north."

So, Madam President, section 1033 deals with just that matter that was signed into law on October 5, 1994. Three weeks later, the Secretary of Defense—this is ironic, but 3 weeks later the Secretary of Defense, Dr. Perry, was dispatched to Beijing—not for this issue but another issue more important, more important than this one—where he held high-level meetings with, you guessed it, the Communist Chinese Ministry of Defense officials.

So when Dr. Perry returned, I was excited. The law had passed. It was fresh in their minds. Dr. Perry had been to Communist China meeting with these officials. So I sent him a note and asked him if he raised the subject of unaccounted for Americans held by the Chinese on both sides of the Yalu River during the Korean war. I waited. I never got an answer. Several weeks later, I was informed by a low-level bureaucrat, much to my chagrin, that the subject never came up, never discussed. I was hoping I could say, "Did we get any leads on some information?" The subject never came up. In fact, as far as I know, Dr. Perry was not even made aware of section 1033 by his defense POW/MIA office at the time. After all, we saw the letter to the families. They are not interested. They are not interested.

More than 40 years have passed, Madam President, 40 years, and we still have yet to hold any substantive discussions with the Chinese on missing Americans from the Korean war. Forty years. The families wait.

Just a few weeks ago, I was contacted by the daughter of an American pilot shot down over China—not Korea, China—in the 1950's. Intelligence indications are that the Chinese captured the pilot. He was never heard from again.

What is President Clinton waiting for before he decides to approach China on behalf of the family of this man? How many more years do they have to wait before somebody simply asks the Chinese what happened to him. How many more years? Is that too much to ask? When the Secretary of Defense goes to China for high-level talks, is it too much to ask the Chinese what happened to that pilot that we know was shot down? That is what the Congress recommended. That is what the Congress urged by passing section 1033.

So again I must check the "No" box. Again we come up short. Again the President ignores the law. Again the families wait and wait and wait. No one cares. We do not have the assets. We do not have the resources. We do not have the time. We do not have the interest to be bothered with finding out what happened to that pilot in 1950, do we? Too many other important things to do, is there not?

This is a terrible message for the President who is about to send and wants to send 25,000 more Americans who wear the uniform today into Bosnia—25,000 more Americans into Bosnia, and he cannot ask his Secretary of Defense to ask the Chinese if they know what happened to this pilot and others. I am not holding the President to a standard he cannot meet. I am not asking the President to say absolutely bring him back alive or dead or bring back information. I am asking him to ask the Chinese what happened to him. That is all I am asking.

Section 1034—another section of the law—requires Secretary of Defense to provide Congress within 45 days a complete listing by name of all Vietnam era POW/MIA cases where it is possible Vietnamese or Lao officials can produce additional information.

I am going to skip this section for just a moment because it pertains to Vietnam, and I wish to finish covering the two sections on the Korean war. However, even though I am going to skip it, as you might expect, we are going to check the "No" box here, too, because they have not complied with that either.

This is perhaps the most disturbing affront to Congress, the Vietnam portion, but I will get back to that in a moment.

Let us go to section 1035. This "requires two reports to Congress on U.S. efforts to obtain information from North Korea on POW's and MIA's.

"Do the reports show any progress since October 1994?"

We have a situation where the answer happens to be "Yes." But it further requires the President to seriously consider forming a special commission with North Korea to resolve the issue as recommended by the Senate Select Committee on POW/MIA Affairs in 1993, and the answer to that one is "No."

The remains of those soldiers that we know were in those camps buried in North Korea during the war, where are they? I was allowed to visit, when I went to P'yongyang, the anti-American War Museum in 1992, and I caught a glimpse of their vast archives. It is obvious—obvious—that North Korea has substantial information on Americans that they shot down, captured, or turned over to the Chinese or had taken from them by the Chinese—room after room after room. We were allowed to see maybe half a dozen, maybe a few more, 7 or 8 rooms, in an 80- to 90-room museum full of information on Americans—Americans. It was called the American museum. Some in our Government denied it existed, said there was not any such museum. You are wasting your time to go over there and try to find it. North Koreans denied it, too, but we knew where it was, and we got there.

Let me tell you something. Having served in the Vietnam war and spent 11 years on this issue, to walk through a museum with letters from American POW's that were sent home but never were received at home because the North Koreans intercepted them and hung them up on their walls as trophies, to see photographs of dead

American POW's and live American POW's who had been tortured and suffered, to see it all as the North Koreans proudly displayed with a high-ranking North Korean military officer on either side as I and others walked through that museum, that is tough. That is tough to have to go through.

You know what. As tough as it was, it is not half as tough as coming back here and knowing I cannot get anybody in Government who cares enough to go back over there and try to get answers for these families. That is what is tough.

The key question here is, Do the reports show any progress in these two specified areas? And again the answer to that question is "No." And the reports make it clear. So I think I will check the "No" box again. There was a little "Yes" box here. That is the only "Yes." In fact, the discussions with the North Koreans have been at an impasse now for a long, long time. The North Koreans want several millions from the United States for remains they have already turned over. I am not into that blackmail. We have done that to Vietnam now—millions of dollars for remains, body parts. That is blackmail. It is disgraceful. We should not agree to it. That is not what I talked to the North Koreans about. However, it does not mean that we should not set up a better mechanism to address all of our concerns—remains, possibility that somebody may be, through some heroic effort, left alive, and information, all three, as well as the North Korean concerns about compensation for expenses they can justify.

It was interesting; a South Korean soldier after spending 43 years in a North Korean camp came back alive about a year ago. That did not get a lot of publicity. His picture was not in Time magazine.

It was O.J. Simpson's picture or some rock star's picture, but not this guy.

(Mr. ASHCROFT assumed the chair.)

Mr. SMITH. Mr. President, let me tell you something, he happened to be a South Korean, but what if he had been an American? What if he had been an American? He would have been on Time magazine, would he not? Well, he could have been. He could have been.

I do not know what the President or anyone else in our Government today would have to say to that man, not a young man, not today. What would you say to him when you looked him in the eye when he asked you, "Where had you been for the past 43 years?" What would you say?

That is where the second half of section 1035 comes in. The Congress required the President to give serious consideration to forming a special commission with the North, and this is something the Senate Select Committee on POW/MIA Affairs recommended in its final report. All 12 Senators—Democrat, Republican, liberal, conservative—agreed on this point.

Nonetheless, the administration, obviously, has not given this suggestion any serious consideration, and if they had, they would have contacted me to discuss what the Bush administration and I had already worked out and presented to the North Koreans shortly before President Bush left office. I was very involved in those discussions and there has been no followup with me whatsoever—not one word from the previous administration or this administration, absolutely no interest, no consideration, no interest whatsoever in what those discussions were. I am not a State Department official. I have no authority to negotiate. These were simple discussions, but I thought they might be interested in knowing what we talked about and what we might be able to do as a result of those discussions, but I was hoping for too much.

But, oh, you hear the rhetoric, though, you hear the rhetoric. How we worked so hard, we tried so hard, we have the POW/MIA stamp, we have the ceremonies, POW/MIA recognition day, and we have these great speeches about how we will never forget, "You are not forgotten." Words, Mr. President, they are cheap. There has not been compliance with the second half of section 1035. So we will just check the "no" block there.

Section 1036, require public disclosure of all Defense Department records on American POW's and missing personnel from the Korean war and the cold war that are in the possession of the National Archives by September 30, 1995, 1 month ago. Our National Archives, Mr. President. Not the North Korean's national archives, not the Chinese, not the Russians, our own archives.

Two weeks ago, the administration reported that they had not complied with this section. They need more time, Mr. President. One year was not enough. So Senator KERRY and I have now extended their deadline until January 2, 1996, in the fiscal year 1996 Defense Authorization Act. We gave the administration 3 more months, and it remains to be seen whether they are going to comply.

Open up the archives. Let us see what is in there. It is the Korean war, over 40 years ago. Are there national security secrets in there? What is amazing about this is that Defense Department officials have admitted to me—admitted—and I will not quote them, but they admit it, that they did not even begin to consider whether they would be in compliance with this provision until 10 months after the bill was signed into law.

At that time, when they were asked about it by family members, then they decided they might have to do something. It is not that we did not warn them. In fact, after the law was signed last year, I sent a letter to the Department of Defense reminding them of this obligation. They did not care about the deadline. It is not important. They have too many more important things to do.

So, again, let us check the final "no" box, Mr. President. That is not a very good record, the way I look at it. This is the law. This is the law. These are not simple requests by letters. This is the law. Not one item on there was complied with.

The administration, probably not a very good metaphor, basically thumbed its nose at the Congress and the American people and the families and our Nation's veterans by not complying with the sanctions of this law. I am offended, and every single decent American should be offended. Every mother and father who has a son or daughter poised to go into Bosnia today, sent there by this President or this Congress, ought to be offended.

This is contempt for the laws of Congress, and I know a lot of laws get passed and I know a lot of things are difficult to comply with. God knows I understand that. I serve on the Armed Services Committee and I sympathize with so many of the regulations and laws with which they have to comply. But I have reminded them over and over. I have offered to help. I have given them extensions. Nothing. And yet, if you read any manual on POW's and MIA's today, you know what it will say—try not to laugh, this is the highest national priority—it says in the handbook, "the highest national priority." If that is the highest national priority, I would hate to see what is, really. The President clearly does not care about disregarding this law, and I think the American people are rightfully going to hold him responsible for it.

Let me come back to 1034, the final point on here. This is the section which last year's law pertained to the Vietnam-era POW/MIA cases. This is the most disturbing violation of all, because it occurred during the same period—and this is very offensive to me personally—it occurred during the same period that the President is showering the Communist Government of Vietnam with full diplomatic recognition and expanding the commercial contacts there. In fact, the State Department and our trade representatives are now coming to the Hill to brief congressional staff on further efforts to expand the economic relations, to set up the diplomatic office.

I have stated all along, and fought this every inch of the way and lost, that these initiatives are premature and that they simply amount to nothing more than putting profit over principle. That is what it is.

Section 1034 requires the Secretary of Defense to provide Congress within 45 days—this is not an unreasonable request—within 45 days a complete listing by name of all Vietnam-era POW/

MIA cases where it is possible that Vietnamese or Lao officials can produce additional information. Not additional men, not unreasonable requests, not somebody that was blown up in a fire fight that nobody saw, but POW/MIA cases where it is possible that Vietnamese or Lao officials can produce additional information.

Mr. President, there are 2,170 Americans still unaccounted for from the Vietnam war. We know half of them were believed to be killed in combat at the time of their incident and the other half were listed as missing in action—we know that—which means we did not know what happened to them at the end of the war. That is what it means.

There has been a great debate about how many cases Vietnam really still owes us answers on, how many out of these 2,170 can they legitimately give us answers on. We know they cannot do it all. That would be an unreasonable expectation, because in some cases, frankly, they do not know what happened. There was a lot of concern about some of the wartime photographs that surfaced in the Vietnamese archives on cases where Vietnam had previously said they had no information, no information, do not know what happened to this guy and suddenly up pops a photograph.

So we wanted a case-by-case assessment on this issue. Now you would think that the Department of Defense would have had this information readily available in some type of a database that is constantly updated, if it is the highest national priority. We are trying to find out what happened to the 2,170 men. If we have intelligence information that this or that happened, we ought to be feeding it into a database, we ought to be able to pull it up and send it over here. Wrong.

They spend $54 million a year of the taxpayers' money working on this issue, and they cannot produce a simple list of 2,170 people in which it says on one side this guy was killed in action, here are the witnesses; this guy was captured alive, he was led off, here is the information; this guy was photographed in a POW camp, never came back. They cannot produce it. They cannot do it.

They have the information, Mr. President, because I have read it. I have seen it. Do you know why they do not want to produce the list? I will tell you why. Because if they produce the list, it might screw up the diplomatic relations, mess up the economic gains that American businessmen are going to make by exploiting Vietnam. That is why they do not want to put the list out.

How could the President of the United States—any President—proceed with the normalization of relations with any country—in this case, Vietnam—without first knowing just a simple, basic knowledge of how many cases of missing American servicemen there are? If Vietnamese and Lao officials had more information on them, based on all of our intelligence and investigative activity to date, how can we, in good conscience, move on without getting just that basic information—not out of the Vietnamese, Mr. President, but out of our own Government—what they have that they think the Vietnamese and the Lao have?

I am not saying account for every one of these men. That is not what I am asking for. I am asking them to give me the information on the cases of the men that they have in their best intelligence—perhaps a witness, a buddy who saw a guy led off, whatever. Give it to us because we have reason to believe that the Vietnamese would know what happened to these men, and we can confront them on this.

One example: David Hrdlicka was shot down, captured by the North Vietnamese in Laos, photographed, filmed, used in Communist propaganda, paraded around. Never a word from the Lao or the Vietnamese as to what happened to David Hrdlicka. Do you think they do not know what happened to him? Of course, they know what happened to him. But that information is in that list.

If the Government sends that list over here—our Government—that is going to be a little embarrassing, because when Carol Hrdlicka, David's wife, who has waited all these years, says, "Why are you normalizing relations with a country that will not even tell you what happened to my husband?" What are you going to say, Mr. President? The administration has not complied with this law.

You have to ask yourself these questions: Why? Why? I could go over there, probably in a month, with a couple of staff people and get it myself. It is there. It is not that it is not there. Of course, it is there. Of course, there is a database. What are they afraid of? Are they covering up or sitting on information that would show the American people that Vietnam is not fully cooperating on missing Americans? You bet. You bet. That is exactly the reason why they are not giving us the information, because it is going to show that the Vietnamese are not fully cooperating—are not cooperating in any way, shape, or form, to the full capacity that they could.

If this information were released to the public, it would undermine all of the rhetoric from the President, the Secretary of State and their adjectives like "splendid," "superb," and all this cooperation they claim we have been receiving from Communist Vietnam. That is what we have heard—not just cooperation, but "splendid," "superb," "outstanding," "unprecedented."

Well, boy, it would sure blow that up if the U.S. Congress and every staff member for every Senator and Congressman in this place could look at that list. That is why we do not have the list. Hold the list up, ignore the law until we get it all done, until we get the mission set up, get the full diplomatic relations set up, then let it out, but do not do it now; you will sure mess it up.

I recall the statements by assistant Secretary of State Winston Lord during his last trip to Vietnam this last May. He stated: "We have no reason to believe that the Vietnamese are not making a good-faith effort on the POW/MIA issue." Well, Mr. Lord, let me just say it as nicely as I can: That is not the truth. That is not the truth, and you know it.

If the President has no reason—and that is the exact word—to believe they are not cooperating, which is what he cited as the basis for announcing his decision to normalize relations this past summer, then where is the list? Why do you not let us see the list?

There will be some who will come back down here on the floor, perhaps tonight or tomorrow and say, "There goes SMITH again. I thought we could get the war behind us; I want to get it over and move on. I am tired of fighting the war."

Some things have to be fought. Some things have to be continued because they are right. Many of my colleagues in the 1840's and 1850's stood on the floor of this U.S. Senate and argued against slavery, and it took them a while to get it right, but they got it right, and they were right when they were making those statements and having those discussions on the floor of the Senate. And we are right now to make them now.

History will judge us as being right. History will judge us, who stood up and said we did not get the information, not only from the Vietnamese and the Lao, but from our own Government. We did not get it. History will judge us as being absolutely right. I do not care who says what differently. History will be the judge. I will stand on that judgment.

I want to review in more detail now exactly where we have been concerning this requirement over the last year. I want my colleagues and the American people to see what is going on. I know this is a long speech and people want to go home, but it has been a lot longer for the people who have waited for answers for their loved ones, some all the way back into the fifties, from the cold war. So I am doing it for them. No one else cares, so I am doing it for them.

I want everybody to know what happened over the last year. It would make you sick, Mr. President, to see the obfuscation, the delay tactics that have taken place. I have drawn my conclusion. I am going to be criticized for this. It is a coverup; that is what it is. It is not a coverup in any sense other than you got information and you will

not give it to us, according to the law. If you have information that the law prescribes and you will not give it to us, then you are covering it up. If you are not covering up, get it over here. If I get this information over here tomorrow morning, I will withdraw and retract the comment about a coverup. If I do not get it, or there is some indication that I am going to get it quickly, I am going to assume that this information is being covered up so we can get on with normalization and not mess it up.

This information, if we get it here, will show that right up to the present, despite all the comments about cooperation, the Government is nonetheless holding back information on several hundred—not 10, 12 or 20—American servicemen that were lost or captured in Communist Laos and North Vietnam during the war. Several hundred are on that list. What is that list? That list is the best case, best information available by the United States Government through intelligence sources, buddies on the battlefield, copilots, back seaters, men on the ground as to what happened to these individuals. It is not necessarily that they are alive, but that we know what happened to them, and we think the Vietnamese know what happened to them. That is all we are asking for. But, you see, if we publish that list, it would destroy the argument for normalization.

Do you know what people say to me? It is amazing. "Why would a Vietnamese hold back any information?" First of all, I am not interested in why. The first question is, are they holding back and not disclosing information about the fate of our men? In the absence of this list of cases, I can only conclude that the administration is presently engaged in a coverup of information that would answer this question in the affirmative. Pure and simple.

People will yank this phrase out of context. But if you put it in the context that I have said it—and I have been quoted out of context before—they are covering up in providing the information, the best-case information, best available information, as to what happened to certain men who are missing, in order to move forward with diplomatic relations and trade. I am going to let my colleagues and the American people be the judge after they see what happened, because do you know what? Sooner or later I am going to get that list, because I have seen it and I know it exists.

This list was required by law on November 17, 1994. As that date approached, the Deputy Assistant Secretary of Defense sent a letter to Congress requesting a 3-month extension. He also informed us there was an interagency agreement within the executive branch that no revised or new list would ever be produced.

Let me read from the letter we received at the time from the Deputy Assistant Secretary of Defense.

DEAR MR. CHAIRMAN: The fiscal year 1995 National Defense Authorization Act contained a request that the Secretary of Defense report not later than 45 days to the Congress specified information pertaining to the U.S. personnel involved in the Vietnam conflict that remain unaccounted for.

This letter is to advise you the study is underway and that considerable progress has been made, but it is unlikely the report will be finalized by the time requested. It is anticipated that the report will be finalized within 135 days, at which time it will be forwarded to your committee for review.

This was addressed to Senator NUNN.

The comprehensive review must be carefully constructed to reinforce current and near-term negotiations. Specifically, there is great potential to any new list to cause confusion for the governments of Vietnam and Laos, and this concern resulted in an interagency agreement that would not produce any new lists.

Gobbledygook.

Mr. President, the law does not give the administration the luxury to decide whether or not a new list would be produced. It said produce a list.

I reminded the administration of that fact last November. I am, frankly, not interested in some bureaucrat's view about causing confusion for the Vietnamese. The Congress, the American people, and the families are the ones who have been confused by Government distortions on this issue since the end of the war. That is another reason we want a straightforward list in the first place.

Notwithstanding that, I try to be reasonable, and in spite of all the hardships these families try to be reasonable. A 3-month extension seemed OK to me, and the Armed Services Committee agreed with it.

I met with the Deputy Assistant Secretary in December of last year in my office and told him I had no objection. Even though I did, I said I had no objection to extending the deadline to February 17, 1995. I expressed my amazement that such a list did not already exist. In fact, I still do not know how the President can look at normalizing relations with Communist Vietnam without having the list of the American POW cases that Vietnam might be holding back on. He is not concerned about it. I just am absolutely aghast to think that that does not bother him, because apparently it does not or he would provide the list.

When the new extended deadline began to approach after the Christmas holidays last year, rumors started to surface that we still would not get the list by the new February deadline. Those rumors turned out to be true.

On January 24, 1995, after more rumors surfaced that the President might upgrade relations with Vietnam, several of my colleagues joined me in sending a letter to the President reminding him of his obligation to provide the required list. In fact, we asked him to give us the list before any decision was made to upgrade relations.

That sent the red flag up, so now we had to speed up the process. Let me just say I sent the letter. But let me tell you who else signed it. It was signed by the chairman of the Foreign Affairs Committee, Senator HELMS; it was signed by the chairman of the Armed Services Committee, Senator THURMOND; it was signed by the chairman of the Intelligence Committee, Senator SPECTER; signed by the chairman of the Asian Pacific Subcommittee, Senator THOMAS; the chairwoman of the International Operations Subcommittee, Senator SNOWE; the House chairman of the International Relations Committee, Congressman GILMAN; the House chairman of the Asian Pacific Subcommittee BEREUTER; and the House chairman of the National Committee on Military Personal, Congressman DORNAN.

The President ignored the request. He said, you will get the list soon, period. This was in January 1995. January 28, he announced the formation of liaison offices between Vietnam and the United States in both Hanoi and here in Washington. Fast track, we call it.

For the first time now we are allowing the Communist Vietnamese government to establish an office here in Washington, even though Congress still had not provided the American people with a list, the White House had not provided Congress with a list of POW/MIA that Vietnam might be holding back on. No list.

I think the administration realized their decision to upgrade relations would not be viewed in a positive light if the list was released just last February. You can be the judge on that.

I next raised the issue with Secretary of Defense Bill Perry at a hearing of the Senate Armed Services Committee on February 9, 1995. I told Dr. Perry's staff beforehand that I would raise the question so there would be no surprises. I do not play the game that way. I wanted him to have a response ready so I did not catch him by surprise.

When I asked him at the hearing if he was going to meet the new deadline by February 17, he said, "Yes, yes." I immediately followed up that day with a letter to the Assistant Secretary of Defense.

The following day I received a response which stated, "The Department will respond to the legislation by February 17, 1995. Let me assure you our response to this Congressional requirement will be provided in compliance with the law."

On February 17, 1995, we received a letter from the Secretary of Defense which did not comply with the law. I repeat, did not comply with the law. It did not provide the updated listing of

cases of missing Americans that Vietnam and Laos officials might have more information on.

I want to read an excerpt from that letter that we received from the Secretary of Defense which I have blown up here on a chart. This is the letter to Senator THURMOND, the chairman of the Armed Services Committee.

In response to this legislation, the Department of Defense has initiated a comprehensive review of each case involving an American who never returned from Southeast Asia.

That sounds good.

As of February 12, 1995, nearly 50 percent of all cases have been reviewed as part of this process.

Completion of this painstaking case-by-case review will take at least several additional months, at which time these findings will be reported to Congress.

Well, here we go again. We do not have a list. Several additional months—no list.

Is it not a little audacious for the Pentagon to talk about a request if a straightforward analysis—let me quote this language which really jumps off the page, Mr. President. "Completion of this painstaking case-by-case review will take at least several additional months."

Painstaking. How about the pain and the uncertainty that the families have had to endure with their missing loved ones? Believe me, the Pentagon's pain on this issue is nothing compared to the pain of the families. I think the word is an insult. I take offense with the use of that word to imply there is some analyst over in the Pentagon who is going through this whole painstaking process of putting a list together—a simple list of information they already have. I am not asking them to extract this from the Vietnamese and Laos but from our own intelligence files that we believe the Vietnamese have or the Laos on our missing men.

How would you compare their pain? That must be awfully painful for them, is it not, these bureaucrats going through this painstaking process?

What have they been doing for the last 25 years? What have they been doing for the last 25 years if they do not have the information on these people that are missing? My God, what are they telling the families? How can anybody have any sympathy for anybody in this administration or any other administration with that kind of analysis on this issue?

Consider the roller coaster ride that the families have been on year after year, decade after decade, waiting for answers. Hopes up, dashed. Hopes up, dashed. They are the ones that have gone through the pain, Mr. President, not these bureaucrats.

I am not saying that the people in there are not loyal Americans trying to do a job, but we should get the job done.

How much more time do you need? It was clear by this past February that the administration had violated the law. That is the exact phrase—violated the law. I sent a long letter, again, to the Secretary of Defense on March 7, 1995, and I expressed my disappointment that you violated the law. Everybody else has to comply with the law but apparently the President does not.

A month later on April 7, I received another written response from the Under Secretary of Defense, Walter Slocombe, allegedly on behalf of Dr. Perry. Let me just read an excerpt from that letter:

Section 1034's impact has been to refocus the analyst' work to conduct this comprehensive review earlier than anticipated. Currently, DOD has committed 22 of the 33 analysts (67 percent) within DPMO and an additional 12 analysts from Joint Task Force Full Accounting to working full-time on the comprehensive review. To ensure the type of comprehensive review of all 2,211 cases that both Congress and the families demand and have a right to expect, it is essential that the analysts expend the time and scrutiny required to evaluate every individual's case in the light of all available evidence.

While there will be no arbitrary deadline, I assure you that DOD will continue to give this effort the utmost attention. I am confident the review will be completed during the summer. The department will report the results of DPMO's review to Congress on its completion.

That was in April. Imagine that. The law imposes a deadline. That is what I thought, that you had to comply with the law. I am sure the Senator in the chair, the Senator from Missouri, when the EPA tells one of the communities in your State they have to comply with the Safe Drinking Water Act or Clean Air Act, they nail you with a fine and threaten your community.

This law imposed a deadline, and not an unreasonable one. Yet the Under Secretary of Defense says to Congress, "There will be no arbitrary deadline." In other words, "To heck with you, Congress. Do not tell me when we have to do this. We will get it when we are ready. That is an arbitrary deadline."

Who is he, Mr. President? Who elected him? Is he under the law? I guess not. The Department of Defense must be above the law. And the Clinton administration, I guess the President himself, he must feel the same way—above the law.

You wonder why people are cynical about politics and politicians? It is an affront. It is an affront to Congress. I am taking the floor tonight, and taking the time to work my way through this because I want my colleagues to know that we have laws on the books that are being ignored, and blatantly ignored. We are not even allowed to review our own Government's assessment to judge for ourselves whether Vietnam is fully cooperating. I am not asking for my own assessment. I am asking for our Government's assessment. That is all I am asking for.

And then, without getting that information, my colleagues and I are asked to rubberstamp the President's discussion on diplomatic relations. That is what we did.

I do not think it is going to be that easy. I urge my colleagues to consider these matters the next time they are asked to vote on this issue. I certainly commend Senator CRAIG THOMAS for his support in his committee. I hope it will be a long time coming before you get an ambassador approved out of the Senate.

There used to be an expression as you go along through a speech "stay tuned, it gets worse." The next chart is a statement from June 28, 1995, before Congress. This is a full 3 months after the last letter from Under Secretary Slocombe wherein he assured us that all his analysts were working full time on these cases.

Three months later, in June, we still did not have the list. So, this is sworn testimony by Jim Wold, the Deputy Assistant Secretary of Defense for POW/MIA affairs. Here is what he said.

We must never forget, however, that the goal of achieving the fullest possible accounting can only be achieved with diligence and hard work. With that in mind, I launched the ongoing DOD comprehensive review of all Southeast Asia cases, which I hope will be completed in mid-July. This all-encompassing look at every individual case will provide a solid analytic assessment of the appropriate "next steps" for achieving the fullest possible accounting. Our unaccounted Americans deserve no less. I will work to ensure that we keep our promise to them. Thank you.

Jim Wold is not entirely accurate or he would have said the goal will only be achieved when Vietnam decides to fully open its archives and its prisons. Then we can say we are diligent hard workers.

We can "say" that. That is not going to resolve this matter if the Vietnamese are deliberately withholding information, and I am going to discuss some of the information that is being withheld. There is a lot of heartwarming rhetoric at the end of this statement, "Our unaccounted Americans deserve no less. I will work to ensure that we keep our promise to them." That is what he said. That is real nice. But the fact is the administration was supposed to work to get the job done and report it to Congress under the reasonable deadline imposed by Congress: 45 days, not 245 days later which was mid-July or 330 days, as it now stands, nearly a year since the deadline. No list.

This information should already have been compiled and available for policy makers, the Congress and the families. It has been held—it has been withheld from the American people. They have it. They can put it together. It may not be in a sheet form that you can just say "Here," listed with the information. They can put it together and they can put it together quickly. They have it. Of course they have it. Could they produce it? Yes. Why do they not? Because it is going to show in black and

white the degree to which Vietnam is sitting, as we speak, on information concerning the fate of several hundred American servicemen. Not a few dozen like the administration likes to claim—no, no, no. This is an outrage. It is going to show that they have information on several hundred Americans.

The next chart is a copy of a letter that I sent, again to the Under Secretary of Defense, Mr. Slocombe, continuing to try here. This was dated August 18, 1995, after the President announced, in July, his intention to establish diplomatic relations with Communist Vietnam. You remember that debate. I again tried by sending another letter. My letter followed a similar letter from Senator Thomas in mid-July on this subject, in which he has made clear his intent to withhold in his subcommittee any funding for Vietnam or any ambassadorial nominee to Hanoi until this is reviewed by Congress.

I commend him for having the courage to do that. He has taken considerable heat for it. I cannot possibly say how much I appreciate his support. He has been steadfast on this issue as the chairman of the Senate Foreign Relations Subcommittee on East Asian and Pacific affairs.

But in my August letter, without reading it all, I basically said: Mr. Secretary, where is the list? Where is the list? Where is the list?

No response. No response from the August 18 letter. Not even an acknowledgment, despite numerous followup phone calls after this. Senator THOMAS—no response.

I am told from other sources that these cases finally moved up the policy ladder in the administration, but only after the President made his decision to normalize, which was my point all along. Once we get passed that bogey, then we are home free. They did not want to get it in the way as the President made his decision. Apparently, staffers at the National Security Council are now "very concerned" about releasing this information because of what it shows and the way things are worded in the study. The word is that this assessment or study, which is now being withheld from Congress—and it is being withheld deliberately —shows that Vietnam is likely withholding information on hundreds of POW/MIA cases.

I want to underscore why I am concerned about this. The fact that we still have in my judgment a discrepancy of several hundred cases with no answers from Vietnam or Laos. To do this, I want to refer to the charts, information about POW's from Vietnam that has surfaced in the last 12 years from the Communist Party and intelligence archives of the former Soviet Union. The Russians, to their credit—the Russians to their credit—have been very, very helpful. I am a member of the U.S.-Russian Commission. I met with the Russians on numerous occasions on this subject.

For those who are not familiar with the reports about these documents, let me explain. In 1993, only a few months after President Clinton was sworn in, the administration received from the Russian archives two reports that the Soviet Union, the old Soviet Union, had covertly obtained from the North Vietnamese during the Vietnam war—covertly obtained; a very touchy subject. These were copies of speeches given by two Vietnamese military officials to the North Vietnamese Politburo in 1971 and 1972.

Sections of both of these speeches concern American POW's being held by North Vietnam, and they stated flatly that more American POW's were being held than those the Vietnamese had acknowledged. This is not our intelligence. This is the Soviets.

I might add that the numbers were larger than those that we had assumed.

Sections of both of these speeches were looked at. I might add, as I said, that these numbers were much larger than what we found in the Paris Peace Accords in 1973.

That is the essence of these secret speeches before the North Vietnamese Politburo. They had told the world that they held *X* number of POW's, but in reality they held *X*-plus, and they were not going to release them until we withdrew from Vietnam and paid war reparations, which we never did.

These are not my words. This is the document. As our select committee showed in 1992, yes, we withdrew our military forces in 1975 after Congress had cut off the purse strings, but we did not pay the reparations that President Nixon had promised the Vietnamese in secret communications in February of 1973.

So the first Politburo report turned over was a translation of a wartime secret speech by North Vietnamese Gen. Tran Von Quang, who was a former Deputy Chief of Staff of the North Vietnamese Army. In their report, he stated that 1,205 Americans were being held. As I previously pointed out, only 591 came home. So there is an obvious discrepancy. General Quang says in the document we have 1,205; 591 came home.

The secret Politburo report turned over was a translation of another speech given earlier in the war by the Vietnamese former Vice Minister for National Defense Hoang Anh. Like General Quang, he stated that he had only released a list of 368 names of Americans but that they were in fact holding 735. As I previously stated, that figure had gone up to 1,205 a couple of years later when General Quang addressed the Politburo.

These numbers are all confusing, but this is what the report says. This is not a debate about what Bob SMITH believes. It is not a debate about that report itself. It is a debate about what this report says. It says it. It is a document taken from the archives of the Soviet Union. I do not know whether these numbers are accurate. I do not know. But I know that General Quang said they were accurate. It was not a propaganda document. It was said before the Vietnamese Politburo.

Do you not think that President Clinton would be naive if he believed the Vietnamese did not hold back the total number of Americans they had captured during the war for whatever strategic purposes they deemed appropriate at the time? Even former Secretary of Defense Mel Laird, to his credit, had held a press conference in 1970 to say that the list the Vietnamese published at the time was not complete.

For the record, I want to say that these two Russian documents surfaced on President Clinton's watch—not on President Nixon's or Dr. Kissinger's watch in 1973. They did not know about these documents.

There can be no doubt that President Clinton has to be the one to bear the responsibility with regard to holding the Vietnamese accountable in terms of explaining these Politburo reports, these documents. We cannot go back and say, "Dr. Kissinger should have done something on these specific reports," because they did not know about this. It is my judgment that the administration has tried to brush these documents aside.

There will be plenty of people out there who will say, "Oh, my, here is SMITH again." This is a disservice to the Congress, and to the members of the Armed Services Committee, and to the members of our armed services. Instead of keeping faith with the American fighting men by pursuing information like this until we are certain we are doing everything we can to account for the missing Americans, the President has broken faith.

What about the investigative activity of these reports? Did we look into them sufficiently? In short, no. The administration has not even asked to meet with Hoang Anh, the author of one of these reports, even though he is living in retirement in Vietnam. We are going over there to establish diplomatic relations, going to drill for a little oil, set up some airline offices, but we cannot meet with Mr. Anh. We cannot meet with him, and have not met with him. There has been no credible type of detailed information from the Vietnamese Government on either of these reports, just deny them and that they were accurate.

Let me concentrate on that report by Quang which went into a lot of detail about the number of Americans being held. When that document publicly surfaced from the Soviet archives in April

of 1993, the Vietnamese put a full court press on it, believe me, to label the document a "fabrication." They knew the President was close to lifting the trade embargo. In fact, some said it was created to squash the trade embargo. I do not know who could create it. It came out of the Soviet archives. It was an authentic document. It was said they were caught between a hot rock and a hard place.

What do they do? They lie. They said the report was cooked up and fabricated by a Harvard researcher. That is where it got very interesting. This was not a POW/MIA activist. This was not a nut. This was a Harvard researcher who had nothing to do with MIA's. He was over there doing another project. He found it. He said, "Whoops. Holy mackerel. Here, this is something important." He tucked it away. His name was Stephen Morris.

When the Russians officially turned that document over, the Russians were able to convince every reasonable scholar and analyst that this was an authentic intelligence document from the GRU, the equivalent to our Defense Intelligence Agency. Simply put, the Russians confirmed when they turned the document over that the Vietnamese had apparently lied to the United States for 20 years.

Was there an uproar by the administration, Mr. President? No. In fact, the first thing they did was to classify the document secret, and withhold it from the American people. "Oh, we do not want to mess up the embargo. We cannot let that out." But Dr. Morris released it to the New York Times. Now we have a problem. So then the administration had to respond.

I have a chart here that is a synopsis of the official comments by the Government of the Socialist Republic of Vietnam.

Let me just quickly go through this. You have to remember that this is an independent researcher, Dr. Morris, who finds the document in the Soviet archives. The Soviets say it is true, it is an accurate document in the sense that it is authentic. You cannot vouch for the exact language in it. But these remarks were made by General Quang, it is an authentic document out of the Soviet archives, out of the GRU intelligence community. So now we have a problem. This is two Communist nations during the war who were friends. This is an embarrassment. And the Communist Vietnamese were livid because it embarrassed them. But they were caught with their proverbial pants down. They had to say something. Here is what they said.

"Vietnam totally denies that ill-intentioned fabrication * * *. Realities prove that the report * * * is completely groundless."

That was in the Foreign Ministry.

"General Tran Van Quang had nothing to do with the General Staff of the Vietnamese People's Army," said the Foreign Minister.

"This is a pure fabrication, and we completely reject it," said the Deputy Director of Vietnam's Office for Seeking Missing Persons.

"* * * it is a forgery document. It's totally false."

This is Le Van Bang, former U.N. Ambassador from Vietnam, the charge d'affaires in Washington, DC. He is here now.

"[General Quang] was in no position to make such a report."

"It's a sheer fabrication. It's non-existent."

"The intelligence service that manufactured this report was a very bad intelligence service. It was absolutely wrong. Never in my life did I make such a report because it was not my area of responsibility * * *. I had nothing to do with American prisoners," said General Quang in April 1993.

Did anybody from the U.S. Government, anybody from the Clinton administration, meet with General Quang? You guessed it. No.

But I did. I did. I went over and spent a half-hour with him. He lied throughout the entire discussion. The reason I know he lied is because I asked him questions that I knew the answer to. He gave me the wrong answers to about just the basic information, about the war years, about information he had that I knew was accurate. He lied. He lied about this.

This is when the Vietnamese really got hot.

"The Russians can possibly open up their documents for you, but as long as the United States side is treating the Vietnamese as 'Trading with the Enemy,' we cannot open our documents for this reason."

That is what the Vietnamese said. He said that to me, particularly the Vietnamese official in Hanoi. It is pretty revealing—that last quote, Mr. President, because the Vietnamese told me personally—that the Russians can open their documents, but we are not going to as long as there is a trade embargo.

That is exactly what they said to me. The Russians can open them up, but we are not opening them up until you get rid of the trade embargo; that is, Trading With the Enemy Act.

Well, the President lifted the embargo 2 years ago. After he lifted the embargo, we were going to have this whole raft of information which was going to come sweeping out of Vietnam.

We were going to be just besieged with it.

Well, we still do not have access to their Communist Party records on POW's. We had to get it through the Russians. So much for superb, splendid, outstanding cooperation, Mr. President.

Let us look at the second chart. Let us see what the Russians had to say about this document. I hope everyone is following this because we just saw what the Vietnamese had to say. These are the Russians. They do not have any reason to be lying to us about this. This is embarrassing to them if anything else. It would be the equivalent of England and the United States with some agreement during the war years that would embarrass one of us against the other. But here we have Dr. Rudol'f Germanovich Pikhoya, the Chief State Archivist of the Russian Federation in August of this year. Here is what he said:

I am absolutely certain that the numbers—

That is the numbers of POW's.

cited by General Quang are true. I believe that the data still exists in Vietnam which deals specifically with U.S. POW's . . . I am absolutely positive that the 1205 figure is absolutely true and correct as far as intelligence data is concerned. As an archivist and someone who has analyzed a great many documents, military and otherwise, I can tell you that this is an absolute truth:

He has used the word "absolute" two or three times:

This number was announced by Quang at a closed Politburo meeting.

How do Russians get information out of a closed Politburo meeting? We do not need to get into that, but we all know how to get it.

Colonel General Ladygin, Chief, Main Intelligence Directorate of the General Staff Ministries of Defense. That is the GRU, the intelligence arm:

General Tran Van Quang, according to the position he held in the Vietnamese military political leadership in 1972, would have been fully competent in the matters stated in the report and qualified to speak about them at Politburo sessions of the Vietnamese Communist Party Central Committee.

Fully competent in the matter stated. They knew who he was. They were allies. They knew who Quang was. Of course, they knew who he was. That is why they were spying on him, to put it nicely.

Captain 1st Rank Alexander Sivets, Main Intelligence Directorate of the General Staff, GRU. Listen:

I will reaffirm that the 1205 document could not have been used for propaganda purposes. It was a top secret document not intended for anyone outside the chambers of the Vietnamese Communist Party to see . . . the document that was sent to the (Soviet) Central Party Committee is, in fact, an original document and not a fake. We consider that the Vietnamese leaders, in their desire to exploit the POW problem for their own interests, would officially cite a lower figure than the real one. This is something that we do not doubt . . . we believe that there were more (American POWs) than Vietnam was officially admitting to.

Gen. Dmitri Volkogonov, a real hero in my mind, who has worked hard on this issue on the side of Russia to help us resolve this issue even though he is very sick:

Upon the request of Senator Smith to President Yeltsin —

That was a hand-delivered letter that my wife delivered to Boris Yeltsin, put

it in his hand when he visited in America so there were no bureaucrats in between:

Upon the request of Senator Smith to President Yeltsin, President Yeltsin ordered me to conduct additional research—

I mean we would not want anybody in the administration to give Yeltsin anything on this so I did:

to include in the files of the Main Intelligence Directorate of the Ministry of Defense . . . I have studied exhaustively the mechanism used to gather this document—

Listen carefully:

I have studied exhaustively the mechanism used to gather this document, and I can state that I do not know of any case where such information would have been fabricated. . . (General Ladygin) has stated that General Quang was fully competent to give his report.

That is a nice way of saying we collected intelligence in there. We are not going to tell you how we did it, but we did it.

Maj. Gen. Anitoliy Volkov:

The Vietnamese denied this document and said it was put forth to throw cold water on U.S. relations. However, I would say in response that there is an old Russian proverb—you cannot change the words of a song.

Once it is a song, it is a song. When you change the words, it is a different song, is it not, Mr. President?

I want to reiterate Mr. President, the Russians have told me right to my face, in my office and in Moscow, that the method by which these reports, the Quang documents, were collected were reliable by the GRU, the intelligence gathering agency. And it was a method through which they acquired other significant reports during the war. In fact, they acquired another report by General Quang to the North Vietnamese Politburo in June 1972, which has nothing to do with POW's and MIA's. In that report, he talks about North Vietnam losses during the Easter offensive in the spring of 1972, and guess what. That information, too, was all accurate. So if he was in a position to know this stuff, how could it not all be accurate? No one in the administration has even asked him about it.

Let us look at what two former National Security Advisers to the President had to say about the Vietnamese Politburo report.

Now, this is very interesting—very interesting. This was on MacNeil/Lehrer—Dr. Brzezinski, who was National Security Council Adviser to President Carter, and Dr. Kissinger, who was the Secretary of State and the National Security Adviser to President Nixon.

Again, following up on the same two reports:

Dr. Brzezinski, you've stated publicly, and you're quoted in the New York Times as believing the document—

The 1205 document.

is genuine. What convinces you? Dr. Brzezinski, National Security Adviser to President Carter, right after the war. What convinces you?

Its style, its content, the cover note to the Soviet Politburo. One would have to assume a really very complex Byzantine conspiracy to reach the conclusion that this is not an authentic Soviet document based on a Vietnamese document.

Then MacNeil says:

Dr. Kissinger, what do you think on the question of authenticity, first of all, of the document?

Dr. Kissinger: I agree with Brzezinski that those parts that I know something about have an authentic ring.

Remember, this document deals not just with MIA's. It dealt with a whole raft of things. They have an authentic ring:

For example, when they (General Quang) described what their negotiating tactics were, those were the tactics they were using in negotiating with us.

Kissinger was the guy who negotiated the Paris Peace Agreement:

They say in this document that their proposals were first a cease fire and overthrow of President Thieu, after which they would use the prisoners to negotiate whatever other concerns they had. Now, as of the date of that document, those were their proposals. A month later they changed it, but I could see if you make a report to the Politburo in the middle of September and you want to summarize what the negotiating position is. . . .

He goes on to say:

If that document is authentic, and it is hard to imagine who would have forged it, for what purpose, then I think an enormous crime has been committed, and then we should—I do not see how we can proceed in normalizing relations until it is fully cleared up.

Dr. Kissinger himself: "I do not see how we can proceed with normalizing relations until it is cleared up."

Not only has it not been cleared up; we have not even talked to anybody about it.

Dr. Brzezinski:

As far as Vietnam is concerned, I think that if this document is sustained, and it looks unfortunately to be sustainable, we have the right to ask the present Vietnamese government to place those responsible in war crimes trials . . .

Dr. Brzezinski, President Carter's national security adviser.

Let me repeat this:

As far as Vietnam is concerned, I think that if this document is sustained, and unfortunately it looks to be sustainable, we have the right to ask the present Vietnamese government to place those responsible in war crimes trials . . .

We did not do that, did we? We just gave them diplomatic relations. We are going to give them money, trade, airplane routes.

Dr. Kissinger:

I don't think that we can normalize relations or ease conditions in international agencies until we have cleared up this issue . . . I don't see how we can proceed with North Vietnamese or with Vietnamese normalization until this question is cleared up . . .

Well, we did. So much for the impact of two National Security Council advisers, very respected, very knowledgeable, certainly more knowledgeable than anyone I know on this issue.

Let us look at what the President says, the Clinton administration denials concerning the 1972 Politburo report on American POW's. This is amazing. You heard Brzezinski, you heard Kissinger, you heard the Russians, the Russian intelligence. Now let us hear what our Government says.

What General Quang told us is not inconsistent with what we knew about him, and I have no reason to disbelieve General Quang.

That is General Vessey.

I have no reason to disbelieve [him].

The number of U.S. POWs mentioned in the document could not be correct . . .

Now, we are going to get to the CIA. Now we have to trash this thing, blow it up and make sure we could not possibly have any credibility left because we have to normalize. We cannot let this document get in the way.

So the CIA says:

The number of U.S. POWs mentioned in the document could not be correct, they contradict what the U.S. Government knows from years of research and the analysis of thousands of other intelligence documents.

So, the U.S. Government, the CIA, sitting here in Washington, DC, knows more than the Russian intelligence, who were on the ground, allies, knows more than anybody else:

All previously known information and conventional analytical thinking based on this information tend to refute the Russian document . . . Based on historical information we have amassed . . .

They do not say where they amassed it. They just amassed it. No proof.

We can assume that there is little evidence to support the claims made in the Russian document.

If I wanted to use profanity on the floor of the Senate—and I will not—there is a word for that, Mr. President. It comes from livestock of the male variety:

While portions of the document are plausible and some portions are accurate and true, evidence in support of its accuracy concerning the POWs is far outweighed by errors, omissions, and propaganda which detracts from its credibility.

Deputy Assistant Secretary of Defense for POW/MIA Affairs.

Let us drop down to Malcolm Toon, the U.S. Chairman, Joint Commission on POW/MIA's:

I am now prepared to accept as the best available answer to this annoying problem.

It is now an annoying problem. That is a very interesting choice of words, an annoying problem. Here is a guy out of the Communist archives of the Soviet Union, a general who was in a position to know almost everything about POW/MIA's, saying that they had more POW's and MIA's in the turnback, and now it is an annoying problem.

You bet your boots it is an annoying problem. If you want to normalize relations with a government that held

them, it sure as heck is an annoying problem. That is what it says, an annoying problem.

But this is the one here. This is Robert Destatte, Vietnam analyst, Defense POW/MIA Office, statement to the Russian Government in August 1995. This is bizarre. Destatte is over there. And here is what he says. He is now going to argue with the Russian intelligence. He knows more about it than they do:

> We have accurate knowledge of the movement of prisoners through the Vietnamese prison system. We have accurate knowledge of the numbers and locations of each of the detention camps in North Vietnam, [not only North Vietnam] South Vietnam, Laos, and Cambodia. Regarding the number of 1205, taking into consideration the Americans who are unaccounted for, it's impossible to come up with the figure 1205 . . . We cannot accept that figure . . . If we look at the document, we know where Tran Van Quang was at the time. We also know what his position was. It's highly unlikely that Tran Van Quang would have presented a report on these issues to the Politburo.

Listen to that. It is highly unlikely. A very clear, precise word. "Highly unlikely that * * * Quang would have presented a report on these issues to the Politburo." That he would have is highly unlikely. "We cannot accept that figure. . ." Baloney. They do not know what they are talking about.

We are told that there is no way that the numbers add up; General Quang did not, could not, have given the report. In fact, we are told there is no reason to disbelieve Quang. I think the fact that he is a North Vietnamese Communist general that waged war on American soldiers for an entire decade, a Vietnamese general who waged war on American soldiers for a decade, is that not enough reason not to brush this report aside? Do you not think he knew what he was talking about? It was not a propaganda piece. It was a document allegedly of an actual transcription of what he said. He is talking to the Politburo in Vietnam. He is not talking to the world out there trying to convince them of something.

It is amazing that the Clinton administration is so confident on this point. The Russians say it is accurate, that Quang did, in fact, give this report. And the Clinton administration says there is no reason to believe Quang. It is an annoying problem.

I cannot imagine—I am not an attorney, but in a court of law, if you were trying this case, I cannot imagine not getting a conviction that this document was real. If the administration wants to talk about whether the numbers make sense, let us look at the breakdown. The numbers certainly are not impossible. The word was that there could not possibly be that many POW's.

Well, here they are. There are the 2,170 lost in North Vietnam, South Vietnam, Laos, Cambodia, China. Total: 1,101. Those are missing.

Here are the ones KIA/BNR, another 1,000. We do not know for sure that every one of them is KIA/BNR, body not recovered. So there is certainly enough in the numbers. Baloney.

If the numbers do add up, why should the administration let Vietnam off the hook on these Russian documents? Why do we not at least investigate?

Let us take Laos as an example. We have 293 personnel missing from Laos; another 178 that we believe died during the war. So 293, 178, equals 471 in Laos.

In the Politburo report General Quang states:

> From other categories of American servicemen in Indochina, we have captured 391 people, including . . . 43 in Laos.

Well, you are talking about 471. It would seem to me that if you add 391 and 43, you are somewhere in the vicinity of 430. And if 471 are missing from Laos, you do not have to be a rocket scientist to figure out there could be 430 people that we do not have accounted for.

Now, let me read from the excerpts from declassified minutes of a White House situation briefing in January 1973, 4 months after Quang's secret report.

During that White House meeting, Admiral Daniel Murphy of the Department of Defense stated:

> We don't know what we will get from Laos.

We are back in 1973 now:

> We don't know what we will get from Laos. We have only six known prisoners in Laos, although we hope there may be 40 or 41.

Mr. President, that is almost the exact number referenced by General Quang.

We never got any POW's back from Laos. Not one. Not one. Nine were sent back by the North Vietnamese into Vietnamese prisons. Not one, including David Hrdlicka, even though he was filmed and those films were sent all over the Communist world. Never got one back. Not one. And they were captured and they were held.

I was in Laos, flew in by helicopter, went up into the remote areas of the caves where Hrdlicka was held. We talked to the villagers who held him. We know he was held there. He was alive. They know what happened to him, too. I am not saying he is alive. I do not know that. My point is they know what happened to him, and there were others captured along the Ho Chi Minh Trail and Laos by Vietnamese units and taken into Vietnam. As I say, nine of them were Americans. Only nine of them ever came home.

In our committee hearings in 1992, Larry Eagleburger had sent a memo to Dr. Kissinger. He was a DOD official at the time. He sent a memo to Dr. Kissinger recommending military action to get back American POW's believed to be captured in Laos. This was at the time peace accords were being negotiated.

President Nixon said, "It's inconceivable that there were not more names on the POW list from Laos." And this number, this 471, tracks with what General Quang said, Mr. President. He was there. Yet, in spite of all this, in spite of all these comments, in spite of all this information, the President of the United States, William Jefferson Clinton, said "We're getting superb cooperation" from the Vietnamese.

The Vietnamese have turned over one document concerning shootdowns of Americans in Laos. One. One document, and that is it, even though our intelligence agencies believe that the Vietnamese have many more records on who they captured in Laos. We know they do. And you know what, if we get that list, we will find out that they do.

The Pentagon refers to that one document that we have as the "Group 559" document, since the information was apparently compiled from the records of the North Vietnamese unit in Laos during the war, which was called group 559. I might say that document was provided in September 1993, 20 years later, 2 months after my last visit to Vietnam.

It was during that visit I sat with the Vietnamese and went through declassified documents from our own intelligence agencies page by page and conclusively proved that North Vietnamese units were, in fact, in Laos during the war shooting down and capturing American pilots. I actually read it to them, the Vietnamese. They never heard these before. It was declassified, so it was perfectly appropriate to do it. I actually read them the radio intercepts that we had on these guys being captured. They were shocked. It was the first time anybody of the United States ever sat down with the Vietnamese and gave them graphic evidence and said, "Hey, guys, I'm sorry, don't give me the line anymore because we have the intercepts, we know you captured these guys. We don't know what you did with them 20 years later, but we know you captured them. So why don't you tell us? Stop the game."

Not one shred of information on any of those guys. Not to me that year I was there, not to anybody else after that, but it is splendid cooperation, Mr. President.

So the Vietnamese put together this summary of shootdowns in Laos. They called it the group 559. They turned it over 2 months later, and our analysts at the Pentagon went through that summary and concluded:

> The analysis of this document makes it clear that the Vietnamese have additional group 559 records that may contain information useful to POW resolution. This document makes explicit reference to wartime documents from which information was obtained.

Do we have these documents? Do we have these documents? No. But we are getting splendid cooperation. We are getting the oil money pumping over

there, opening up the airline routes, get the businesses going because we are having splendid cooperation.

Ask the families, Mr. President, whether they think the cooperation has been splendid. Ask the families if they support normalization with Vietnam.

Since that summary document on Laos losses was turned over in 1993, practically nothing—nothing, for the most part—nothing has been turned over by Vietnam concerning cases of Americans lost in Laos.

All of these people who have come down here and railed against me on this issue over the years, railed against all the things I have said, ask them to come down here and rail about Laos. See what they know about Laos. Ask them to come down on the floor of the Senate and say, "Yes, the Lao and Vietnamese in Laos have given us all the information on the Lao shootdowns." Ask them to do that. See if anybody has the nerve to come down and say that.

President Clinton has admitted as much in the 6-month overdue report which he provided to Congress on October 5, 1994. In that report, the President stated:

> The Vietnamese have not turned over any major documents since September 1993.

It is another year later, and they still have not done it, but we are moving down the old fast track. Vietnam has done nothing credible in terms of releasing these records on American losses in Laos in addition to their high level reports on the politburo on the Russians which I spoke about earlier. The Russian intelligence data that we stumbled on by the action of a researcher named Steven Morris caught them in the act, and yet we have to debunk it. We have to say it is not true because if we say it is true or even indicate it might be true, we cannot normalize.

What I have tried to do is, as I have gone through this—and I must admit I am getting tired, Mr. President, but I cannot be as tired as some of the families are who have waited, so I am going to get through this. Bear with me just a little while longer.

Congressman JAMES TALENT, in a hearing chaired by ROBERT DORNAN June 28, 1995, this is now to Gary Sydow, senior analyst, Defense, POW/MIA Office, Department of Defense.

> *Question:* Has the United States been granted access to Vietnam's wartime central committee level or politburo records pertaining to the subject of American POW's captured during the war in Vietnam, Laos, or Cambodia? Have they given us access to those central committee level or politburo records? Because I understand that is where these matters were discussed. Does anybody know?

In other words, have they given us access to the politburo records General Quang referred to.

Gary Sydow, senior analyst: "The answer to that is no."

That is the end of the statement. I have known Gary Sydow since I have been in the Congress. He is a very respected analyst. He has no agenda. He is a good man. He is telling the truth. He told the truth before Congress. The answer to that is no. But that did not stop normalization. That did not stop normalization, no. We have another agenda.

Even the administration representatives who traveled to Vietnam and those who are now stationed there have done little, in my opinion, to press the Vietnamese for the Quang document.

I have to believe in most cases they are honorable men and women, but why do they not ask for the document, why do they not press for the information? That is not asking too much.

Last Thursday, our new Chargé d'Affaires in Hanoi, Mr. Anderson, met with General Quang. Again, I got excited. He is going to meet somebody other than me. He is actually going to talk to General Quang. He is still alive. He still has this information in his head. So he is going to meet with him, this Mr. Anderson. So I got excited.

According to the press reports, the subject of the meeting was to thank each other for work on veterans issues, including the missing in action from both sides. That is what the meeting was about.

General Quang—they could not ask him for a more credible response on his document. The issue was not even raised, as far as I know. This is very disturbing in view of the fact that our new Chargé d'Affaires, Mr. Anderson, was the State Department's representative on POW/MIA issues during the interagency meetings at the end of the Carter administration in 1980. He served with Brzezinski. You would think he would be interested in pursuing these matters now that he is at Hanoi. My office called the State Department to find out what was actually said during that meeting. If the subject of the Guam report was not discussed at this meeting last Thursday, I would question what the point is of having diplomatic relations with Hanoi.

If we are going to have diplomatic relations with Hanoi to get the answers, why do we not ask for the answers? President Clinton said it was the best way to get answers on POW/MIA's. If we are not even going to raise the subject—it is obvious that all we are hearing is rhetoric from the administration, and there is no real commitment to serious follow-up on the issue.

Do you know what the sad thing is, Mr. President. I have been on the floor now—I do not even know—a long time. You just wonder how many people really care, other than the families and some who stay focused on this issue. It is so sad. Earlier in my remarks, I quoted assistant Secretary of State Winston Lord when he stated this past may, "We have no reason to believe that the Vietnamese are not making a good-faith effort." Did he talk to Mr. Sydow? If you are listening, Mr. Lord, talk to Mr. Sydow. He has been around a long time. He knows a lot more about the issue than you do. Read the testimony of the committee, Mr. Lord.

I think it is clear, from everything I have gone through today, that the American people are being misled in terms of cooperation, because they are not cooperating. Are they cooperating at all? Yes. If you want to get into semantics, yes, sure. If we pay them several million dollars, we can dig around out in the crash sites, find a few teeth, a few bone parts, airplane parts. Sure. That is reasonable. That is progress. I am not opposed to that.

But that is not enough. I want the records. I want the Politburo access. I hate to say this, but this administration does not want the American people to find out what we already know about our missing POW's, because it is not a pretty picture, Mr. President. If it got out—and it will, but it will be after the fact—it would stop normalization because the American people would go crazy; they would yell and scream and write letters to their Congressmen and Senators, and they would be outraged. That is why we are not going to see this stuff until it is all done.

That is a sad thing for me to have to stand on the floor of the Senate and say. It is especially true when you look at this next chart of quotes from President Clinton himself and Vice President GORE. I do not know what more you can do other than to judge people by their words.

President Clinton, before he was sworn in as President, stated this because there was a lot of controversy about his lack of service in the war, and so Vietnam was an issue in the campaign. He said:

> I have sent a clear message that there will be no normalization of relations with any country that is at all suspected of withholding information on missing Americans."

That was Bill Clinton prior to his assuming office as President.

During the campaign, he said:

> I think that the Vietnamese would be making a mistake if they think they could get, somehow, a better deal from me. I made real commitments to the American people and to the families and friends and the POWs and the MIAs that, you know, we've got to have a full, complete, good accounting before we normalize relations.

I am sorry to have to give you the bad news, Mr. President, but we do not have a full accounting.

AL GORE, the Vice President, who served in Vietnam, was even stronger. He said, in 1993, after he took office:

> I'll tell you this. The great push towards normalization of relations is very strong, and a lot of other countries are moving there, but it's not going to go forward until we're satisfied that the Vietnamese government has been totally forthcoming and fully

cooperative in giving every last shred of evidence that they have on this issue. We're very concerned about it.

Every last shred of evidence? Oh, my. Last month, the President said that normalizing relations with Vietnam is the best way to ensure further progress. Now it is "further progress." You go from, "we have to get all the answers to normalize" to "if we normalize, we will get more answers." It is a complete reversal, Mr. President, a flip-flop on a campaign promise. The American people need to understand that, and so do the families have to understand that.

The last chart, Mr. President—and this is the last chart and the end of my remarks for tonight—brings it home directly. This basically is a breakdown, by State, of all the missing. As far as I know, every State in the Union has American soldiers missing from the Vietnam war, including nine from my State of New Hampshire. I want my colleagues to understand something. These are not just statistics. Behind every one of those numbers—behind the nine in New Hampshire, behind the 210 in California, behind the 28 in Louisiana, or the 20 in Montana—is a family, a brother, sister, father, mother, wife, husband. They all wait. They all wait. They all wait. All these years, they wait.

You know, in war, you lose people. People die. People get killed, lost. People are not found. We understand that, and so do the men and women who serve understand that, and so do their families understand it. But that is not what we are talking about here. We are talking about sharing information that this Government has with the American people, so they can make an intelligent decision, through their representatives, about whether or not we should normalize with a country that did this to us. They have withheld this from us all these years, but we have basically done that—normalized with them.

I could go on and on. There is a case involving an aircraft shot down by North Vietnamese forces in Laos 1 week after the Paris peace accord—just a week after the Paris peace accord, Mr. President, when they all were supposedly accounted for. One week after, it was shot down. At the time, there were National Security Agency radio intercepts, and based on these intercepts, the probable capture and movement along the Ho Chi Minh trail of Americans by the North Vietnamese in this incident. To show you the agony the families have to go through—and I do not want to get into whether it is right or wrong— now the Pentagon wants to bury the entire crew at Arlington because they found half of a tooth at the crash site in 1993.

Now, how do you explain to a family why half a tooth found at a crash site could conclusively tell a family that is their loved one when we had radio intercepts that these guys were taken away from the crash site? How do you do that?

I am told this is only forensic evidence that was recovered and now they want to bury the whole crew. Their names have been taken off the list. That is what it is—get that list down. Even though the Vietnamese may not have provided one shred of documentary evidence as to what happened to these men. They know what happened to these guys. They could tell us. If they died, they know. If they were led off and executed, they know. If they died in captivity, they know.

What do they do? They say, go ahead, take your shovels. We will sell the shovels to you, sell you the bulldozers, or lease you the bulldozers, give you some men at ridiculously high prices for labor, and we will let you go out there and dig around at the crash site when, in fact, we have all the information in the archives. We know what has happened. That is progress. That is the cooperation we are getting.

It is hard for a family to have to deal with that. Imagine yourself, a father or mother, a spouse, to have to look at that report, then be asked to accept a tooth at that crash site when, in fact, you have radio intercepts, intelligence reports that said these men were captured.

I do not know what is right. I do not know if the radio intercepts were right or wrong but the Vietnamese know. They can tell us. They can tell these families so we do not have to go through this pain anymore.

I have a long list of other cases, and I am not going to go through them. There has been no cooperation of the many requests from Congress for basic information on MIA's.

I hope my reason for taking the time of the Senate tonight, I hope that this issue might somehow, some way, hit home for each of my colleagues. When you look up there in your State and you see that number, think about it. There is a family behind every single number—children, grown now, some of them, children of their own, down at the wall.

I have looked at this issue for 11 years, and I know what I am talking about. I know what I am talking about. Communist Vietnam, Communist Laos, Communist North Vietnam and Communist China, as God is my witness, holds information on American service personnel today as I speak. They hold it and they can account for them.

We do nothing about it except normalize and go on with business as usual as if everything is all right, everything is more important, and then on top of that, we hide it from the Congress in violation of the law to be sure that we get it doing.

If we do not pursue the documents, or call into serious question the President's ill-advised decision to normalize, I am offended as a veteran, as a father with two sons and a daughter, any of whom could be sent off to Bosnia.

Mr. President, this is a tough issue. There is no question about it. It is a tough issue. The people say to me, "Senator, why don't you put the war behind you? Why don't you end this?" Because you have to get the truth. That is all we want, is the truth.

We do not want something that you cannot deliver on. If the Vietnamese cannot provide answers, then tell us why they cannot, but provide us unilaterally with everything that you can. And for God's sake, the United States Government, in a timely fashion, please provide any information that you have so that the families can finally get the peace that they deserve after so many years.

EXHIBIT 1

THE SECRETARY OF DEFENSE,
Washington, DC, February 14, 1977.

Memorandum for the President.

I understand that at your meeting on February 11 with leaders of the National League of Families, you indicated that the moratorium on unsolicited status changes for MIAs would continue. From our conversation before that meeting, my understanding is that the Department of Defense should go through all the files, getting ready to move on a program of unsolicited status changes later this year depending upon the outcome of negotiations with the Vietnamese.

Do I correctly understand your wishes?

HAROLD BROWN.

NATIONAL SECURITY COUNCIL,
March 2, 1977.

Memorandum for Zbigniew Brzezinski.

From: Michel Oksenberg.

Subject: Letter to Carol Bates of National League of Families.

Attached at Tab A is a reply for your signature to a letter from Carol Bates (Tab B).

I chose a reflective reply, since we wish to sustain Ms. Bates' confidence in us. We still have to cross the difficult bridge with these people.

Recommendation: That you sign the letter at Tab A.

NATIONAL SECURITY COUNCIL,
March 15, 1977.

Memorandum for Zbigniew Brzezinski.

From: Michel Oksenberg, MD.

Subject: League of Families' Reaction to Presidential Commission to Hanoi.

Signs are beginning to accumulate that many members of the League of Families are distressed by the purpose of the Woodcock Commission. They believe it is simply a ritualistic effort to obtain an accounting, with the President already having decided that he will accept whatever the Vietnamese give as sufficient to justify movement toward normalization.

I think it important to keep the League on board for as long as possible.

I have just talked to Carol Bates, Administrative Assistant of the League. I think that she is basically a reasonable person, and she indicated to me that a letter from you might enable her to prevent the convening of a meeting and/or press conference that would blast this effort before the Commission returns home with its report.

Recommendation: That you sign the letter to Carol Bates at Tab A.

NATIONAL SECURITY COUNCIL,
March 25, 1977.

Memorandum for Zbigniew Brzezinski.
From: Michel Oksenberg, MD.
Subject: Forthcoming Paris Negotiations with the Vietnamese.

You might wish to underscore to the President the desirability of toning down expectations, should a question arise at the press conference about the Paris negotiations.

The Vietnamese media have been vitriolic in their attacks on the U.S. They have explicitly linked aid to recognition. They have begun to release additional communications which passed between the Nixon Administration and the DRV.

Among other considerations, the hardened mood makes it unlikely that we will be obtaining more information on MIAs. At the same time, in response to the President's request, the Pentagon is forwarding recommendations on status reviews of the MIAs. The Pentagon will recommend that case reviews go forward, i.e., that MIAs be declared KIAs. This will place the President in a difficult political position, should he decide to accept the Pentagon's recommendation. He had earlier pledged not to allow case reviews until adequate accounting had been obtained. And he had raised public expectations that the Vietnamese were going to be more forthcoming on MIA information. Now it looks as if we may be in a deep freeze for at least many months.

Placed in the broadest context, when one considers the Vietnamese statements as well as Congressional votes against aid to Vietnam, we see the inability of two bitter enemies swiftly to place the past behind them, as the President had hoped. I have drafted a Q&A for the President in this realm which I think is appropriate for the occasion and in keeping with his style. You might draw it to his attention (Tab A).

Recommendation: That you mention this to the President before the press conference.

THE SECRETARY OF DEFENSE,
Washington, DC, May 26, 1995.

Memorandum for the President.
Subject: Status Reviews for Servicemen Missing in Southeast Asia.

You have asked for my recommendations concerning status reviews for MIAs.

As you know, since mid-1973 DoD has conducted status reviews only upon the written request of a missing serviceman's primary next of kin or upon receipt of conclusive evidence of death, such as the return of his remains. The Woodcock Commission concluded (as had the House Select Committee on Missing Persons in Southeast Asia, and the Department of Defense) that there is no evidence that any American servicemen are alive and being held against their will in Southeast Asia.

It is true that the Southeast Asian governments probably have significantly more information about our missing men than they have given to us. There is no reason to believe, however, that continuing to carry servicemen as missing in action puts pressure on Hanoi to provide information on our missing men. In fact, the opposite probably is true; it puts pressure on us to make concessions to Hanoi.

Status reviews, and obtaining of a complete accounting, are two distinct issues. An accounting that confirms death by direct evidence validates a declaration or presumption of death for a missing serviceman, but it is not a legal prerequisite to a status change.

Given the overwhelming probability that none of the MIAs ever will be found alive, I believe the time has come to allow the Secretaries of the Army, Navy and Air Force to exercise their responsibilities for status reviews as mandated by law even though we have not received a full accounting.

Reinstatement of reviews will of course be controversial. Certain members of the Congress, some families of the missing men, and others will charge that it is an abandonment of one MIA.

* * * * *

The resumption of reviews will be preceded by (1) an expression of our strong commitment to obtaining further information about the missing men and (2) careful preparation of concerned groups for the change of policy.

The decision will be discussed forthrightly with the National League of Families.

Appropriate Senate and House leaders and key members will be given advance notice.

The procedures for status reviews will be uniform among the Military Departments, in accordance with legal requirements, and announced through simultaneous letters from the Service Secretaries to the PW/MIA families.

The public will be informed of the reasons for reinstituting status reviews and assured that this does not detract from our determination to obtain an accounting. (I suggest that the public announcement would be most effective coming from you, but I am prepared to make it instead.)

Your decision:

1. Reinstate status reviews in accordance with the foregoing: Approve ☐. Disapprove ☐. Other ☐.

2. Presidential statement to apprise public: Approve ☐. Disapprove ☐. Other ☐.

3. Prepare for your approval a detailed plan of procedure: Approve ☐. Disapprove ☐. Other ☐.

HAROLD BROWN.

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to join with the Senator from New Hampshire in expressing my profound disappointment with the way the Clinton administration is managing—or more correctly, mismanaging—our bilateral relationship with the Socialist Republic of Vietnam.

My colleagues know that I was not supportive of the President's decision to normalize relations with Hanoi. This opposition was not based on my dislike of that country's Communist dictatorship, or even its brutal repression of its own people—although in this administration's view these two bases seem sufficient to continue to deny recognition to Cuba and North Korea. Rather, I did not believe that we should reward Vietnam with the normalization of relations when, in my opinion and the opinion of many of the Members of this body, Hanoi has not been sufficiently forthcoming with information about our country's missing and dead servicemen in Vietnam and Laos.

I will not rehash the normalization issue; the President made that decision and it serves little purpose to argue about a fait accompli. However, one of the issues that brings Senator SMITH and I to the floor today are the increasing signs that this administration's has decided to explore expanding our bilateral relationship to the economic benefit of the Vietnamese Government while completely disregarding the lack of Vietnamese progress on both the POW/MIA and human rights fronts. Representatives from the State Department and the Office of the U.S. Trade Representative were scheduled to come to the Hill this week to brief our staffs on the administration's decision to move toward expanding economic relations with Vietnam. Apparently, interagency discussions have been ongoing to the topic of extending loans and assistance to the Vietnamese through the Import-Export Bank, the Trade Development Agency, and the Overseas Private Investment Corporation. This at a time when POW/MIA issues remain unresolved, the Clinton administration is in flagrant violation of a law requiring the submission to the Congress of a report about the POW/MIA issue, and two American citizens remain jailed in Vietnamese prisons for advocating democracy in that country. The Senator from New Hampshire has already spoken forcefully to the POW/MIA issue, so I will limit my remarks to the second and third topics.

Mr. President, the Clinton Administration continues to fail to live up to its legal obligations with respect to the POW/MIA issue. For example, section 1034 of the act of October 5, 1994, Public Law No. 103-337, 108 Stat. 2840, requires the Secretary of Defense to provide the Congress with a complete list of missing or unaccounted for United States military personnel about whom it is possible that Vietnamese and Laotian officials could produce information or remains. The statute mandated that the report be submitted to us by November 17, 1994. When the DOD requested an extension of the deadline to February 17, 1995, we did not object. We did not object when the DOD supplied us with a sadly incomplete interim report. But Mr. President, almost 9 months after that date—and almost a year after it was due to be submitted—we have still not received that complete report required by the statute.

While I acknowledge that the President has wide latitude in the conduct of foreign policy, that latitude does not extend whether his administration abides by the legal requirements of Federal statutes. I and several other Senators wrote the President this summer requesting that the Defense Department comply with the law; we are still awaiting a response. Congress requested the list in order to determine for ourselves whether Vietnam was providing the United States with the fullest possible accounting of our POW/MIA's. Each day that passes without it, I believe, sends us the signal that the administration is indifferent to both our concerns and our role. As the chairman of the Foreign Relations Subcommittee with jurisdiction over Vietnam, I can assure the President that as each day passes without our receipt of the report, the likelihood that

any ambassadorial nominee or funding request for that country will be indefinately held in my subcommittee increases commensurately.

Second, I am very concerned with the seeming disparity with which the Clinton administration has chosen to treat Vietnam's jailing of two American citizens—Tran Quang Liem and Nguyen Tan Tri—versus its reaction to China's arrest of Harry Wu. I spoke at length on the floor on September 5 about Vietnam's atrocious human rights record in general, and the case of these two Americans in particular. In August, a Vietnamese court sentenced Tran and Nguyen who were accused of being counter-revolutionaries and acting to overthrow the people's administration. The two were part of a group trying to organize a 1 day conference in Ho Chi Minh City to discuss human rights and democracy in Vietnam. Radio Hanoi Voice of Vietnam, in somewhat characteristic Communist rhetoric, described their "crimes" as follows:

Taking advantage of our party's renovation policy, they used the pretext of democracy and human rights to distort the truth of history, smear the Vietnamese communist party and state, instigate bad elements at home, and contact hostile forces abroad feverishly oppose our state in an attempt to set up a people-betraying and nation-harming regime. . . . Their activities posed a particular danger to society and was detrimental to national security.

They were sentenced to terms of 4 and 7 years respectively.

When human rights activist and American citizen Harry Wu was arrested in the People's Republic of China this summer, the Clinton administration appropriately raised a huge diplomatic outcy. When Wu was jailed, public calls for his immediate release came from the highest levels of the administration. It was made clear that Mrs. Clinton would not attend the U.N. Women's Conference in Beijing if he was still being held, and that other high-level contacts would be disrupted. In essence, the signal went out that business as usual would be suspended until his release.

Well Mr. President, where is a similar outcry about the fate of these two Vietnamese-Americans? The only statement I have seen from the State Department so far was one announcing that they had raised this case with the Vietnamese a number of times, here and in Hanoi. The information available to me and other Members of the Senate, however, indicated that the issue was only being raised at the consular level. It was for that reason that Senator GRAMS introduced, and I cosponsored, Senate Resolution 174 calling on the Secretary of State to pursue their release as a matter of the highest priority and requesting that he keep the Foreign Relations Committee informed regarding their status. Senate Resolution 174 passed unanimously on September 19, yet since that time the administration gives the appearance of moving ahead with business as usual. I have seen no public statements by the Secretary regarding the case, and as the chairman of the subcommittee of jurisdiction I have not seen any reports on its status. While I have become aware that there have been some behind-the-scenes moves to secure their release, it is no thanks to the State Department that that information came to my attention.

During his campaign for President, then-candidate Clinton lambasted President Bush's relations with China—not dissimilar, I must note, from those Clinton himself has since adopted—and accused him of coddling dictators. Well, Mr. President, with movement toward increased economic aid in spite of the treatment of our citizens, in spite of Vietnam's horrendous human rights record, one might be tempted to ask who's doing the coddling now?

I have no strong objection to the eventual institution of full diplomatic and economic relations with the people of Vietnam. But to move toward that goal while we have these important issues outstanding is, I believe, an affront to the memories of our missing and killed American servicemen, their families, and the families of the two jailed Americans.

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 OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 90

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 Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond November 14, 1995, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on November 1, 1994.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against Iran and of the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. Indeed, on March 15 of this year, I declared a separate national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act and imposed separate sanctions. By Executive Order 12959, these sanctions were significantly augmented. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the November 14, 1979, declaration of emergency, including the authority to block certain property of the Government of Iran, and which are needed in the process of implementing the January 1981 agreements with Iran.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 31, 1995.*

MESSAGES FROM THE HOUSE

At 9:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the following bill, without amendment:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1358. An act to require the Secretary of Commerce to convey the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

H.R. 1508. An act to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

H.R. 1691. An act to provide for innovative approaches for homeownership opportunity and provide for the temporary extension of the rural rental housing program, and for other purposes.

H.R. 2005. An act to direct the Secretary of the Interior to make technical corrections in

maps relating to the Coastal Barrier Resources System.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 249) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. KASICH, Mr. WALKER, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. SABO, Mr. BONIOR, and Mr. STENHOLM.

As additional conferees from the Committee on the Budget, for consideration of title XX of the House bill, and modifications committed to conference: Mr. KOLBE, Mr. SHAYS, Mr. HOBSON, Ms. SLAUGHTER, and Mr. COYNE.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and subtitles A–C of title I of the Senate amendment, and modifications committed to conference: Mr. ROBERTS, Mr. EMERSON, Mr. GUNDERSON, Mr. DE LA GARZA, and [vacancy].

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title III of the Senate amendment, and modifications committed to conference: Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. GONZALEZ, and Mr. LAFALCE.

As additional conferees from the Committee on Commerce, for consideration of title III of the House bill, and subtitle A of title IV, subtitles A and G of title V, and section 6004 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER, and Mr. DINGELL.

As additional conferees from the Committee on Commerce, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, Mr. HASTERT, Mr. GREENWOOD, Mr. DINGELL, Mr. WAXMAN, and Mr. PALLONE.

As additional conferees from the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, Mr. TAUZIN, Mr. BARTON of Texas, Mr. PAXON, Mr. HALL of Texas, Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, and Mr. PALLONE.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of title IV of the House bill, and title X of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. MCKEON, and Mr. CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of title V of the House bill, and title VIII and sections 13001 and 13003 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. SCHIFF, and Mrs. COLLINS of Illinois.

As additional conferees from the Committee on International Relations, for consideration of title VI of the House bill, and section 13002 of the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. BURTON of Indiana, and Mr. HAMILTON.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title IX and section 12944 of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. MOORHEAD, and Mr. CONYERS.

As additional conferees from the Committee on National Security, for consideration of title VIII of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. HUNTER, and Mr. DELLUMS.

As additional conferees from the Committee on Resources, for consideration of title IX of the House bill, and title V (except subtitles A and G) of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. MILLER of California.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of title X of the House bill, and subtitles B and C of title IV and title VI (except section 6004) of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. CLINGER, and Mr. OBERSTAR.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title XI of the House bill, and title XI of the Senate amendment, and modifications committed to conference: Mr. STUMP, Mr. HUTCHINSON, and Mr. MONTGOMERY.

As additional conferees from the Committee on Ways and Means, for consideration of titles XII, XIII, XIV, and XIX of the House bill, and subtitles H and I of title VII and title XII (except section 12944) of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mr. BUNNING of Kentucky, Mr. GIBBONS, Mr. RANGEL, and Mr. STARK: *Provided*, That Mr. MATSUI is appointed in lieu of Mr. Stark for consideration of title XII of the House bill.

As additional conferees from the Committee on Ways and Means, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, Mrs. JOHNSON of Connecticut, Mr. MCCRERY, Mr. GIBBONS, Mr. STARK, and Mr. CARDIN.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1358. An act to require the Secretary of Commerce to convey the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts; to the Committee on Commerce, Science, and Transportation.

H.R. 1508. An act to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park; to the Committee on Governmental Affairs.

H.R. 1691. An act to provide for innovative approaches for homeownership opportunity and provide for the temporary extension of the rural rental housing program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2005. An act to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System; to the Committee on the Environment and Public Works.

The following resolution, previously received from the House for the concurrence of the Senate, was read and referred as indicated:

H. Con. Res. 109. A concurrent resolution expressing the sense of the Congress regarding the need for raising the social security earnings limit.

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–1563. A communication from the Comptroller of the Under Secretary of Defense, transmitting, pursuant to law, notice of fund transfers; to the Committee on Appropriations.

EC–1564. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on compliance with the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC–1565. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report on trade during the period April 1 to June 30, 1995; to the Committee on Finance.

EC–1566. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "The Review of the Public Service Commission Agency Fund for Fiscal Year 1994"; to the Committee on Governmental Affairs.

EC–1567. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on the Employee Assistance Program for fiscal year 1994; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named Captains in the line of the United States Navy for promotion to the permanent grade of Rear Admiral (lower half), pursuant to Title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Stephen Hall Baker, 070-36-9933, United States Navy.

Capt. John Joseph Bepko III, 044-38-3746, United States Navy.

Capt. Jay Alan Campbell, 566-68-8580, United States Navy.

Capt. Robert Charles Chaplin, 403-68-7451, United States Navy.

Capt. James Cutler Dawson, Jr., 226-64-7743, United States Navy.

Capt. Malcolm Irving Fages, 261-70-4038, United States Navy.

Capt. Veronica Zasadni Froman, 292-44-7314, United States Navy.

Capt. Scott Allen Fry, 206-40-5541, United States Navy.

Capt. Gregory Gordon Johnson, 066-42-3052, United States Navy.

Capt. Stephen Irvin Johnson, 243-74-8379, United States Navy.

Capt. Joseph John Krol, Jr., 176-36-6388, United States Navy.

Capt. Stephen Robert Loeffler, 178-36-3450, United States Navy.

Capt. John Thomas Lyons III, 578-64-3660, United States Navy.

Capt. James Irwin Maslowski, 475-46-6155, United States Navy.

Capt. Richard Walter Mayo, 225-66-4195, United States Navy.

Capt. Michael Glenn Mullen, 559-56-9509, United States Navy.

Capt. Larry Don Newsome, 404-66-7662, United States Navy.

Capt. Richard Jerome Nibe, 369-46-9740, United States Navy.

Capt. Paul Scott Semko, 058-40-1736, United States Navy.

Capt. Robert Gary Sprigg, 224-70-0549, United States Navy.

Capt. Robert Timothy Ziemer, 279-46-2051, United States Navy.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Osie V. Combs, Jr., 462-84-3488, United States Navy.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Jeffrey Alan Cook, 022-34-2672, United States Navy.

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. Dennis C. Blair, 248-84-1618.

The following named captain in the line of the United States Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, Section 624, subject to qualifications, therefore, as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. John B. Padgett III, 049-38-6225, United States Navy.

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. John B. Hall, Jr., 015-34-5835, Regular Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Brett M. Dula, 526-58-1230, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Nicholas B. Kehoe, III, 055-36-3315, United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Thad A. Wolfe, 535-38-2846, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James F. Record, 305-38-5936, United States Air Force.

The following named Medical Corps Competitive Category officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. George J. Brown, 107-36-7825, United States Army.

Col. Robert F. Griffin, 430-82-3760, United States Army.

The following named officer for promotion in the Regular Army of the United States to the grade indicated under title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. Bettye H. Simmons, 467-88-9805, United States Army.

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Robert W. Roper, Jr., 259-64-4371.

Brig. Gen. Edward L. Andrews, 210-32-9895.

Brig. Gen. David K. Heebner, 011-34-6059.

Brig. Gen. Morris J. Boyd, 572-60-0031.

Brig. Gen. Robert R. Hicks, Jr., 263-68-3540.

Brig. Gen. Stewart W. Wallace, 482-52-0175.

Brig. Gen. James M. Wright, 457-74-5116.

Brig. Gen. Charles W. Thomas, 433-62-7734.

Brig. Gen. George H. Harmeyer, 215-42-2146.

Brig. Gen. John F. Michitsch, 107-36-8607.

Brig. Gen. Lon E. Maggart, 513-46-1363.

Brig. Gen. Henry T. Glisson, 257-64-2048.

Brig. Gen. Thomas N. Burnette, Jr., 253-72-2524.

Brig. Gen. David H. Ohle, 281-40-2815.

Brig. Gen. Milton Hunter, 459-66-5274.

Brig. Gen. James T. Hill, 449-74-7734.

Brig. Gen. Greg L. Gile, 511-46-7957.

Brig. Gen. James C. Riley, 556-72-6688.

Brig. Gen. Randall L. Rigby, 443-44-5714.

Brig. Gen. Daniel J. Petrosky, 274-38-1004.

Brig. Gen. Michael B. Sherfield, 263-88-9580.

Brig. Gen. James C. King, 528-56-5053.

Brig. Gen. Joseph G. Garrett, III, 269-46-3024.

Brig. Gen. Leroy R. Goff, III, 058-38-4230.

Brig. Gen. Daniel G. Brown, 218-46-2522.

Brig. Gen. William P. Tangney, 001-34-4937.

Brig. Gen. Charles S. Mahan, Jr., 256-64-5401.

Brig. Gen. John J. Maher, III, 253-78-0329.

Brig. Gen. Leon J. LaPorte, 037-28-0933.

Brig. Gen. Claudia J. Kennedy, 413-86-0477.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of March 8, April 24, September 5, 8, 19, October 10, 11, and 19, 1995, and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of March 8, April 24, September 5, 8, 19, October 10, 11, and 19, 1995 at the end of the Senate proceedings.)

*In the Navy there are 23 promotions to the grade of rear admiral (lower half) (list begins with Stephen Hall Baker) (Reference No. 234-1)

**In the Naval Reserve there are 332 promotions to the grade of captain (list begins with John M. Abernathy III) (Reference No. 257-1)

*Captain John B. Padgett, III, USN to be rear admiral (lower half) (Reference No. 275)

**In the Navy there is 1 promotion to the grade of lieutenant commander (Robert W. Ernst) (Reference No. 343-1)

*Brigadier General John B. Hall, Jr., USAF to be major general (Reference No. 426)

*In the Army there are 30 promotions to the grade of major general (list begins with Robert W. Roper, Jr.) (Reference No. 533)

**In the Navy there are 1,240 promotions to the grade of lieutenant commander (list begins with Timothy A. Adams) (Reference No. 623-1)

**In the Navy there are 741 appointments to the grade of commander and below (list begins with Albert M. Carden) (Reference No. 628-1)

Total: 2,369.

* Rear Admiral Dennis C. Blair, USN to be vice admiral (Reference No. 472)

** In the Air Force there are 2,360 promotions to the grade of major (list begins with Tarek C. Abboushi) (Reference No. 611)

* Major General Brett M. Dula, USAF to be lieutenant general (Reference No. 639)

* Major General James F. Record, USAF to be lieutenant general (Reference No. 640)

* Lieutenant General Thad A. Wolfe, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 641)

* Colonel Bettye H. Simmons, USA to be brigadier general (Reference No. 643)

* In the Army there are 2 appointments to the grade of brigadier general (list begins with George J. Brown) (Reference No. 644)

** In the Army there are 71 promotions to the grade of colonel (list begins with Anthony C. Aiken) (Reference No. 645)

** In the Navy there are 844 promotions to the grade of lieutenant commander (list begins with William D. Agerton) (Reference No. 647)

* Major General Nicholas B. Kehoe, III, USAF to be lieutenant general (Reference No. 668)

** In the Air Force Reserve there are 20 promotions to the grade of lieutenant colonel (list begins with Julian Andrews) (Reference No. 669)

** In the Army there is 1 promotion to the grade of major (Amy M. Autry) (Reference No. 670)

** In the Army there are 2 promotions to the grade of colonel and below (list begins with Michael B. Neveu) (Reference No. 671)

** In the Army there is 1 promotion to the grade of major (Duane A. Belote) (Reference No. 672)

** In the Marine Corps there are 66 appointments to the grade of captain (list begins with Thurmond Bell) (Reference No. 673)

** In the Air Force Reserve there are 714 promotions to the grade of lieutenant colonel (list begins with Laraine L. Acosta) (Reference No. 674)

** In the Air Force there are 28 promotions to the grade of colonel and below (list begins with Larry E. Freeman) (Reference No. 683)

** In the Army there is 1 promotion to the grade of lieutenant colonel (Derek J. Harvey) (Reference No. 684)

** In the Army Reserve there are 16 promotions to the grade of colonel (list begins with Barbara Hasbargen) (Reference No. 685)

** In the Army Reserve there are 567 promotions to the grade of lieutenant colonel (list begins with Mary B. Alexander) (Reference No. 686)

Total: 4,699.

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. LIEBERMAN:

S. 1368. A bill to provide for State regulation of prices charged for services provided by, and routes of service of, motor vehicles that provide tow or wrecker services, and for other purposes; to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE:

S. 1369. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRAIG (for himself, Mr. DOLE, Mr. LOTT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, and Mr. THOMAS):

S. 1370. A bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. CRAIG, Mr. BENNETT, and Mr. BURNS):

S. 1371. A bill entitled the "Snowbasin Land Exchange Act of 1995"; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself and Mr. DOLE):

S. 1372. A bill to amend the Social Security Act to increase the earnings limit, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. DOLE, Mr. D'AMATO, Mr. MURKOWSKI, Mr. HATCH, Mr. ABRAHAM, Mr. HELMS, Mr. PRESSLER, Mr. BRYAN, Mr. THURMOND, Mrs. FEINSTEIN, Mr. NICKLES, Mr. COVERDELL, and Mr. STEVENS):

S. Res. 189. A resolution to designate Wednesday, November 1, 1995, as "National Drug Awareness Day"; considered and agreed to.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 190. A resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1369. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resource.

THE MEDICAL TECHNOLOGY, PUBLIC HEALTH, AND INNOVATION ACT OF 1995

Mr. WELLSTONE. Mr. President, the legislation I am introducing today would take a significant and responsible step toward improving the effectiveness, timeliness, and predictability of the FDA review process for medical devices.

Over the past 9 months, I have met with numerous representatives of Minnesota's medical device industry, patient advocacy groups, clinicians, and officials at the FDA and have concluded that there are indeed steps that Congress should take to make the regulatory process for medical devices more efficient. Minnesotans want the FDA not only to protect public health, but also to promote public health. They want to know not only that new technologies will be safe, but that they will be available to them in a timely manner. Many of Minnesota's medical device manufacturers, researchers, clinicians, and patients in need of new and improved health care technology have become increasingly concerned about the regulatory environment at the FDA.

Two weeks ago I visited SpineTech, which is a perfect example of Minnesota's burgeoning, world-famous medical device industry. It was formed in 1991 with 4 people, funded by venture capital, and it now employs more than 40 people. It manufacturers a breakthrough disc replacement technology which has been studied in clinical trials for 3 years. The technology, used for individuals with chronic low-back pain, has been shown to result in shorter hospital stays, less invasive surgery and lower medical costs than the alternative therapy.

SpineTech filed its premarket approval application in January of this year. The application has not yet been accepted by the FDA and thus the premarket approval process has not yet even officially begun. The average total elapsed time for FDA review of PMA applications is now about 823 days. The technology has been available in every other advanced industrialized country for the past 2 years.

The technologies that the FDA regulates are changing rapidly. We cannot afford a regulatory system ill-equipped to speed these advances. As a result, both Congress and the administration are reexamining the paradigms that have governed the FDA. Our challenge will be to define FDA's mission and scope of responsibility, as well as to give guidance on an appropriate balance between the risk and rewards of streamlining all aspects of how FDA does its job—including the approval process for breakthrough products.

The legislation that I will be introducing would begin to address these objectives in three important ways.

First, it would enable the FDA to adopt nationally and internationally recognized performance standards to improve the transparency and effectiveness of the device review process and promote global harmonization and interantional trade. Resource constraints and the time-consuming rulemaking process have precluded FDA promulgation of performance standards in the past. This legislation would allow the FDA, when appropriate, to simply adopt consensus standards that are already being used by most of the world and use those standards to assist in determining the safety and effectiveness of class III medical devices. The FDA could require additional data from a manufacturer relevant to an aspect of a device covered by an adopted performance standard if necessary to protect patient safety. Currently, the lack of clear performance standards for class III medical devices is a barrier to the improvement of the quality and timeliness of the premarket approval process.

Second, it would improve communication between the industry and the

FDA and the predictability of the review process. I believe that these two factors are so important that I have even included what would usually be management decisions in the legislation. This bill includes provisions for periodic meetings betwen the applicant and the FDA to ensure that applicants are promptly informed of any deficiencies in their application, that questions that can be answered easily would be addressed right away, and that applicants would be well-informed about the status of their application. I believe that improving communication between the FDA and industry would result in greater compliance with regulations and that this will ultimately benefit consumers and patients.

Third, the legislation would help the FDA focus its resources more appropriately. PMA supplements or 510(k)s that relate only to changes that can be shown to not adversely affect the safety or effectiveness of the device would not require premarket approval or notification. Manufacturers would instead make information and data supporting the change part of the device master record at the FDA. In addition, the FDA would be able to exempt from premarket notification requirements those class II devices for which such requirements are unnecessary to ensure the public health without first having to go through the time consuming and bureaucratic process of reclassifying them to class I. Enabling the FDA to focus its attention where the real risks are will not only streamline the approval process but also benefit consumers and patients.

Finally, I want to be clear that this legislation is a work in progress. I look forward to working with Senator KASSEBAUM, the chairman of the Labor and Human Resources Committee, and my colleagues on the committee on the concepts included in my proposal. I will work vigorously to ensure they are included in any comprehensive FDA legislation considered by the Senate both this year and in the future. I look forward to continuing to work on these issues with Minnesotans and to pressing ahead next year on whatever we cannot accomplish this year. Clearly there are actions Congress can take to improve the FDA without scarificing the assurances of safety that all Americans depend on.

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. 1369

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Medical Technology, Public Health, and Innovation Act of 1995".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

SEC. 2. FINDINGS; MISSIONS STATEMENT.

(a) FINDINGS.—The Congress finds the following:

(1) While the United States appropriately puts a top priority on ensuring the safety and efficacy of medical technologies that are introduced into the marketplace the administration of such regulatory effort is causing the United States to lose its leadership role in producing innovative, top-quality medical devices.

(2) One of the key components of the medical device regulatory process that contributes to the United States losing its leadership role in medical device development is the inordinate amount of time it takes for medical technologies to be reviewed by the United States Food and Drug Administration.

(3) The most important result of the United States losing its leadership role is that patients in the United States do not have access to new medical technology in a timely manner.

(4) Delayed patient access to new technology results in lost opportunities to save lives, to reduce hospitalization and recovery time, and to improve the quality of life of patients.

(5) The economic benefits that the United States medical device industry, which is composed principally of smaller companies, has provided through growth in jobs and global trade are threatened by the slow and unpredictable regulatory process at the Food and Drug Administration.

(6) The pace and predictability of the medical device regulatory process, together with a perceived adversarial relationship with the Food and Drug Administration, are in part responsible for the increasing tendency of United States medical device companies to shift research, product development, and manufacturing offshore, at the expense of American jobs, patients, and leading edge clinical research.

(b) MISSION STATEMENT.—This legislation seeks to improve the timeliness, effectiveness, and predictability of the medical device approval process for the benefit of United States patients and the United States economy by—

(1) providing for the use of nationally and internationally recognized performance standards to assist the Food and Drug Administration in determining the safety and effectiveness of medical devices;

(2) facilitating communication between medical device companies and the Food and Drug Administration;

(3) redefining clinical testing requirements to reflect the nature of device evolution; and

(4) targeting the use of Food and Drug Administration resources on those devices that are likely to have serious adverse health consequences.

SEC. 3. PERFORMANCE STANDARDS.

Section 514 (21 U.S.C. 360d) is amended by adding at the end thereof the following new subsection:

"ESTABLISHMENT AND ADOPTION OF OTHER STANDARDS

"(c)(1) The Secretary—

"(A) may establish pursuant to subsection (b) performance standards to assist in determining the safety or effectiveness of class III devices under section 515; and

"(B) may amend or revoke the performance standards established under subparagraph (A).

"(2) The Secretary shall, within 365 days of the date of enactment of this subsection, adopt performance standards established by nationally and internationally recognized standard-setting entities and use the standards when applicable to assist in determining the safety and effectiveness of class III devices under section 515.

"(3) The Secretary may not require, as the condition for approving a premarket approval application under section 515, the conformity of a class III device with a performance standard established or adopted pursuant to paragraph (1) or (2), respectively, if the applicant submits data other than that required by the performance standard to demonstrate a reasonable assurance of the safety and effectiveness of the device.

"(4) The Secretary, in lieu of requiring data demonstrating the conformity of a class III device with a standard described in paragraph (1) and (2), shall accept certification by the applicant that the device conforms with each standard identified in the application.

"(5) The Secretary may revoke the performance standards adopted under paragraph (2).

"(6) A performance standard established under this subsection for a device—

"(A) shall include provisions to provide reasonable assurance of the safe and effective performance of the device;

"(B) shall, where necessary to provide reasonable assurance of the safe and effective performance of the device, include—

"(i) provisions with respect to the construction, components, ingredients, and properties of the device and the compatibility of the device with power systems and connections to the systems;

"(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the device or, if it is determined that no other more practicable means are available to the Secretary to assure the conformity of the device to the standard, provisions for the testing (on sample basis or, if necessary, on an individual basis) of the device by the Secretary or by another person at the direction of the Secretary;

"(iii) provisions for the measurement of the performance characteristics of the device;

"(iv) provisions requiring that the results of each or certain of the tests of the device required to be made under clause (ii) demonstrate that the device is in conformity with those portions of the standard for which the test or tests were required; and

"(v) a provision requiring that the sale and distribution of the device be restricted to the extent that the sale and distribution of the device is restricted under a regulation under section 520(e); and

"(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper installation, maintenance, operation, and use of the device.".

SEC. 4. PREMARKET APPROVAL.

(a) APPLICATION.—Section 515(c) (21 U.S.C. 360e(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively; and

(2) by adding at the end thereof the following new paragraphs:

"(3)(A) An applicant—

"(i) shall include in an application described in paragraph (1) an identifying reference to any applicable performance standard established or adopted under paragraph (1) or (2) of section 514(c), respectively; and

"(ii) shall include in the application—

"(I) a certification by the applicant as described in section 514(c)(4), that the device complies with the applicable performance standard; or

"(II) data to support the safety or effectiveness of the device.

"(B)(i) Except as provided in clause (ii), the Secretary may not require an applicant who submits an application for premarket approval for a class III device under paragraph (1) to submit preclinical data and information regarding the device relevant to a performance standard established or adopted under paragraph (1) or (2) of section 514(c), respectively, if such standard defines performance or other specifications for the device, and the applicant certifies that the device conforms to the standard.

"(ii) The Secretary may require an applicant described in clause (i) to submit preclinical data and information regarding a class III device if additional information or data are necessary to protect patient safety.

"(C) The Secretary shall require an applicant who certifies that a device conforms to an applicable performance standard established or adopted under paragraph (1) or (2) of section 514(c), respectively to maintain data demonstrating such conformance for a period of time that is equal to the period of time for the design and expected life of the device and to make the data available to the Secretary upon request.

"(D) The Secretary may deny, withdraw, or temporarily suspend approval of a premarket approval application for a class III device if—

"(i) the Secretary determines that the device does not conform to an applicable performance standard (on which the applicant relied) established or adopted under paragraph (1) or (2) of section 514(c), respectively; and

"(ii) such conformance is considered by the Secretary to be material in approving the device.

"(4) The Secretary shall accept retrospective or historical clinical data as a control or for use in determining whether there is a reasonable assurance of device safety and effectiveness if the data are available and the effects of the device on disease progression are clearly defined and well understood.

"(5) The Secretary may not require the sponsor of an application to conduct clinical trials for a device using randomized controls unless—

"(A)(i) such controls are scientifically and ethically feasible;

"(ii) the effects of the device on disease progression are not clearly defined and well understood as determined by the Secretary; and

"(iii) retrospective or historical data are not available that meet the standards of the Secretary for quality and completeness; or

"(B) such controls are necessary to support specific marketing claims.

"(6) The Secretary may not require in a supplement to a premarket approval application data from randomized clinical trials for a modification to a device if—

"(A) the modification does not substantially and adversely affect safety or effectiveness; and

"(B) the modified device has the same intended use and is intended for similar patient populations as the approved device.".

(b) ACTION ON APPLICATION.—Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (6)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (6) and (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) Each premarket approval application and supplement received by the Secretary under subsection (c) shall be reviewed in the following manner to achieve final action on the application within 180 days of the receipt of the application:

"(A) The Secretary shall make a determination within 30 days of the receipt of an application filed under subsection (c) of whether the application satisfies the content requirements of paragraphs (1) and (3) of subsection (c) and applicable regulations, and the Secretary shall notify the applicant of the determination and whether the application has been accepted or has not been accepted for review for premarket approval. If the Secretary fails to notify the applicant within the 30-day period that the application is not sufficiently complete to permit a substantive review, the application shall be considered as filed by the Secretary.

"(B) The Secretary shall, within 45 days after the date of the acceptance of an application for review under subparagraph (A)—

"(i) provide the applicant the opportunity for a meeting (or teleconference) with the Secretary to—

"(I) inform the applicant of the general progress and status of the application;

"(II) advise the applicant of deficiencies in the application that have not been communicated to the applicant.

The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting or teleconference under subclauses (I) and (II).

"(ii) determine whether an advisory panel should be convened by the Secretary to review the application or to consider an issue related to the application.

"(C) The Secretary shall, within 90 days after the date of the acceptance of an application for review under subparagraph (A) provide an applicant the opportunity for a meeting (or teleconference) with the Secretary to—

"(i) inform the applicant of the general progress and status of the application;

"(ii) review actions taken by the applicant to correct deficiencies identified at the 45-day meeting described in subparagraph (B);

"(iii) advise the applicant of the deficiencies in the application that have not been communicated to the applicant; and

"(iv) review the proposed labeling for the device.

The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting or teleconference under clauses (i) through (iv).

"(D)(i) When an advisory panel is convened under subparagraph (B)(ii) to review an application or to consider an issue related to the application, the Secretary shall within 15 days after the close of the advisory panel meeting provide the applicant the opportunity for a meeting (or teleconference) with the Secretary to identify any remaining issues with respect to the approval of the application.

"(ii) If an advisory panel is not convened under subparagraph (B)(ii), the Secretary shall, within 120 days after the date of the acceptance of an application for review under subparagraph (A), provide the applicant the opportunity for a meeting (or teleconference) with the Secretary to—

"(I) inform the applicant of the general progress and status of the application;

"(II) review the actions taken to correct deficiencies identified in the application at the 90-day meeting described in subparagraph (C); and

"(III) advise the applicant of the deficiencies in the application that have not been communicated to the applicant.

"(iii) The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting or teleconference under clauses (i) and (ii).

"(E) The Secretary shall, within 150 days after the date of the acceptance of an application for review under subparagraph (A), notify the applicant of the decision of the Secretary to approve or disapprove the application.

"(F) The Secretary shall exclude the time that an applicant takes to respond to the Secretary's requests for additional data or information in determining when the 45-day, 90-day, 120-day and 150-day periods described in subparagraphs (B), (C), (D), and (E) expire.

"(3) To permit better treatment or better diagnoses of life-threatening or irreversibly debilitating diseases or conditions, the Secretary shall expedite the review for devices—

"(A) representing breakthrough technologies;

"(B) offering significant advantages over existing approved alternatives; or

"(C) for which accelerated availability is in the best interest of the public health.

"(4)(A) The Secretary shall annually publish a status report on the premarket clearance or approval of applications and other device submissions.

"(B) The report described in subparagraph (A) shall include—

"(i) a specific statement from the Secretary concerning the performance of the Food and Drug Administration in reducing the backlog in the reviewing of applications for premarket clearance or approval for a device and meeting statutory time limitations applicable to the review of the applications;

"(ii) with respect to devices, data (which shall be provided by the Center for Devices and Radiological Health and each division of the Office of Device Evaluation of the Center for Devices and Radiological Health) on—

"(I) the number of premarket approval applications, supplements, premarket notifications, and applications for investigational device exemptions, not accepted for filing by the Secretary;

"(II) the total time (beginning on the date of the filing of an application and ending on the date of the clearance or approval of the application) required to review the premarket approval applications, supplements, premarket notifications, and applications for investigational device exemptions;

"(III) the total time (excluding the time periods permitted for an applicant to prepare and submit to the Secretary responses or additional information or data requested by the Secretary) as calculated by the Food and Drug Administration to complete the review of each premarket approval application, supplement, premarket notification, and application for investigational device exemption;

"(IV) the number of adverse decisions made with respect to the applications and supplements described in subclause (II);

"(V) the number of nonapprovable letters for device submissions;

"(VI) the number of deficiency letters for device submissions;

"(VII) the number of times applicants are required to supply information during the review of an application or supplement described in subclause (II); and

"(VIII) the performance of the actions described in paragraph (2), including performance information with respect to the number of premarket approval applications that were or were not reviewed within the time limitations described in such paragraph and the time necessary to carry out each of the actions; and

"(iii) baseline data for the data described in subclauses (I) through (VII) of clause (ii) for the preceding year.

"(5) The Secretary shall complete the review of all premarket approval supplements that do not contain clinical data within 90 days of the receipt of a supplement that has been accepted for filing.".

(c) ELIMINATION OF PREMARKET APPROVAL OF SUPPLEMENTS.—The Secretary of Health and Human Services shall eliminate premarket approval of supplements that relate to manufacturing and product changes of a device that can be demonstrated through appropriate protocols or other methods to not affect adversely the safety or effectiveness of a device. The Secretary of Health and Human Services shall require the manufacturer of a device to submit to the Secretary of Health and Human Services any information relied upon to support a device-related change that is not subject to premarket approval of a supplement to an application approved under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e). The information shall be made a part of the device master record. The information shall be maintained for a period of time equal to the period of time for the design and expected life of the device, but not less than 2 years after the date of release of the device for commercial distribution by the manufacturer.

SEC. 5. PREMARKET NOTIFICATION REQUIREMENTS.

(a) EXEMPTION FOR CLASS I AND II DEVICES.—Section 510 (21 U.S.C. 360) is amended by adding at the end thereof the following new subsection:

"(l) Within 365 days of the date of enactment of this section, the Secretary shall exempt from the notification requirement under subsection (k) class I and II devices that should not be subject to the notification requirement because such notification is not necessary to provide a reasonable assurance of the safety and effectiveness of the devices. Prior to making such determination, the Secretary shall provide an opportunity for notice and comment with respect to the appropriateness of the exemption for the class I and II devices.".

(b) LIMITATION ON NOTIFICATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall not enforce the requirement for additional notifications under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) for a change or modification to a device initially classified under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)) that—

(A) is other than a major change or a major modification in the intended use;

(B) is supported by nonclinical data or information, when appropriate; and

(C) can be shown to not adversely affect the safety and effectiveness of the device.

(2) MAINTENANCE OF NOTIFICATION DATA.—The Secretary of Health and Human Services shall require the manufacturer of a device to submit to the Secretary of Health and Human Services all data and information relied upon to document that a change or modification of a device described in paragraph (1) does not require an additional notification under section 510(k). The data and information shall be made a part of the device master record. The data and information shall be maintained for a period of time equal to the period of time for the design and expected life of the device, but not less than 2 years after the date of release of the device for commercial distribution by the manufacturer.

SEC. 6. INVESTIGATIONAL DEVICE EXEMPTION.

(a) REGULATIONS.—Section 520(g) (21 U.S.C. 360j(g)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) The Secretary shall, within 120 days of the date of enactment of this paragraph, by regulation amending the content of part 812 of title 21 of the Code of Federal Regulations, amend the procedures with respect to the approval of studies under this subsection as follows:

"(A) The regulation shall include provisions that require the Secretary to permit the sponsor to meet with the Secretary prior to the submission of an application to develop a protocol for a study subject to the regulation, that require that the protocol shall be agreed upon in writing by the sponsor and the Secretary, and that set forth a time limitation for the sponsor to conduct a followup of a study.

"(B) The regulation shall require the Secretary to permit developmental changes in devices subject to the regulation in response to information gathered during the course of an investigation without requiring an additional approval of an application for an investigational device exemption, or the approval of a supplement to the application, if the changes meet the following requirements:

"(i) The changes do not constitute a significant change in the design of the product or a significant change in basic principles of operation.

"(ii) The changes do not adversely affect patient safety.

The regulation shall require that such a change be documented in records the applicant is required to maintain with respect to the investigational device exemption.

"(C) The regulation shall provide for the use of an investigational device for diagnosis or treatment use under a protocol or investigational device exemption if the following requirements are met:

"(i) The device is intended to treat or diagnose a serious or immediately life-threatening disease.

"(ii) There is no comparable or satisfactory device or other therapy available to treat or diagnose that disease in the intended patient population.

"(iii) The device is under investigation in a controlled clinical trial under an investigational device exemption in effect for the trial or all clinical trials for the device have been completed.

"(iv) The sponsor of the controlled clinical trial is actively pursuing marketing approval of the investigational device with due diligence.

"(D) The regulation shall require the Secretary to consult with advisory panels, which have the appropriate expertise, with respect to the establishment of an appropriate time limitation for the conduct of a followup study by the sponsor of the study.

(b) CONFORMING AMENDMENTS.—Section 517(a)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g(a)(7)) is amended—

(1) by striking "section 520(g)(4)" and inserting "section 520(g)(5)"; and

(2) by striking "section 520(g)(5)" and inserting "section 520(g)(6)".

SEC. 7. ESTABLISHMENT OF A POLICY AND PERFORMANCE REVIEW PANEL.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 901 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 906. POLICY AND PERFORMANCE REVIEW PANEL.

"(a) ESTABLISHMENT.—There is established a panel to be known as the Food and Drug Policy and Performance Review Panel (hereafter referred to in this section as the 'Panel').

"(b) MEMBERSHIP.—The members of the Panel shall be appointed by the Secretary in accordance with subsection (d)(1) and shall include—

"(1) individuals with expertise in medical, scientific, and health policy and regulatory issues;

"(2) representatives of industry, voluntary health associations, and patient advocacy groups; and

"(3) representatives of the Food and Drug Administration.

"(c) TERMS.—

"(1) IN GENERAL.—Each member of the Panel shall serve for a term of not more than 3 years and the terms of office of such members shall be staggered.

"(2) REAPPOINTMENT.—Each member of the Panel may be reappointed, but may not serve more than 3 consecutive terms.

"(3) VACANCIES.—Any vacancy in the Panel shall not affect the powers of the Panel and shall be filled in the same manner as the original appointment.

"(d) ORGANIZATIONAL STRUCTURE.—

"(1) IN GENERAL.—The Chairperson of the Panel shall organize the Panel in a manner that will ensure that there is a portion of the membership of the Panel monitoring the activities of each Center within the Food and Drug Administration. The membership of the Panel shall be composed of individuals with expertise necessary to ensure appropriate review of the performance of each Center.

"(2) DEFINITION.—For the purposes of this section, the term 'Center' means the Center for Devices and Radiological Health, Center for Drug Evaluation and Research, Center for Biologics Evaluation and Research, Center for Food Safety and Applied Nutrition, Center for Veterinary Medicine, and Center for Toxicological Research.

"(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Secretary shall select a Chairperson and Vice Chairperson from among the members of the Panel.

"(f) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

"(g) MEETINGS.—The Panel shall meet at the call of the Chairperson.

"(h) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

"(i) DUTIES.—The Panel shall—

"(1) monitor the activities carried out by the Secretary through the Commissioner of Food and Drugs;

"(2) review the performance of the Food and Drug Administration to determine if the

Food and Drug Administration is carrying out its mission to protect and promote the public health and is developing appropriate policy and effective regulations to carry out its mission;

"(3) review the performance of each Center in accordance with subsection (d)(1);

"(4) meet at least twice annually with appropriate management officials of the Food and Drug Administration and representatives of each Center;

"(5) participate in the development of agency guidelines; and

"(6) seek to facilitate the international harmonization of regulatory requirements, while ensuring that a product that is subject to the provisions of this Act, and that is marketed in the United States, is safe and effective.

"(j) REPORT.—The Panel shall annually prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that evaluates the performance of the Food and Drug Administration (including a description of the activities that the Food and Drug Administration has successfully or unsuccessfully carried out) and includes a recommendation on the administrative modifications needed to improve such performance.

"(k) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this Act.

"(l) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any Federal department or agency such information as the Panel considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Panel, the head of such department or agency shall furnish such information to the Panel.

"(m) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(n) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(o) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(p) TERMINATION OF THE PANEL.—The termination provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.".

By Mr. CRAIG (for himself, Mr. DOLE, Mr. LOTT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, and Mr. THOMAS):

S. 1370. A bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member; to the Committee on Armed Services.

MILITARY UNIFORM LEGISLATION

Mr. CRAIG. Mr. President, I am pleased to be joining my colleague from the House of Representatives, Majority Whip TOM DELAY, in introducing legislation that will prohibit the requirement that members of the United States Armed Forces wear United Nations uniform items.

Mr. President, we have all been watching the reports as U.S. Army Specialist Michael New has become a casualty of the debate over American troops participating in U.N. operations.

In violating a lawful order issued through the U.S. Chain of Command, he will be held accountable under the standards set by the U.S. Code of Military Justice for refusing to wear a United Nations cap and shoulder patch.

Specialist New was to have been deployed to participate in operation Able Sentry in Macedonia, the stated purpose of which is to observe the border and discourage, by its presence, the spread of hostilities into Macedonia.

The operations in Macedonia in which the American forces are participating are conducted under the auspices of the United Nations. A Norwegian general officer currently expercises operations control over the American task force Able Sentry.

While a U.N. commander has operational control, it is my understanding that the command of the U.S. task force remains under the U.S. chain of command.

Mr. President, on October 10, Army Specialist Michael New reported for duty without wearing the United Nations shoulder patch and beret he and his unit were issued to wear as part of their uniform while deployed in Macedonia. On October 17, Specialist New was charged for failure to obey a lawful order in violation of article 92, Uniform Code of Military Justice.

Mr. President, I would also note that Michael New will have legal representation and receive due process under these standards, as is extended to any military member who stands accused of violating military rules. The Army has indicated to me that care will be taken to ensure military standards of justice and fairness prevail.

The situation that has resulted from Specialist New's actions has caused me great concern. As one who feels very strongly about this Nation's sovereignty and responsibilities placed on our Armed Forces to protect and defend this Nation, I find myself very frustrated with what has happened.

Mr. President, my sympathy with his decision to refuse to wear the U.N. patch and hat does not change the fact that we must abide by the standards set by the Military Code of Conduct if we are to assure order and fairness in the military. Our military must rely on strict chain of command and order. That is without a doubt.

However, the men and women who have chosen to serve this Nation and the American people should not be put in a position which forces them to bear allegiance to any nation or organization other than the United States of America. Michael New made the decision to serve in the Armed Forces in order to defend the United States, not the United Nations. Therefore, in order to resolve this situation. I am introducing legislation that prevents any member of the U.S. Armed Forces from being required to wear, as part of their military uniform, any insignia of the United Nations.

Mr. President, there is still another, broader issue that must be addressed, and that is the use of U.S. forces under U.N. command.

It is my understanding that except for some expertise that was provided by a limited number of American advisors, until the past 2 or 3 years, no American troops had served in U.N. peacekeeping forces. In my view, the United States should not assume responsibility for resolving every conflict that develops around the world.

American combat troops are not, and should not be used as "world policemen."

Mr. President, I supported Senator NICKLES' amendment to the fiscal year 1994 defense appropriations legislation which would have required congressional approval before American troops could serve under foreign command, except when the President certifies it is an emergency or that our national security is at risk.

Unfortunately, the amendment was defeated on a 33 to 65 vote.

This issue remains unresolved. Therefore I also support hearings in the Senate Armed Services Committee aimed at reviewing Specialist New's case and the proper role U.S. troops should play in international military operations.

Mr. President, I would just urge my colleagues to review the bill that I am introducing today in the greater context of this situation. We must not lose sight of the fact that the men and women who volunteered to serve in our Armed Forces, volunteered to defend the United States of America, not the United Nations.

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. 1370

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

SECTION 1. PROHIBITION ON REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO WEAR UNIFORM ITEMS OF THE UNITED NATIONS.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended by adding at the end the following:

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended by adding at the end the following:

"§ 777. Insignia of United Nations: prohibition on requirement for wearing

"No member of the armed forces may be required to wear as part of the uniform any badge, symbol, helmet, headgear, or other visible indicia or insignia which indicates (or tends to indicate) an allegiance or affiliation to or with the United Nations.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"777. Insignia of United Nations: prohibition on requirement for wearing.".

By Mr. HATCH (for himself, Mr. CRAIG, Mr. BENNETT, and Mr. BURNS):

S. 1371. A bill entitled the "Snowbasin Land Exchange Act of 1995"; to the Committee on Energy and Natural Resources.

THE SNOWBASIN LAND EXCHANGE ACT OF 1995

Mr. HATCH. Mr. President, I rise today to introduce legislation to effectuate a land exchange at the Snowbasin Ski Resort located east of Ogden, Utah. Senators CRAIG, BENNETT, and BURNS are cosponsoring this legislation.

Basically, the intent of this legislation is simple. It directs the Secretary of Agriculture to exchange 1,320 acres of federally owned land within Utah's Cache National Forest for lands of approximately equal value owned by the Sun Valley Company, which owns the Snowbasin Ski Resort. Snowbasin is located 30 miles north of Salt Lake City and has been open for skiing since the early 1940s. It is one of the world's greatest areas for snow and winter sports as evidenced by the recent decision by the International Olympic Committee (IOC) to have Salt Lake City host the 2002 Winter Olympic Games. It is precisely because of the IOC's decision that this legislation is necessary.

In 1985, a year after it purchased financially plagued Snowbasin, the Sun Valley Company, recognized as an enviromentally sensitive manager of its recreational lands, asked the Forest Service to exchange 2,500 areas of land to improve the resort's base facilities and infrastructure. This request was initially reduced to 1,320. Five years later, after conducting an environmental impact statement and extensive studies and public reviews, the Forest Service decided to exchange approximately 700 acres. At the same time, the Forest Service reached the conclusions that the future success of Snowbasin requires private ownership of lands at the base of the ski area and that a land exchange was consistent with the priorities established in the 1985 Wasatch-Cache Land and Reserve Management Plan.

Unfortunately, since 1990 and despite the diligent efforts of both the Forest Service and the Sun Valley Company, little progress has occurred toward the exchange. I will not take the time to detail these difficulties. However, my colleagues should know that the land exchange process has been long, tedious, and very costly to all parties, particularly to Snowbasin.

Last June, Salt Lake City was selected as the site for the 2002 Winter Olympic Games. Due to its rugged mountain terrain, gradient and technical difficulty, Snowbasin has been identified as the venue for all Downhill, Combined Downhill, and Super G events for men and women. These highly popular races traditionally attract some of the largest Olympic audiences. The snail's pace with which the exchange process has been moving has many people associated with Snowbasin and the Salt Lake City Olympic Organizing Committee, including myself, worried that Snowbasin will not be sufficiently prepared to handle the Olympic skiing events and their accompanying crowds.

I am sure my colleagues can appreciate what it requires for a community to prepare a venue to host any Olympic event. In the case of Snowbasin, these pre-2002 activities include the installation of chairlifts, construction of a connector road, fencing and safety netting, additional ski runs, maintenance buildings, new spectator and service areas, parking lot expansion, restrooms and other items identified in Phase 1 of the Sun Valley Company's Master Plan for Snowbasin. These activities must be done in the near future and can be more effectively and environmentally accomplished if done on private property.

In exchange for the forested acreage, the Sun Valley Company will convey four major parcels to the Forest Service that have been previously identified by the Forest Service as desirable for acquisition. These parcels are specifically listed in our legislation, and their combined acreage exceeds 4,000 acres. Obviously, this land possesses outstanding recreational, wildlife, mountain, and access values for public use and enjoyment. The values of the Federal and non-federal lands involved in this exchange will be determined by utilizing nationally recognized appraisal standards.

Mr. President, we in Utah are overjoyed that the eyes of the world will be upon us, upon our mountains, and upon the "Greatest Snow on Earth". At the same time, there is serious concern whether the facilities to support the Olympics can be constructed, tested for safety, and become fully operational by 2002, especially when considering it will take three summer seasons to complete the development of Phase 1 of the Snowbasin Master Plan. Pursuit of a land exchange at Snowbasin through the administrative process, and possibly the courts, does not alleviate this concern and only exacerbates the problems of timing and uncertainty. Legislative action on Snowbasin places control of this matter with the Congress, rather than the courts, and will ensure that all aspects of the 2002 Winter Olympic Games are in their proper place once the world focuses on Salt Lake City.

I urge my colleagues to carefully review this legislation and the reasons why it is crucial that this proposal be adopted during the 104th Congress. I look forward to working with them to achieve this goal.

Mr. BENNETT. Mr. President, as Utah prepares to host the 2002 Winter Olympics, I am pleased today to join my colleague Senator HATCH in introducing the Snowbasin Land Exchange Act of 1995. Snowbasin Ski Resort, which is owned by Sun Valley Company, will host both the men's and women's downhill ski events. This land exchange will direct the Secretary to exchange 1,320 acres of Forest Service Lands within the Cache National Forest for lands of approximate and equal value owned by Sun Valley Co. This legislation is fundamental to the success of the 2002 Winter Olympics. It is a win-win situation for all parties involved and I encourage my colleagues to support this bill.

By Mr. LIEBERMAN:

S. 1373. A bill to provide for state regulation of prices charged for services provided by, and routes of service of, motor vehicles that provide tow or wrecker services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TOWING TECHNICAL CORRECTION ACT

• Mr. LIEBERMAN. Mr. President, I introduce an Intrastate Towing Technical Corrections Act. This legislation will clarify that it is not Congress' intent to preempt state or local regulations dealing with the operation of tow trucks. I would like to recognize the junior Senator from Washington who introduced similar legislation in the 103d Congress, which, unfortunately, was not acted upon prior to adjournment.

Last year Congress passed the Federal Aviation Administration Authorization Act of 1994. The act included a provision in section 601 which effectively preempts state and local intrastate trucking regulations pertaining to prices, routes, and service. However, it was not Congress' intention to legislate on towing issues; and it has opened up myriad problems for the consumer, leading to higher towing rates.

In Connecticut, towing rates have been deregulated; and tow operators are free to charge as much as they

want. Now, some may say that the market should determine prices—and I agree—but in the towing market the consumer has no other recourse, more times than not, than to pay the tow truck operator after the vehicle has been towed. Safety concerns abound also. Especially when considering large tractor trailers that break down on interstate highways.

I have heard from many constituents that deregulation is causing exorbitant price increases in their towing rates. Again, this was not our intention when we passed the Federal Aviation Administration Authorization Act of 1994. This bill will keep towing charges in line with market prices.

Plain and simple, Mr. President, deregulation is leading to overcharging. My bill would let the States set towing rates. It would be beneficial for the consumer and beneficial for States.

I ask unanimous consent to place in the RECORD excerpts from an article in the Hartford Courant by Tom Condon, which addresses this problem.

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

[From the Hartford Courant, Aug. 22, 1995]

DEREGULATING TOWING HAS LEFT PUBLIC ON HOOK

(By Tom Condon)

On Aug. 8, a tractor-trailer driver for Dick Harris Trucking Co. of Lynchburg, Va., pulled his rig off I-95 at Exit 34 in Milford. He didn't hit the narrow exit ramp just right, and the tractor and box gently rolled over.

Police called Robert's Service Center of Milford to clear the ramp. The trailer was full of pallets of rolled steel. Robert's crew winched the cargo out of the truck, righted it, then towed everything away.

What the owners of the truck aren't happy with is the towing bill, which is for $10,400.

"It's excessive, that's the problem I have with it," said Bud Holt, vice president of the trucking company. Holt, who said he is a former state trooper and insurance claims adjuster, said Robert's billed some of the workers at $60 an hour, which "is too much."

It doesn't matter, Holt. Welcome to Connecticut, where towing rates have been deregulated, and tow operators can charge as much as they want.

There is another side to the Milford case. Robert Bruno, owner of the service center, says this was a very complicated operation for which he had to rent expensive equipment. He said he had to winch the heavy pallets out of the truck with a rented low motor, then load them on rented flatbeds. Then he righted the tractor and trailer without damaging them.

Bruno said he brought the cargo back to his yard and unloaded it. Then, at the direction of the trucking company, he reloaded it on the flatbeds and took it to a freight yard with a loading dock, so it could be loaded back on the trailer.

He said he got the call at 11:30 a.m., and the last of his crew didn't finish until midnight. He said his real cost was almost $14,000, but he decided to give the trucking company a break, hoping for future business. Holt said he understood the job took 10 hours, and said he thought $1,000 an hour excessive.

Not so, said Bruno. He said some operators would have gouged the trucking company and charged $20,000 for the job, but said he didn't. Bruno has released the trailer, but is still holding the tractor, until the dispute is resolved. Both sides have lawyers.

If this doesn't make the case that deregulation is leading to overcharging, let's go back to old reliable, a guy we can always count on to hose the public, Bob Spillane of Walnut Street Service Inc. of Hartford.

On May 10, an ironworker named Pete Toner of Langdon, N.H., parked his Bronco in a private parking lot—never do that—at the corner of Ashley and Garden streets and visited the Ashley Cafe. When he came out, the car was gone. He then walked to the police lockup at Morgan Street, finally learned the car had been towed, called Spillane and got no answer.

When he got the Bronco the next day, the bill was $139. He said Spillane didn't answer his phone, then charged him for storage. The tow from the bar to Spillane's garage is one block. This is an outrage, but at the moment motor vehicles officials say there's nothing they can do about it (not that they ever did much about it in the past).

On Jan. 1, a federal law went into effect that prevents states or cities from regulating "price, route or service of any motor carrier . . . or any motor carrier with respect to the transportation of property." State officials have interpreted this to mean they can't regulate towing rates.

If a convervative is a liberal who's been mugged, an opponent of deregulation is someone who's had to pay $139 after his car was towed one block. If this idiotic law isn't changed, government is going to have to get back into the towing business to keep the public from getting fleeced. We don't want that.●

ADDITIONAL COSPONSORS

S. 324

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 324, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 837

At the request of Mr. WARNER, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. KERREY], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 881

At the request of Mr. PRYOR, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 939

At the request of Mr. SMITH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1043

At the request of Mr. STEVENS, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor 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. 1253

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1253, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 1260

At the request of Mr. MACK, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1260, a bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1274

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1274, a bill to amend the Solid Waste Disposal Act to improve management of remediation waste, and for other purposes.

S. 1344

At the request of Mr. HEFLIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

SENATE RESOLUTION 189—NATIONAL DRUG AWARENESS DAY

Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. DOLE, Mr. D'AMATO, Mr. MURKOWSKI, Mr. HATCH, Mr. ABRAHAM, Mr. HELMS, Mr. PRESSLER, Mr. BRYAN, Mr. THURMOND, Mrs. FEINSTEIN, Mr. NICKLES, Mr. COVERDELL, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas illegal drug use among the youth of America is on the increase;

Whereas illegal drug use is a major health problem, ruining thousands of lives and costing billions of dollars;

Whereas illegal drug use contributes to crime on the streets and in the homes of this nation;

Whereas national attention has turned from illegal drug use to other issues, and support for sustained programs has decreased;

Whereas public awareness and sustained programs are essential to combat an ongoing social problem;

Whereas the answer to the illegal drug problem lies in America's communities, with local people involved in grass roots activities to keep their communities safe and drug free, and in encouraging personal responsibility;

Whereas the annual Red Ribbon Celebration, coordinated by the National Family Partnership and involving over 80,000,000 Americans in prevention activities each year, commemorates the sacrifices of people on the front lines in the war against illegal drug use;

Whereas substance abuse prevention, law enforcement, international narcotics control, and community awareness efforts contribute to preventing young people from starting illegal drug use; and

Whereas the American people have a continuing responsibility to combat illegal drug use: Now, therefore, be it

Resolved, That the Senate designate Wed., Nov. 1, 1995, as "National Drug Awareness Day".

Mr. GRASSLEY. Mr. President, in recent weeks we have seen mounting evidence that teenage drug use in this country is on the increase after more than a decade of decline. One of the principal reasons for this change is that we have lost the public message that drug use is wrong. As a result, a new generation of America's young people are growing up without a clear message about the dangers of drug use. This is not a situation that we can afford to let continue. The last time this happened, in the 1960's and 1970's, we saw an epidemic of use that cost us tens of thousands of lives. Now we see teenage drug use on the rise again. Recent surveys confirm this disturbing trend and indications are that data to be released in the next few days will only confirm the worst fears. It is for this reason that Senator DOLE and I held a press conference yesterday with major family groups, including the National Family Partnership, National Families in Action, CADCA, and PRIDE, to draw attention to the problems of returning teen drug use and the dangerous normalization of this use you can now see and hear on TV, in the movies, and in rock music. For this reason I am submitting a Senate resolution, cosponsored by over a dozen members, to declare November 1, 1995, National Drug Awareness Day. It is important that we all recognize the importance of the issue. We need to renew our commitment to fighting drug use, to prevent a new generation from becoming victims of those who would mislead them into believing that drug use is just an alternative lifestyle with no adverse consequences. Drugs kill, they maim, they ruin lives, they cripple potential. We saw what happened when we ignored the problem once. We cannot let this happen again.

SENATE RESOLUTION 190—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. WAGNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 190

Resolved, That the Committee on Rules and Administration is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate Document 103-13, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

THE PROFESSIONAL BOXING SAFETY ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 3039

Mr. SMITH (for Mr. MCCAIN, for himself, Mr. BRYAN, and Mr. ROTH) proposed an amendment to the bill (S. 187) to provide for the safety of journeymen boxers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional Boxing Safety Act of 1995".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) BOXER.—The term "boxer" means a person who participates in a professional boxing match.

(2) LICENSEE.—The term "licensee" means an individual who serves as a trainer, second, or cut man for a professional boxer.

(3) MANAGER.—The term "manager" means a person or business that helps arrange professional boxing matches for a boxer, and that serves as an advisor or representative of a boxer in a professional capacity.

(4) MATCHMAKER.—The term "matchmaker" means a person or business that proposes, selects, and arranges the boxers to participate in a professional boxing match.

(5) PROFESSIONAL BOXING MATCH.—The term "professional boxing match"—

(A) means a boxing contest held in the United States between individuals for compensation or a prize; and

(B) does not include any amateur boxing match.

(6) PROMOTER.—The term "promoter" means a person or business that organizes, holds, advertises, or otherwise conducts a professional boxing match.

(7) STATE BOXING COMMISSION.—The term "State boxing commission" means a State agency with authority to regulate professional boxing.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

SEC. 4. PROFESSIONAL BOXING MATCHES.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Subject to subsection (b), a professional boxing match may be held in the United States only if—

(A)(i) the State in which the professional boxing match is to be held has a State boxing commission;

(ii) the State has entered into a contract with a private organization to carry out the duties of a State boxing commission in accordance with the applicable requirements of this Act; or

(iii) the promoter who seeks to put on a professional boxing match in a State that does not have a boxing commission has entered into an agreement with the chief administrative officer of a State that has a boxing commission to oversee the boxing match;

(B) a licensed practicing physician, whose services are paid by the promoter, is continuously present at the ringside of the professional boxing match;

(C) the promoter has, in accordance with this subsection, provided—

(i) for a physical examination of each boxer who participates in the professional boxing match by a licensed practicing physician, to ensure that each such boxer is physically fit to compete in the boxing match; and

(ii)(I) for an ambulance to be continuously present at the site of the boxing match; or

(II) if applicable, notice in accordance with paragraph (2); and

(D) the State boxing commission has established procedures to carry out sections 5 through 8.

(2) AMBULANCE SERVICE.—

(A) IN GENERAL.—In any case in which an applicable State law does not require that an ambulance be continuously present in the immediate vicinity of a professional boxing match, if the promoter for that boxing match does not choose to provide for such an

ambulance, the promoter shall, not later than 24 hours before that boxing match, notify the nearest available ambulance service (including any appropriate emergency medical service) of that boxing match.

(B) COSTS.—The promoter for a professional boxing match shall pay the cost of any ambulance service provided in conjunction with the conduct of that boxing match.

(b) REQUIREMENTS FOR PRIVATIZATION.—

(1) MONITORING AND EVALUATION.—If a State enters into a contract with a private organization to carry out the duties of a State boxing commission specified in this Act, the State shall provide for—

(A) continual monitoring of the activities of the private organization that are the subject of the contract; and

(B) regular evaluations by the State of the activities referred to in subparagraph (A).

(2) CANCELLATION OF PROFESSIONAL BOXING MATCHES.—If a State enters into a contract with a private organization under paragraph (1), notwithstanding that contract, the chief administrative officer of that State may cancel a professional boxing match without consulting the private organization if that chief administrative officer determines that—

(A) the private organization is not performing the obligations of that organization that are specified in the contract in a manner that is satisfactory to the chief administrative officer; or

(B) the cancellation of the professional boxing match is necessary to protect public health, safety, or welfare.

SEC. 5. REGISTRATION.

(a) REQUIREMENTS.—Each professional boxer shall register with—

(1) the State boxing commission of the State in which such boxer resides (or if the State has in effect a contract with a private organization described in section 4(b), that private organization); or

(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no State boxing commission and in which no private organization is carrying out the duties of a State boxing commission pursuant to a contract described in section 4(b), the State boxing commission of any State that has such a commission or a private organization that carries out a contract described in section 4(b).

(b) IDENTIFICATION CARD.—

(1) ISSUANCE.—A State boxing commission or a private organization that carries out a contract described in section 4(b) shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains—

(A) a recent photograph of the boxer;

(B) the social security number of the boxer (or, in the case of a foreign boxer, any similar citizen identification number or professional boxer number from the country of residence of the boxer); and

(C) each personal identification number assigned to the boxer by a boxing registry certified by the Association of Boxing Commissioners.

(2) RENEWAL.—Each professional boxer shall renew his or her identification card at least once every 3 years.

(3) PRESENTATION.—Each professional boxer shall present his or her identification card to the appropriate State boxing commission or private organization that carries out a contract described in section 4(b) not later than the time of the weigh-in for a professional boxing match.

(c) RELATION TO STATE LAW.—Nothing in this section shall be construed as preventing a State from applying additional registration requirements.

SEC. 6. REVIEW.

Each State boxing commission and each private organization that carries out a contract described in section 4(b) shall establish procedures—

(1) to evaluate the professional records of each boxer participating in a boxing match in the State;

(2) to ensure that no boxer is permitted to box while under suspension from any State boxing commission due to injury or other medical-related reason, including—

(A) a recent knockout, injury, or requirement for a medical procedure;

(B) failure of a drug test;

(C) poor boxing skills, or the inability to safely compete; or

(D) the use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents; and

(3) to ensure that if such commission (or private organization) is considering permitting a boxer, promoter, manager, or other licensee to participate in a professional boxing match while the individual is under suspension from any State for any reason other than a reason listed in paragraph (2), such commission (or private organization) shall notify and consult with the chief administrative officer of the State that ordered the suspension prior to the grant of approval for such individual to participate in that professional boxing match.

SEC. 7. INSURANCE.

Each State, acting through the State boxing commission of the State or private organization that carries out the regulation of professional boxing matches for that State (if the State has in effect a contract described in section 4(b) with that private organization), shall require that a promoter provide insurance coverage, in an amount determined by the appropriate State official or entity, for each boxer who participates in a professional boxing match that the promoter is involved in conducting to cover an injury sustained while engaged in that match.

SEC. 8. REPORTING.

(a) BOXING MATCH RESULTS.—Not later than 48 business hours (excluding Saturdays and Sundays) after the conclusion of a professional boxing match, the results of such boxing match shall be reported—

(1) to each professional boxing registry certified by the Association of Boxing Commissions; and

(2) to the Florida State Athletic Commission.

(b) SUSPENSIONS.—Not later than 48 business hours (excluding Saturdays and Sundays) after a State boxing commission orders the suspension of a boxer, promoter, or manager, such suspension shall be reported—

(1) to each professional boxing registry certified by the Association of Boxing Commissions; and

(2) to the Florida State Athletic Commission.

(c) ALTERNATE REPORTING ENTITY.—If the State of Florida ceases, for any reason, to publish and circulate a national suspension list at no cost to other States on a frequent basis, the Association of Boxing Commissions shall select a different public or private entity to voluntarily undertake to compile and circulate a suspension list to all State boxing commissions at no cost to the States.

SEC. 9. ENFORCEMENT.

(a) INJUNCTIONS.—Whenever a United States Attorney in a State has reasonable cause to believe that a person or entity is engaged in a violation of this Act in such State, the United States Attorney may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, against the person or entity, as the United States Attorney determines to be necessary to restrain the person or entity from continuing to engage in, or to sanction, a professional boxing match in violation of this Act.

(b) CRIMINAL PENALTIES.—

(1) MANAGERS, PROMOTERS, MATCHMAKERS, AND LICENSEES.—Each manager, promoter, matchmaker, and licensee who knowingly and willfully violates any provision of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(2) BOXERS.—Any professional boxer who knowingly and willfully violates any provision of this Act shall, upon conviction, be fined not more than $1,000.

(c) DESIGNATED UNITED STATES ATTORNEY.—The Attorney General of the United States shall, for each State, designate a United States Attorney that has an office in that State, to serve, in consultation with the State boxing commission of that State (or, in the absence of a State boxing commission, the appropriate official of the Association of Boxing Commissions)—

(1) as a liaison to respond to allegations concerning violations of this Act; and

(2) as a coordinator for any enforcement activity conducted pursuant to this Act that is carried out by any United States Attorney in that State.

SEC. 10. NOTIFICATION OF DESIGNATED UNITED STATES ATTORNEY.

Each promoter that intends to hold a professional boxing match in a State that does not have a State boxing commission shall, not later than 14 days before the intended date of that event, provide written notification to the United States Attorney designated under section 9(c) for that State. That notification shall contain—

(1) assurances that, with respect to that boxing match, all applicable requirements of this Act will be met;

(2) the name, State of residence, and telephone number of the official of a State boxing commission of another State who will oversee the match pursuant to an agreement described in section 4(a)(1)(A)(iii);

(3) the name of any individual who, at the time of the submission of the notification—

(A) is under suspension from a State boxing commission; and

(B) will be involved in organizing or participating in the event; and

(4) with respect to any individual listed under paragraph (3), the State boxing commission to which a suspension described in paragraph (3)(A) is in effect.

SEC. 11. CONSULTATION WITH STATE BOXING OFFICIALS BY THE ATTORNEY GENERAL.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, to exchange information concerning the implementation and enforcement of this Act and to improve the safety and integrity of professional boxing as a sport, the Attorney General of the United States shall consult with—

(1) the appropriate official of the Association of Boxing Commissions;

(2) tribal organizations (as that term is defined in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)) that regulate professional boxing matches; and

(3) private organizations that assist in the regulation of professional boxing matches.

SEC. 12. PENSION STUDY.

(a) IN GENERAL.—The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for professional boxers, including potential funding sources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (a).

SEC. 13. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN RESERVATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) RESERVATION.—The term "reservation" means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

(3) TRIBAL ORGANIZATION.—The term "tribal organization" has the same meaning as in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization—

(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

(B) carry out that regulation or enter into a contract with a private organization to carry out that regulation.

(2) STANDARDS AND LICENSING.—If a tribal organization regulates boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least equivalent to—

(A) the otherwise applicable standards and requirements of each State in which the reservation is located; or

(B) if no State in which the reservation is located has established any such standard or requirement—

(i) the standards and requirements of any other State that has established a State boxing commission that carries out the requirements of this Act; or

(ii) the most recently published version of the recommended regulatory guidelines issued by the Association of Boxing Commissions.

THE TECHNICAL CORRECTIONS ACT OF 1995

McCAIN AMENDMENT NO. 3040

Mr. SMITH (for Mr. McCAIN) proposed an amendment to the bill (S. 325) to make certain technical corrections in laws relating to native Americans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.

Section 9 of the Act entitled "An Act to restore Federal services to the Pokagon Band of Potawatomi Indians" (25 U.S.C. 1300j-7a) is amended—

(1) by striking "Bands" each place it appears and inserting "Band";

(2) in subsection (a), by striking "respective"; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "membership rolls that contain" and inserting "a membership roll that contains"; and

(II) by striking "in such" and inserting "in the"; and

(ii) in the second sentence, by striking "Each such" and inserting "The";

(B) in paragraph (2)—

(i) by striking "rolls have" and inserting "roll has"; and

(ii) by striking "such rolls" and inserting "such roll";

(C) in the heading for paragraph (3), by striking "ROLLS" and inserting "ROLL"; and

(D) in paragraph (3), by striking "rolls are maintained" and inserting "roll is maintained".

SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT.

(a) REAFFIRMATION OF RIGHTS.—The heading of section 5(b) of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-3) is amended by striking "TRIBE" and inserting "BANDS".

(b) MEMBERSHIP LIST.—Section 9 of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-7) is amended—

(1) in subsection (a)—

(A) by striking "Band" the first place it appears and inserting "Bands"; and

(B) by striking "the Band." and inserting "the respective Bands."; and

(2) in subsection (b)(1)—

(A) in the first sentence, by striking "the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band" and inserting "each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band"; and

(B) in the second sentence, by striking "The Band, in consultation" and inserting "Each such Band, in consultation".

SEC. 3. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS.

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

SEC. 4. INDIAN DAMS SAFETY ACT OF 1994.

Section 4(h) of the Indian Dams Safety Act of 1994 (108 Stat. 1562) is amended by striking "(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), as amended," and inserting "under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)".

SEC. 5. PASCUA YAQUI INDIANS OF ARIZONA.

Section 4(b) of the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes" (25 U.S.C. 1300f-3(b)) is amended by striking "Pascua Yaqui tribe" and inserting "Pascua Yaqui Tribe".

SEC. 6. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994.

Section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 (108 Stat. 4165) is amended by striking "under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)" and inserting "under section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)".

SEC. 7. AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.

(a) MAINTENANCE OF RECORDS.—Section 303(c)(5)(D) of the American Indian Trust Fund Management Reform Act of 1994 (108 Stat. 4247) is amended by striking "made under paragraph (3)(B)" and inserting "made under subparagraph (C)".

(b) ADVISORY BOARD.—Section 306(d) of the Indian Trust Fund Management Reform Act (25 U.S.C. 4046(d)) is amended by striking "Advisory Board" and inserting "advisory board".

SEC. 8. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) DEFINITIONS.—Section 4(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(j)) is amended by striking "That except as provided the last proviso in section 105(a) of this Act," and inserting "That except as provided in paragraphs (1) and (3) of section 105(a),".

(b) CARRYOVER FUNDING.—Section 8 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 13a) is amended by striking "the provisions of section 106(a)(3)" and inserting "the provisions of section 106(a)(4)".

(c) REPAYMENT OF FUNDS.—Section 5(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(d)) is amended by striking "106(a)(3) of this Act" and inserting "106(a)(4)".

(d) SELF-DETERMINATION CONTRACTS.—The first sentence of the flush material immediately following subparagraph (E) of section 102(a)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(a)(2)) is amended by striking "the second sentence of this subsection" and inserting "the second sentence of this paragraph".

(e) CONTRACT OR GRANT PROVISIONS AND ADMINISTRATION.—Section 105(a)(3)(C)(ii) of the Indian Self-Determination and Education Assistance Act (42 U.S.C. 450j(a)(3)(C)(ii)) is amended—

(1) in subclause (VII), by striking "chapter 483" and inserting "chapter 482"; and

(2) in subclause (IX), by striking "The Service Control Act of 1965" and inserting "The Service Contract Act of 1965".

(f) APPROVAL OF CONSTRUCTION CONTRACTS.—Section 105(m)(4)(C)(v) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(m)(4)(C)(v)) is amended by striking "sections 102(a)(2) and 102(b) of section 102" and inserting "subsections (a)(2) and (b) of section 102".

SEC. 9. INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994.

Section 102(11) of the Indian Self-Determination Contract Reform Act of 1994 (108 Stat. 4254) is amended by striking "subsection (e)" and inserting "subsection (e) of section 105".

SEC. 10. AUBURN INDIAN RESTORATION.

(a) ECONOMIC DEVELOPMENT.—Section 203 of the Auburn Indian Restoration Act (25 U.S.C. 1300*l*-1) is amended—

(1) in subsection (a)(2), by striking "as provided in section 107" and inserting "as provided in section 207"; and

(2) in subsection (b), by striking "section 104" and inserting "section 204".

(b) INTERIM GOVERNMENT.—The last sentence of section 206 of the Auburn Indian Restoration Act (25 U.S.C. 1300*l*–4) is amended by striking "Interim council" and inserting "Interim Council".

SEC. 11. CROW BOUNDARY SETTLEMENT ACT OF 1994.

(a) ENFORCEMENT.—Section 5(b)(3) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4636) is amended by striking "provisions of subsection (b)" and inserting "provisions of this subsection".

(b) APPLICABILITY.—Section 9 of the Crow Boundary Settlement Act of 1994 (108 Stat. 4640) is amended by striking "The Act" and inserting "This Act".

(c) ESCROW FUNDS.—Section 10(b) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4641) is amended by striking "(collectively referred to in this subsection as the 'Suspension Accounts')" and inserting "(collectively referred to in this section as the 'Suspension Accounts')".

SEC. 12. TLINGIT AND HAIDA STATUS CLARIFICATION ACT.

The first sentence of section 205 of the Tlingit and Haida Status Clarification Act (25 U.S.C. 1215) is amended by striking "Indian tribes" and inserting "Indian Tribes".

SEC. 13. NATIVE AMERICAN LANGUAGES ACT.

Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4))" and inserting "under section 9161(4) of the Improving America's Schools Act of 1994 (20 U.S.C. 7881(4))"; and

(2) in paragraph (3), by striking "section 4009 of Public Law 100–297 (20 U.S.C. 4909)" and inserting "section 9212(1) of the Improving America's Schools Act of 1994 (20 U.S.C. 7912(1))".

SEC. 14. PONCA RESTORATION ACT.

Section 5 of the Ponca Restoration Act (25 U.S.C. 983c) is amended—

(1) by inserting "Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne," before "Knox"; and

(2) by striking "or Charles Mix County" and inserting ", Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County".

SEC. 15. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking "December 31, 1995" and inserting "June 30, 1996".

SEC. 16. INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)) is amended—

(1) by inserting "allopathic medicine," before "family medicine"; and

(2) by striking "and allied health professions" and inserting "an allied health profession, or any other health profession.".

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

"(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—";

(ii) by striking "or" at the end of clause (iii);

(iii) by striking the period at the end of clause (iv) and inserting "; or"; and

(iv) by adding at the end the following new clause:

"(v) in an academic setting (including a program that receives funding under section 102, 112, or 114, or any other academic setting that the Secretary, acting through the Service, determines to be appropriate for the purposes of this clause) in which the major duties and responsibilities of the recipient are the recruitment and training of Indian health professionals in the discipline of that recipient in a manner consistent with the purpose of this title, as specified in section 101.";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

"(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).";

(D) in subparagraph (C), as so redesignated, by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)" and inserting "described in subparagraph (A) by service in a program specified in that subparagraph"; and

(E) in subparagraph (D), as so redesignated—

(i) by striking "Subject to subparagraph (B)," and inserting "Subject to subparagraph (C),"; and

(ii) by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)" and inserting "described in subparagraph (A)";

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

"(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—"; and

(B) in subparagraph (C), by striking "(42 U.S.C. 254m(g)(1)(B))" and inserting "(42 U.S.C. 254l(g)(1)(B))";

(3) in paragraph (5), by adding at the end the following new subparagraphs:

"(C) Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.".

(c) REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.—Section 206 of the Indian Health Care Improvement Act (16 U.S.C. 1621e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Except as provided" and inserting "(a) RIGHT OF RECOVERY.—Except as provided";

(ii) by striking "the reasonable expenses incurred" and inserting "the reasonable charges billed";

(iii) by striking "in providing" and inserting "for providing"; and

(iv) by striking "for such expenses" and inserting "for such charges"; and

(B) in paragraph (2), by striking "such expenses" each place it appears and inserting "such charges";

(2) in subsection (b), by striking "(b) Subsection (a)" and inserting "(b) RECOVERY AGAINST STATE WITH WORKERS' COMPENSATION LAWS OR NO-FAULT AUTOMOBILE ACCIDENT INSURANCE PROGRAM.—Subsection (a)";

(3) in subsection (c), by striking "(c) No law" and inserting "(c) PROHIBITION OF STATE LAW OR CONTRACT PROVISION IMPEDIMENT TO RIGHT OF RECOVERY.—No law";

(4) in subsection (d), by striking "(d) No action" and inserting "(d) RIGHT TO DAMAGES.—No action";

(5) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking "(e) The United States" and inserting "(e) INTERVENTION OR SEPARATE CIVIL ACTION.—The United States"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) while making all reasonable efforts to provide notice of the action to the individual to whom health services are provided prior to the filing of the action, instituting a civil action.";

(6) in subsection (f), by striking "(f) The United States" and inserting "(f) SERVICES COVERED UNDER A SELF-INSURANCE PLAN.—"; and

(7) by adding at the end the following new subsections:

"(g) COSTS OF ACTION.—In any action brought to enforce this section, the court

shall award any prevailing plaintiff costs, including attorneys' fees that were reasonably incurred in that action.

"(h) RIGHT OF RECOVERY FOR FAILURE TO PROVIDE REASONABLE ASSURANCES.—The United States, an Indian tribe, or a tribal organization shall have the right to recover damages against any fiduciary of an insurance company or employee benefit plan that is a provider referred to in subsection (a) who—

"(1) fails to provide reasonable assurances that such insurance company or employee benefit plan has funds that are sufficient to pay all benefits owed by that insurance company or employee benefit plan in its capacity as such a provider; or

"(2) otherwise hinders or prevents recovery under subsection (a), including hindering the pursuit of any claim for a remedy that may be asserted by a beneficiary or participant covered under subsection (a) under any other applicable Federal or State law.".

SEC. 17. REVOCATION OF CHARTER OF INCORPORATION OF THE MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION ACT.

The request of the Minnesota Chippewa Tribe to surrender the charter of incorporation issued to that tribe on September 17, 1937, pursuant to section 17 of the Act* * *.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands to consider five miscellaneous land bills. The first is S. 901, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects. The subcommittee will also consider S. 1169 to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, ID, S. 590, a land exchange for the relief of Matt Clawson, and S. 985, to exchange certain lands in Gilpin County, CO. The last bill to be considered is S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, ID.

The hearing will take place Tuesday, November 7, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 16, 1995 at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 31, 1995, at 3:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 31, 1995, at 10:00 a.m. to hold a hearing on The Aftermath of Waco: Changes in Federal Law Enforcement.

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

COMMITTEE ON SMALL BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate Committee on Small Business be authorized to meet during the session of the Senate for a joint hearing with the House Committee on Small Business on Tuesday, October 31, 1995, at 10:00 a.m., in room G50 of the Dirksen Senate Office Building, to conduct a hearing focusing on The Cost of Federal Regulations on Small Business.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 31, 1995 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, October 31 and Wednesday, November 1, 1995 to hold hearings on Global Proliferation of Weapons of Mass Destruction.

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

ADDITIONAL STATEMENTS

VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS

• Mr. ABRAHAM. Mr. President, I would like to take this time to explain some of the votes I cast during consideration of the VA, HUD, independent agencies appropriations bill on September 27, 1995.

Senator BUMPERS offered an amendment to reduce the appropriation for implementing the space station program with the intent of terminating the program. The Bumpers amendment raised the question as to what the United States fundamental goals and needs are in exploring space. While it is clear that the space station has spurred technological and scientific development unrelated to space, I am not convinced that these developments justify the enormous taxpayer expense of the space station. Therefore, at this time, I supported Senator BUMPERS' amendment. Since the amendment failed, however, we will most likely continue to fund the space station for fiscal year 1996, and as we spend more on this program we will come closer to a point at which it would no longer be wise to discontinue funding. I believe we are near that point and will review this budget request again next year to determine whether eliminating funding for the space station would benefit taxpayers.

Senator ROCKEFELLER offered two amendments regarding benefits for veterans. One involved compensation for mentally incompetent service-related disabled veterans and the other would have increased funding for the general veterans medical account. My opposition to these amendments was not

based on their content, but rather on the fact that the funding mechanism for both of these amendments involved waiving the Budget Act. More than any veteran-specific funding we can provide, balancing the budget will benefit veterans and their children. Any amendment which increases spending and puts our country further from achieving a balanced budget ought to be rejected. And while I do not doubt that Senator ROCKEFELLER's amendments have merit, his inability to find other spending offsets made them impossible for me to support.

Senator LAUTENBERG also proposed to waive provisions of the Budget Act in order to provide more funding for the Superfund Program. While I share Mr. LAUTENBERG's concern for the environment, very few Americans familiar with the Superfund Program would disagree that it is in need of reform. We have spent billions of dollars on the Superfund Program already, and the results have been minimal. Superfund has resulted in more lawsuits, more paperwork, extreme cleanup mandates, and few cleanups. This is a classic attempt to throw good tax dollars after bad. Without meaningful reform of the program, I am not convinced that Superfund dollars are being well-spent, making it impossible for me to support this amendment.

Senator MIKULSKI offered an amendment which would have restored $425 million in funding for the Corporation for National and Community Service. While I applaud her efforts to encourage Americans to provide more service to their communities, this program costs $26,000 per participant per year—a level which cannot be sustained in the current budget environment.

Furthermore, I could not support funding for this program upon learning that $14 million out of last year's AmeriCorps funds were used to fund Federal agencies. While the administration claims it is cutting staff, they are actually playing a shell game with taxpayers' dollars by using AmeriCorps workers in the Federal Government. I am confident that the original supporters of this program did not intend for these volunteers to choose Federal employment as their community service.

Forty percent of the dollars currently spent on AmeriCorps is used for administrative purposes by the Federal Government. These funds would be more efficiently and effectively spent on a local rather than a national level.

Another amendment which touched on an important social issue was the Sarbanes amendment to transfer $360 million from section 8 contract renewals to homeless assistance grants to increase funding for Federal homeless programs. Most Americans share a common concern regarding the plight of the homeless and agree that the Government should play a role in the solution. Nevertheless, I voted against this amendment for two reasons.

First, the underlying bill provides $760 million for homeless grants, with an additional $297 million in homeless grants funding available from the earlier rescission bill, which deferred this funding from fiscal year 1995 to fiscal year 1996. In total, homeless programs will have $1.057 billion to spend in fiscal year 1996. The Sarbanes amendment would not increase this funding by one penny. All the funds he proposes to transfer would not be available until fiscal year 1997. In other words, this amendment would not have helped one homeless person next year.

Second, I was concerned that an unintended consequence of this amendment would be to increase homelessness. The bill provides $4.35 billion in funding for section 8 contract renewal. Section 8 subsidizes the construction and operation of apartment buildings, provided the owner agrees to rent a certain percentage of those apartments to low-income people. Currently, 1.5 million units are subsidized in this fashion, and many of these contracts are due to expire. If they are not renewed, many of the tenants will lose their homes.

In order to pay for the increase in homeless funding, Senator SARBANES would have reduced funding for renewing section 8 contracts. By taking away from this account, this amendment threatens to put people currently housed under the section 8 program on the street. The Federal Government has a role to play in helping the homeless, and in this case the underlying bill fills this role by addressing the needs of people already living on the streets as well as ensuring we don't encourage additional families to join them.

Overall I believe we have produced a solid appropriations bill, one which stays within the budget limitations necessary to balance the budget by the year 2002, delegates much of the funding to States in the form of block grants so that spending is more effective, and revises or eliminates programs that simply have not been working. I was proud to support final passage of this legislation.•

NATIONAL ENDOWMENT FOR DEMOCRACY

• Mr. GRAHAM. Mr. President, on October 20, a letter from four former National Security Advisers was sent to the chairman and ranking member of the Committee on Foreign Relations expressing their support for the work of the National Endowment for Democracy [NED]. According to these four distinguished experts, NED "has served our national interest well through its timely support of those who advance the cause of democracy."

As we make the difficult budgetary choices that will help guarantee for us and our children a prosperous future, it is essential that we not discard those programs—particularly those that are cost-effective—which enhance our long-term security. As the following letter from Messrs. Allen, Brzezinski, Carlucci, and Scowcroft points out, the National Endowment for Democracy is such a program.

I ask that the letter be printed in the RECORD. The letter follows:

OCTOBER 20, 1995.

Hon. JESSE HELMS,
Hon. CLAIBORNE PELL,
Senate Foreign Relations Committee Washington, DC.

Hon. BENJAMIN GILMAN,
Hon. LEE HAMILTON,
House International Relations Committee, Washington, DC.

As former National Security Advisers to the President, we are familiar with the work of the National Endowment for Democracy (NED). In our assessment, NED, established under President Reagan as an instrument in his campaign for democracy, and sustained with the bipartisan support of the leadership of both houses of Congress, has served our national interest well through its timely support of those who advance the cause of democracy.

The Endowment, a small bipartisan institution with its roots in America's private sector, operates in situations where direct government involvement is not appropriate. It is an exceptionally effective instrument in today's climate for reaching dedicated groups seeking to counter extreme nationalist and autocratic forces that are responsible for so much conflict and instability.

Eliminating this program would be particularly unsettling to our friends around the world, and could be interpreted as a sign of America's disengagement from the vital policy of supporting democracy. The Endowment remains a critical and cost-effective investment in a more secure America, and we support its work. We hope that you will join us in that support.

Sincerely,

RICHARD V. ALLEN,
FRANK C. CARLUCCI,
ZBIGNIEW BRZEZINSKI,
BRENT SCOWCROFT.•

(At the request of Mr. DOLE, the following statements were ordered to be printed in the RECORD.)

CONGRATULATING TIMOTHY A. BROWN

• Mr. SARBANES. Mr. President. I rise today to recognize and congratulate Capt. Timothy A. Brown, international president of the International Organization of Masters, Mates & Pilots, ILA, AFL–CIO, on being awarded the Silver Mariner Award and the Outstanding Professional Achievement Award by the U.S. Merchant Marine Academy at Kings Point, NY. Captain Brown was presented with the award on October 12, 1995, at an awards dinner held at the Merchant Marine Academy Officers Club.

The Silver Mariner Award is given every 5 years to individuals who have attained and sailed on their master's license and who have at least 25 years sailing experience. Individuals receiving the Outstanding Professional

Achievement Award are selected because of their achievement within the maritime industry. Captain Brown's labor efforts on behalf of the maritime industry as president of the International Organization of Masters, Mates & Pilots led to his nomination and subsequent selection by the review panel.

The International Organization of Masters, Mates & Pilots is the International Marine Division of the International Longshoreman's Association, AFL-CIO. With 6,800 members, it represents licensed deck officers, State pilots, and other marine personnel on U.S.-flag commercial vessels sailing in international trade and the inland waterways of the United States, the Panama Canal, and Caribbean, as well as crews sailing civilian-crewed military vessels of the United States.

Captain Brown richly deserves the great honor which has been accorded him. He has been associated with the maritime industry since graduating from the U.S. Merchant Marine Academy at Kings Points, NY, in 1965. Captain Brown continued to associated himself with the maritime industry; from 1983 to 1991 he sailed as a ship's master with SeaLand Service, Inc. In February 1991, he was elected president of the International Organization of Masters, Mates & Pilots on an interim basis and was subsequently reelected in 1992. During his tenure as president, Captain Brown devoted a great deal of time and energy toward legislative initiatives designed to promote the U.S.-flag merchant marine in a competitive world market. Working at both the grassroots and national levels he took the opportunity to explain the importance of the U.S. merchant marine to the national defense and the economy.

Captain Brown serves as an international vice president of the Masters, Mates & Pilots parent organization, the International Longshoremen's Association. He is also a member of the Council of American Master Mariners and the American Merchant Marine Veterans.

Mr. President, again, I congratulate Captain Brown on his accomplishment and for being held in such a high regard by his colleagues in the maritime industry.•

DAVID HENDEL

• Mr. LIEBERMAN. Mr. President, I rise today to offer these most public words of congratulation to a great Connecticut citizen who is retiring after a long and distinguished career with the Metropolitan Life Insurance Co. For nearly 40 years, David Hendel of West Hartford, CT has been a fixture at MetLife and he will be sorely missed in those hallways.

As a past president of the MetLife Veterans Club of Hartford/Providence, a member of the president's club for 6 years, and 10 years on the leadership conference, David has redefined loyalty and dedication in the workplace. If ever there was a man who could be counted on to put forth his best effort day in and day out, David Hendel is that man.

David has not merely made his mark at MetLife, he has also worked hard to better his community and this is what makes him such a special individual. A veteran of the U.S. Army, David has devoted his spare time to such organizations as the West Hartford Zoning Board of Appeals, the West Hartford Democratic Town Committee, and Temple Beth El of West Hartford. Truly, David has taught a generation of West Hartford residents the meaning and value of community service.

A true role model, David has shown us all that we must work both as individuals and as parts of a greater community to leave a positive mark on the world around us. As Members of Congress, we are charged with improving and strengthening the fabric of this Nation. I hope this body recognizes that, by following the lead of citizens like David Hendel, we can all advance toward that lofty goal.•

NOMINATION OF JOHN DOUGLASS TO BE ASSISTANT SECRETARY OF THE NAVY

• Mr. LEVIN. Mr. President, I wish to offer a few comments on the nomination of John Wade Douglass to be the Assistant Secretary of the Navy for Research, Development and Acquisition. John has served as a professional staff member of the Senate Armed Services Committee for more than 3 years, and he has served the committee well.

John has been responsible for technology base programs and defense research and development issues, as well as NATO issues, for the committee's Democratic members. He has worked on such difficult tasks as reducing the size of the Defense Department and its budget while keeping a coherent program of research and technology that will help preserve our national security in the decades to come. He has also dealt with the thorny issues of Bosnia and NATO expansion.

In all his work for the committee, John has offered wise and creative approaches to these difficult issues. For example, he has been a tireless champion of cost-sharing in Federal dual-use research funding, which has now become a standard practice for the Pentagon and other government agencies. This new standard will save the taxpayer hundreds of millions of dollars while improving the chances that the joint research bears fruit for both the military and civilian users.

Mr. President, I have enjoyed the opportunity to work with John over the past 3 years. He has worked with me on a number of issues, always with energy, intelligence, and humor. Clearly, the Navy's gain will be the committee's loss. I want to offer my congratulations to John and wish him well in his new position. If he serves the Navy as well as he did the committee, as I am sure he will, the Nation will be well served indeed.•

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

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

PROFESSIONAL BOXING SAFETY ACT

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 209, S. 187, the Professional Boxing Safety Act.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 187) to provide for the safety of journeyman boxers, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3039

(Purpose: To provide a substitute)

Mr. SMITH. Mr. President, I send an amendment to the desk on behalf of Senator MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for Mr. MCCAIN (for himself, Mr. BRYAN, and Mr. ROTH) proposes an amendment numbered 3039.

Mr. SMITH. 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.")

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3039) was agreed to.

Mr. SMITH. I ask unanimous consent that the bill be deemed read a third time, passed as amended, the motion to reconsider be laid upon the table and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 187), as amended, was passed.

AUTHORIZING THE PRINTING OF REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 190, submitted earlier today by Senators WARNER and FORD.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 190) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 190) was agreed to, as follows:

S. RES. 190

Resolved, That the Committee on Rules and Administration is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate Document 103-13, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT

Mr. SMITH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 196, S. 325.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 325) to make certain technical corrections in laws relating to native Americans and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3040

(Purpose: To provide a substitute)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. MCCAIN, proposes an amendment numbered 3040.

Mr. SMITH. 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. MCCAIN. Mr. President, I rise today to express my support for S. 325, a bill to make technical amendments to various laws affecting Native Americans and to urge its immediate adoption. This bill includes a number of provisions which address a wide range of Indian issues. I am joined by a number of Senators who have sponsored provisions which have been included in S. 325. I will briefly describe the provisions of S. 325 as amended. Section 1 of the bill makes technical corrections to section 9 of the Pokagon Potawatomi Restoration Act. These corrections would change the references in section 9 from plural to singular. Section 2 of S. 325 makes technical corrections to the Odawa and Ottawa Restoration Act. This section corrects all of the references in section 9 by using the plural.

The third section of S. 325 would address a longstanding problem in Indian policy. I have worked extensively with my good friend and colleague from Arizona, Senator KYL, to repeal the Trading with Indians Act. The Trading with Indians Act was originally enacted in the 1800's to protect Indians from unscrupulous Indian agents and other Federal employees. The prohibitions in the Trading with Indians Act were designed to prevent Federal employees from using their positions of trust to engage in private business deals that exploited Indians. These prohibitions carried criminal penalties including a fine of up to $5,000 and removal from Federal employment. The Trading With Indians Act has had significant adverse impacts on employee retention in the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA]. The problems stemming from the Trading with Indians Act are well-documented. Because the prohibitions in the Trading with Indians Act apply to the spouses of IHS and BIA employees, the adverse impacts are far-reaching. For example, if a spouse of an IHS employee is engaged in a business that is wholly-unrelated to the BIA or the IHS and does not transact business with the BIA or the IHS, the spouse is still in violation of the Trading with Indians Act. It is clear that although this statute served an admirable purpose in the 1800's, it has become anachronistic and should be repealed. The important policies reflected in the Trading with Indians Act are now covered by the Standards of Ethical Conduct for Employees of the Executive Branch.

In addition, to the original sections of the bill there are a number of additional sections included in S. 325 at the request for a number of Indian tribes. Section 4 of the amendment corrects a citation in section 4 of the Indian Dams Safety Act of 1994. Section 5 of S. 325 amends the Pascua Yaqui Indians Act to capitalize the words "Pascua Yaqui Tribe." Section 6 amends section 3(7) of the Indian Lands Open Dump cleanup Act of 1994 to correct the citation to the Solid Waste Disposal Act. Section 7 of the bill amends the American Indian Trust Fund Management Reform Act of 1994 to correct a reference in section 303(c) of the Act and to correct a typographical error in section 306 of the Act. Section 8 of the bill makes several technical and conforming changes to the Indian Self-Determination and Education Assistance Act. Section 9 of the bill corrects a reference in section 102 of the Indian Self-Determination Contract Reform Act of 1994. Section 10 of the bill corrects certain references in sections 203 and 206 of the Auburn Indian Restoration Act. Section 11 of the bill amends the Crow Boundary Settlement Act of 1994 corrects several references in sections 5, 9, and 10 of the Act. Section 12 of S. 325 corrects a typographical error in section 205 of the Tlingit and Haida Status Clarification Act. Section 13 of the bill amends section 103 of the Native American Languages Act to correct several citations in the section. Section 14 of the bill amends section 5 of the Ponca Restoration Act to modify the service area of the Ponca Indian Tribe to include Indians living in Sarpy, Burt, Platte, Stanton, Hall, Holt, and Wayne counties in Nebraska and Indians living in Woodbury and Pottawattomie counties in Iowa. It has been estimated that there are 110 Ponca tribal members living in these counties who are not currently eligible to receive services from the tribe. This amendment to the Ponca Restoration Act would make these members eligible for tribal services from the Ponca Tribe. I would like to recognize the leadership of the delegation from Nebraska, Senators EXON and KERREY, who brought this provision to my attention and urged its inclusion in S. 325.

Section 15 of S. 325 amends section 112 of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 to extend the time for the completion of the activities to be conducted by the parties to the settlement by six months. Under the original Act, the Secretary is required to publish in the Federal Register by December 31, 1995 a statement of findings that includes a finding that the contracts between the parties for Central Arizona Project water have been executed. Due to several unforeseen developments, the Department of the Interior, the Yavapai-Prescott Tribe, and the City of Prescott have requested an additional 6 months to finalize the agreements and publish the Secretary's findings in the Federal Register.

Section 16 of the bill modifies the definition of the term Indian "Health Profession" in the Indian Health Care Improvement Act. This modification will allow the Indian Health Service additional flexibility in awarding

scholarships and offering loan repayment to individuals enrolled in degree programs in the health professions. As originally defined, the term health profession unnecessarily restricted the eligibility of individuals for scholarships. Subsection (b) amends section 104 of the Indian Health Care Improvement Act to make clear that an individual serving in an academic setting that is funded under sections 102, 112, or 114 of the Act who is responsible for the recruitment and training of Indian Health Professionals shall be considered to be meeting their service obligations under section 338A of the Public Health Service Act. This provision will allow an individual to meet their service obligation to the IHS by working at a university or other academic setting which is responsible for recruiting and training American Indians in the health professions. The amendment also clarifies that the Secretary may defer an individual's service obligations during the term of an internship, residency or other advanced clinical program. Further, subsection (b) provides that any obligation for service or payment by an individual to the IHS shall expire upon their death. It also authorizes the Secretary to waive or suspend a service or payment obligation upon the Secretary's determination that it would cause extreme hardship or to enforce such a requirement would be unconscionable. Finally, the provision makes clear the terms under which an individual's payment obligation may be discharged in a bankruptcy proceeding. Subsection (c) of this section clarifies certain provisions in section 206 of the Indian Health Care Improvement Act regarding the notice provisions for individuals in collection actions for services provided by IHS or tribal health facilities and recoverable costs in such a collection action and the right of the United States and Indian tribes to recover against an insurance company or employee benefit plan.

Section 17 of the bill provides for the revocation of the charter of incorporation of the Minnesota Chippewa Tribe under the Indian Reorganization Act. The Minnesota Chippewa Tribe has requested the Congress to accept their surrender of the Corporate Charter of the Minnesota Chippewa. By its own terms, this chapter can only be revoked by Act of Congress. This provision would revoke the charter. I would like to express my appreciation to my good friend the Senator from Minnesota, Senator WELLSTONE for his hard work and diligence on behalf of the Minnesota Chippewa Tribe in advancing this amendment. Section 18 of the bill amends section 533(c) of the Equity in Educational Land Grant Status Act of 1994 to clarify how the Indian student count shall be applied to the Tribally Controlled Community Colleges. Section 19 of S. 325 will amend the Advisory Council on California Indian Policy Act of 1992 to extend the term of the Advisory Council on California Indian Policy from 18 months to 36 months in order to allow them to complete their study of issues affecting California Indian tribes. Section 20 of the bill amends the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend the deadline for the parties to the settlement complete agreements between the San Carlos Apache Tribe, the Phelps-Dodge Corporation, and the Town of Globe for an additional year. This amendment would extend the deadline from December 31, 1995 to December 31, 1996. The Department of the Interior, the San Carlos Apache Tribe and the other parties to the settlement have expressed their support for this provision.

Section 21 of the bill amends section 401 of the Public Law 100-581, to provide the authority to the Army Corps of Engineers to provide funding for the operation and maintenance of in lieu fishing access sites on the Columbia River. Public Law 100-581 was enacted in 1988 to authorize the U.S. Army Corps of Engineers to develop 32 Indian fishing access sites along the Columbia River for the Warm Springs, Yakima, Umatilla, and Nez Perce tribes. These fishing sites were intended to compensate these Indian tribes for fishing sites which were lost due to the construction of several dams by the Army Corps of Engineers. In a June 25, 1995 Memorandum of Understanding between the Army Corps of Engineers and the Department of the Interior, the Corps agreed to a lump sum payment of funds to provide for the operation and maintenance of such sites. I would like to express my appreciation to the Senator from Oregon, Mr. HATFIELD, for his leadership in advancing this provision. I have worked closely with him in ensuring that this provision is clarified and provides the necessary authority to ensure that these sites are adequately maintained.

Section 22 of the bill provides authority to the Ponca Indian Tribe of Nebraska to utilize funds provided in prior fiscal years to acquire, develop, and maintain a transitional living facility for Indian adolescents. I understand that the Ponca Indian Tribe has worked closely with Senator CONRAD, who has been the principal sponsor of this amendment. I would like to express my appreciation for the work of Senators KYL, THOMAS, KERREY, EXON, CONRAD, HATFIELD, WELLSTONE, and INOUYE in the development of many of these amendments and I urge my colleagues to support passage of S. 325.

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

The amendment (No. 3040) was agreed to.

TREATY FISHING SITE AMENDMENT

• Mr. HATFIELD. Mr. President, the relationship of the United States Government with Native American tribes has often been plagued by broken promises and unfinished tasks. Treaties with the four Columbia River fishing tribes, the Warm Springs, Umatillas, Yakima, and the Nez Perce guarantee them the right to fish in the Columbia River. When dams flooded out their fishing sites in the 1930's, the Federal Government agreed to provide 400 acres of new sites "in lieu of those inundated."

Throughout the years, we have failed to make good on that commitment. About 40 acres have been provided, and these areas are in poor condition. In 1988, Congress remedied this dilemma by passing the Columbia River Treaty Fishing Access Sites Act. The Act requires the Army Corps of Engineers to rehabilitate the existing sites and develop new sites to the full 400 acres. Once developed the Corps is to transfer the sites to the Bureau of Indian Affairs as trustee for the tribes.

Since fiscal year 1994, $7.8 million has been appropriated to the Corps for this purpose. Expenditure of this money has been stalled due to a disagreement between the Corps and the BIA over which would be responsible for operation and maintenance costs after the transfer. The two agencies have reached an agreement and my amendment will provide clear legislative authority for the Corps to transfer the Operation and Maintenance funds to the Bureau of Indian Affairs.

I am pleased we have reached an agreement that is acceptable to all the parties involved and I am proud that we have fulfilled our commitment to the tribes.•

Mr. KYL. Mr. President, I rise in support of this legislation to make technical corrections in certain laws relating to Native Americans, particularly section 3 of the bill which would repeal the Trading With Indians Act.

Mr. President, the Chairman of the Indian Affairs Committees, Senator MCCAIN, and I began working for the repeal of the Trading With Indians Act during the last Congress. Senator MCCAIN championed the issue in this body. I sponsored the companion bill while I was still serving in the House of Representatives. I want to thank the chairman for his continuing personal involvement, and for acting so promptly on the issue this year.

The Trading With Indians Act was originally enacted in 1834, and it had a legitimate purpose at that time—to protect Native Americans from being unduly influenced by Federal employees.

But, a law that started out with good intentions more than a century ago has become unnecessary and counterproductive today. It establishes a virtually absolute prohibition against commercial trading with Indians by employees of the Indian Health Service and Bureau of Indian Affairs. The prohibition extends to transactions in

which a Federal employee has an interest, either in his or her own name, or in the name of another person, including a spouse, where the employee benefits or appears to benefit from such interest.

The penalties for violations can be severe: a fine of not more than $5,000, or imprisonment for not more than 6 months, or both. The Act further provides that any employee who is found to be in violation should be terminated from Federal employment.

This all means that employees could be subject to criminal penalties or fired from their jobs, not for any real or perceived wrongdoing on their part, but merely because they are married to individuals who may do business on an Indian reservation. The nexus of marriage is enough to invoke penalties. It means, for example, that an Indian Health Service employee, whose spouse operates a law firm on the Navajo Nation, could be fined, imprisoned, or fired. It means that a family member can't apply for a small business loan without jeopardizing the employee's job.

Mr. President, in some cases, the Trading With Indians Act even threatens to break up Indian families. I ask unanimous consent that the text of a column, which Jack Anderson and Michael Binstein wrote on the subject in December of 1993, appear in the RECORD at the conclusion of my remarks.

The protection that the Trading With Indians Act provided in 1834 can now be provided under the Standards of Ethical Conduct for Government Employees. The intent here is to provide adequate safeguards against conflicts of interest, while not unreasonably denying individuals and their families the ability to live and work—and create jobs—in their communities.

Both Health and Human Services Secretary Donna Shalala and Interior Department Assistant Secretary Ada Deer have expressed support for the legislation to repeal the 1834 Act. Secretary Shalala, in a letter dated November 17, 1993, noted that repeal "could improve the ability of IHS to recruit and retain medical professional employees in remote locations. It is more difficult for IHS to recruit and retain medical professionals to work in remote reservation facilities if their spouses are prohibited from engaging in business activities with the local Indian residents, particularly since employment opportunities for spouses are often very limited in these locations."

Let me cite one very specific case in which the law has come into play. It involved Ms. Karen Arviso, who served as the Navajo area IHS health promotion and disease prevention coordinator. Ms. Arviso was one of those people who played a particularly critical role during the outbreak of the hantavirus in the Navajo area several years ago. She put in long hours traveling to communities across the reservation in an effort to educate people about the mysterious disease.

Instead of thanks for her dedication and hard work, Ms. Arviso received a notice that she was to be fired because her husband applied for a small business loan from the Bureau of Indian Affairs. The Trading With Indians Act would require it. What sense does that make?

Mr. President, repeal of the Trading With Indians Act is long overdue. I hope we will pass this legislation today unanimously, and that the House will act on it promptly.

I ask unanimous consent that the Anderson/Binstein column be printed in the RECORD.

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

[From the Washington Post, Dec. 6, 1993]

AN OBSOLETE LAW ENDANGERS A MARRIAGE

(By Jack Anderson and Michael Binstein)

This fall, Albert Hale nearly decided to make what he regarded as the ultimate sacrifice for his beloved wife of five years: divorce her.

I don't want my wife to go to jail," Hale said. "If I can save her from going to jail by divorcing her then that's a real option."

The possibility made the Hales heartsick, and left their young daughter—who overheard one of their hushed discussions—distraught. But a 160-year-old federal law offered little latitude. The Trading with Indians Act of 1834 carries a six-month jail sentence and/or up to a $5,000 fine, and the "case" against Regina Hale appeared to be open and shut. If there's a lesson, it may be that old and obsolete laws die hard.

The law prohibits all "commercial" trading with American Indians by Indian Health Service or Bureau of Indian Affairs employees or "in the name of a family member or spouse" of an employee.

An IHS official told us there weren't many violations of the law until the government started hiring greater numbers of Native Americans whose spouses often work on the reservations and own businesses. The two main employers on most reservations are the tribal government and the federal government.

Albert and Regina Hale are American Indians who were born and reared on the Navajo reservation in Window Rock, Ariz. She is now employed as a personnel staffing assistant for the IHS. He has practiced law on the reservation since 1972. They are raising Regina's 9-year-old daughter in their own house on a 1½-acre lot on the reservation, because that's "where we're from."

There they lived as a normal happy family, until one morning when Regina opened the mail and discovered that the marriage rendered her in "violation" of the Trading with Indians Act and would be "cause for severe disciplinary action, as well as criminal penalties."

"We were appalled by the letter . . . but what do you do? How do you as a married couple resolve this? Maybe the best thing to do is get divorced," Albert Hale told our associate, Andrew Conte.

When the law was enacted, Congress feared that non-Indian officials of the War Department would set up shops on the reservations to fleece Indians of the funds they received from the government. Nearly 160 years later, this dusty relic is haunting Regina and Albert Hale, as well as other Indian couples who work for the IHS or the BIA and who own businesses on reservations.

In another case, Karen Arviso, who worked last summer in Crownpoint, N.M., as a community outreach worker to help locate the causes of a mysterious fatal virus in the Southwest, almost lost her job because of the law. When her husband applied for a loan at the BIA to open a gas station on the Navajo reservation, IHS informed her that she would have to resign if he started the business.

"This is one of those anachronisms," Rep. Jon Kyl (R-Ariz.) told us. "The law was needed back 150 years ago, but now you don't need it. This is just one of those things we ought to get off the books because unfortunately real people are in violation of real law and we don't intend for that situation to exist."

Kyl and Sen. John McCain (R-Ariz.) are leading the crusade to repeal the law in Congress.

Though the law has seldom been enforced this century, the few instances in which it has been invoked caused inconvenience rather than imprisonment.

In the early 1980s, an assistant secretary of BIA who wanted to rent his house to an Indian was prevented from doing so. An official at IHS told us other employees of that agency had been prevented from selling Avon products in predominantly Indian neighborhoods.

Health and Human Services Secretary Donna E. Shalala has promised not to fire or prosecute IHS employees because of violations, but word has apparently not reached Arizona. An IHS official there said "they haven't heard anything" about not prosecuting the cases and therefore the Hales and the handful of other people affected by the law are "still under the gun."

Regina Hale promises to fight.

"My daughter heard us the other night talking about getting a divorce and she . . . started to cry because she didn't understand," she said. "We're going to live through this and we're going to fight."

Mr. SMITH. I ask unanimous consent the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 325) was deemed read the third time and passed, as follows:

S. 325

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

SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.

Section 9 of the Act entitled "An Act to restore Federal services to the Pokagon Band of Potawatomi Indians" (25 U.S.C. 1300j-7a) is amended—

(1) by striking "Bands" each place it appears and inserting "Band";

(2) in subsection (a), by striking "respective"; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "membership rolls that contain" and inserting "a membership roll that contains"; and

(II) by striking "in such" and inserting "in the"; and

(ii) in the second sentence, by striking "Each such" and inserting "The";

(B) in paragraph (2)—

(i) by striking "rolls have" and inserting "roll has"; and

(ii) by striking "such rolls" and inserting "such roll";

(C) in the heading for paragraph (3), by striking "ROLLS" and inserting "ROLL"; and

(D) in paragraph (3), by striking "rolls are maintained" and inserting "roll is maintained".

SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT.

(a) REAFFIRMATION OF RIGHTS.—The heading of section 5(b) of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-3) is amended by striking "TRIBE" and inserting "BANDS".

(b) MEMBERSHIP LIST.—Section 9 of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-7) is amended—

(1) in subsection (a)—

(A) by striking "Band" the first place it appears and inserting "Bands"; and

(B) by striking "the Band." and inserting "the respective Bands."; and

(2) in subsection (b)(1)—

(A) in the first sentence, by striking "the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band" and inserting "each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band"; and

(B) in the second sentence, by striking "The Band, in consultation" and inserting "Each such Band, in consultation".

SEC. 3. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS.

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

SEC. 4. INDIAN DAMS SAFETY ACT OF 1994.

Section 4(h) of the Indian Dams Safety Act of 1994 (108 Stat. 1562) is amended by striking "(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), as amended," and inserting "under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)".

SEC. 5. PASCUA YAQUI INDIANS OF ARIZONA.

Section 4(b) of the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes" (25 U.S.C. 1300f-3(b)) is amended by striking "Pascua Yaqui tribe" and inserting "Pascua Yaqui Tribe".

SEC. 6. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994.

Section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 (108 Stat. 4165) is amended by striking "under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)" and inserting "under section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)".

SEC. 7. AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.

(a) MAINTENANCE OF RECORDS.—Section 303(c)(5)(D) of the American Indian Trust Fund Management Reform Act of 1994 (108 Stat. 4247) is amended by striking "made under paragraph (3)(B)" and inserting "made under subparagraph (C)".

(b) ADVISORY BOARD.—Section 306(d) of the Indian Trust Fund Management Reform Act (25 U.S.C. 4046(d)) is amended by striking "Advisory Board" and inserting "advisory board".

SEC. 8. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) DEFINITIONS.—Section 4(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(j)) is amended by striking "That except as provided the last proviso in section 105(a) of this Act," and inserting "That except as provided in paragraphs (1) and (3) of section 105(a),".

(b) CARRYOVER FUNDING.—Section 8 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 13a) is amended by striking "the provisions of section 106(a)(3)" and inserting "the provisions of section 106(a)(4)".

(c) REPAYMENT OF FUNDS.—Section 5(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(d)) is amended by striking "106(a)(3) of this Act" and inserting "106(a)(4)".

(d) SELF-DETERMINATION CONTRACTS.—The first sentence of the flush material immediately following subparagraph (E) of section 102(a)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(a)(2)) is amended by striking "the second sentence of this subsection" and inserting "the second sentence of this paragraph".

(e) CONTRACT OR GRANT PROVISIONS AND ADMINISTRATION.—Section 105(a)(3)(C)(ii) of the Indian Self-Determination and Education Assistance Act (42 U.S.C. 450j(a)(3)(C)(ii)) is amended—

(1) in subclause (VII), by striking "chapter 483" and inserting "chapter 482"; and

(2) in subclause (IX), by striking "The Service Control Act of 1965" and inserting "The Service Contract Act of 1965".

(f) APPROVAL OF CONSTRUCTION CONTRACTS.—Section 105(m)(4)(C)(v) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(m)(4)(C)(v)) is amended by striking "sections 102(a)(2) and 102(b) of section 102" and inserting "subsections (a)(2) and (b) of section 102".

SEC. 9. INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994.

Section 102(11) of the Indian Self-Determination Contract Reform Act of 1994 (108 Stat. 4254) is amended by striking "subsection (e)" and inserting "subsection (e) of section 105".

SEC. 10. AUBURN INDIAN RESTORATION.

(a) ECONOMIC DEVELOPMENT.—Section 203 of the Auburn Indian Restoration Act (25 U.S.C. 1300l-1) is amended—

(1) in subsection (a)(2), by striking "as provided in section 107" and inserting "as provided in section 207"; and

(2) in subsection (b), by striking "section 104" and inserting "section 204".

(b) INTERIM GOVERNMENT.—The last sentence of section 206 of the Auburn Indian Restoration Act (25 U.S.C. 1300l-4) is amended by striking "Interim council" and inserting "Interim Council".

SEC. 11. CROW BOUNDARY SETTLEMENT ACT OF 1994.

(a) ENFORCEMENT.—Section 5(b)(3) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4636) is amended by striking "provisions of subsection (b)" and inserting "provisions of this subsection".

(b) APPLICABILITY.—Section 9 of the Crow Boundary Settlement Act of 1994 (108 Stat. 4640) is amended by striking "The Act" and inserting "This Act".

(c) ESCROW FUNDS.—Section 10(b) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4641) is amended by striking "(collectively referred to in this subsection as the 'Suspension Accounts')" and inserting "(collectively referred to in this section as the 'Suspension Accounts')".

SEC. 12. TLINGIT AND HAIDA STATUS CLARIFICATION ACT.

The first sentence of section 205 of the Tlingit and Haida Status Clarification Act (25 U.S.C. 1215) is amended by striking "Indian tribes" and inserting "Indian Tribes".

SEC. 13. NATIVE AMERICAN LANGUAGES ACT.

Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4))" and inserting "under section 9161(4) of the Improving America's Schools Act of 1994 (20 U.S.C. 7881(4))"; and

(2) in paragraph (3), by striking "section 4009 of Public Law 100-297 (20 U.S.C. 4909)" and inserting "section 9212(1) of the Improving America's Schools Act of 1994 (20 U.S.C. 7912(1))".

SEC. 14. PONCA RESTORATION ACT.

Section 5 of the Ponca Restoration Act (25 U.S.C. 983c) is amended—

(1) by inserting "Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne," before "Knox"; and

(2) by striking "or Charles Mix County" and inserting ", Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County".

SEC. 15. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking "December 31, 1995" and inserting "June 30, 1996".

SEC. 16. INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)) is amended—

(1) by inserting "allopathic medicine," before "family medicine"; and

(2) by striking "and allied health professions" and inserting "an allied health profession, or any other health profession.".

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

"(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 2541) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—";

(ii) by striking "or" at the end of clause (iii);

(iii) by striking the period at the end of clause (iv) and inserting "; or"; and

(iv) by adding at the end the following new clause:

"(v) in an academic setting (including a program that receives funding under section 102, 112, or 114, or any other academic setting

that the Secretary, acting through the Service, determines to be appropriate for the purposes of this clause) in which the major duties and responsibilities of the recipient are the recruitment and training of Indian health professionals in the discipline of that recipient in a manner consistent with the purpose of this title, as specified in section 101.";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

"(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

"(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

"(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).";

(D) in subparagraph (C), as so redesignated, by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)" and inserting "described in subparagraph (A) by service in a program specified in that subparagraph"; and

(E) in subparagraph (D), as so redesignated—

(i) by striking "Subject to subparagraph (B)," and inserting "Subject to subparagraph (C),"; and

(ii) by striking "prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)" and inserting "described in subparagraph (A)";

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

"(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—"; and

(B) in subparagraph (C), by striking "(42 U.S.C. 254m(g)(1)(B))" and inserting "(42 U.S.C. 254l(g)(1)(B))";

(3) in paragraph (5), by adding at the end the following new subparagraphs:

"(C) Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

"(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

"(i) it is not possible for the recipient to meet that obligation or make that payment;

"(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

"(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

"(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

"(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.".

(c) REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.—Section 206 of the Indian Health Care Improvement Act (16 U.S.C. 1621e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Except as provided" and inserting "(a) RIGHT OF RECOVERY.—Except as provided";

(ii) by striking "the reasonable expenses incurred" and inserting "the reasonable charges billed";

(iii) by striking "in providing" and inserting "for providing"; and

(iv) by striking "for such expenses" and inserting "for such charges"; and

(B) in paragraph (2), by striking "such expenses" each place it appears and inserting "such charges";

(2) in subsection (b), by striking "(b) Subsection (a)" and inserting "(b) RECOVERY AGAINST STATE WITH WORKERS' COMPENSATION LAWS OR NO-FAULT AUTOMOBILE ACCIDENT INSURANCE PROGRAM.—Subsection (a)";

(3) in subsection (c), by striking "(c) No law" and inserting "(c) PROHIBITION OF STATE LAW OR CONTRACT PROVISION IMPEDIMENT TO RIGHT OF RECOVERY.—No law";

(4) in subsection (d), by striking "(d) No action" and inserting "(d) RIGHT TO DAMAGES.—No action";

(5) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking "(e) The United States" and inserting "(e) INTERVENTION OR SEPARATE CIVIL ACTION.—The United States"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) while making all reasonable efforts to provide notice of the action to the individual to whom health services are provided prior to the filing of the action, instituting a civil action.";

(6) in subsection (f), by striking "(f) The United States" and inserting "(f) SERVICES COVERED UNDER A SELF-INSURANCE PLAN.—"; and

(7) by adding at the end the following new subsections:

"(g) COSTS OF ACTION.—In any action brought to enforce this section, the court shall award any prevailing plaintiff costs, including attorneys' fees that were reasonably incurred in that action.

"(h) RIGHT OF RECOVERY FOR FAILURE TO PROVIDE REASONABLE ASSURANCES.—The United States, an Indian tribe, or a tribal organization shall have the right to recover damages against any fiduciary of an insurance company or employee benefit plan that is a provider referred to in subsection (a) who—

"(1) fails to provide reasonable assurances that such insurance company or employee benefit plan has funds that are sufficient to pay all benefits owed by that insurance company or employee benefit plan in its capacity as such a provider; or

"(2) otherwise hinders or prevents recovery under subsection (a), including hindering the pursuit of any claim for a remedy that may be asserted by a beneficiary or participant covered under subsection (a) under any other applicable Federal or State law.".

SEC. 17. REVOCATION OF CHARTER OF INCORPORATION OF THE MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION ACT.

The request of the Minnesota Chippewa Tribe to surrender the charter of incorporation issued to that tribe on September 17, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the "Indian Reorganization Act" (48 Stat. 988, chapter 576; 25 U.S.C. 477) is hereby accepted and that charter of incorporation is hereby revoked.

SEC. 18. LAND GRANT STATUS FOR 1994 INSTITUTIONS.

Section 533(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended—

(1) in paragraph (4)(A), by striking the "Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3))" and inserting "Indian student count, as determined under paragraph (5)"; and

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

"(5) INDIAN STUDENT COUNT.—For purposes of paragraph (4), the Indian student count shall be—

"(A) for the 1994 Institutions listed in paragraphs (24), (25), and (27) of section 522, determined for those institutions in the same manner as an Indian student count is determined for tribally controlled community colleges pursuant to the definition of 'Indian student count' under section 2(7) of the Tribally Controlled Community College Assistance Act of 2978 (25 U.S.C. 1801(7)); and

"(B) for all of the remaining 1994 Institutions listed in section 522, determined in accordance with the definition of 'Indian student count' under section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3)).".

SEC. 19. ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT OF 1992.

Section 5(6) of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2133; 25 U.S.C. 651 note) is amended by striking "18 months" and inserting "36 months".

SEC. 20. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102-575) is amended by striking "December 31, 1995" and inserting "December 31, 1996".

SEC. 21. IN-LIEU FISHING SITE TRANSFER AUTHORITY.

Section 401 of Public Law 100-581 (102 Stat. 2944-2945) is amended by adding at the end the following new subsection:

"(g) The Secretary of the Army is authorized to transfer funds to the Department of the Interior to be used for purposes of the continued operation and maintenance of sites improved or developed under this section.".

SEC. 22. ADOLESCENT TRANSITIONAL LIVING FACILITY.

Notwithstanding any other provision of law, any funds that were provided to the Ponca Indian Tribe of Nebraska for any of

the fiscal years 1992 through 1995, and that were retained by that Indian tribe, pursuant to a self-determination contract with the Secretary of Health and Human Services that the Indian tribe entered into under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) to carry out programs and functions of the Indian Health Service may be used by that Indian tribe to acquire, develop, and maintain a transitional living facility for adolescents, including land for that facility.

NATIONAL DRUG AWARENESS DAY

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 189, submitted earlier today by Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 189) to designate Wednesday, November 1, 1995, as National Drug Awareness Day.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas illegal drug use among the youth of America is on the increase;

Whereas illegal drug use is a major health problem, ruining thousands of lives and costing billions of dollars;

Whereas illegal drug use contributes to crime on the streets and in the homes of this nation;

Whereas national attention has turned from illegal drug use to other issues, and support for sustained programs has decreased;

Whereas public awareness and sustained programs are essential to combat an ongoing social problem;

Whereas the answer to the illegal drug problem lies in America's communities, with local people involved in grass roots activities to keep their communities safe and drug free, and in encouraging personal responsibility;

Whereas the annual Red Ribbon Celebration, coordinated by the National Family Partnership and involving over 80,000,000 Americans in prevention activities each year, commemorates the sacrifices of people on the front lines in the war against illegal drug use;

Whereas substance abuse prevention, law enforcement, international narcotics control, and community awareness efforts contribute to preventing young people from starting illegal drug use; and

Whereas the American people have a continuing responsibility to combat illegal drug use: Now, therefore, be it

Resolved, That the Senate designate Wednesday, November 1, 1995, as "National Drug Awareness Day".

WORKERS COMPENSATION BENEFITS

Mr. SMITH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 215, H.R. 1715.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1715) respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 1715) was deemed read the third time, and passed.

EXECUTIVE SESSION

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the military nominations reported out of the Armed Services Committee today, with the exception of Capt. John B. Padgett III. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. John B. Hall, J[redacted], Regular Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Brett M. Dula[redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. James F. Recor[redacted], United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Thad A. Wolfe[redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Nicholas B. Kehoe, III[redacted] United States Air Force.

IN THE ARMY

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Robert W. Roper, Jr[redacted]
Brig. Gen. Edward L. Andrew[redacted].
Brig. Gen. David K. Heebner[redacted].
Brig. Gen. Morris J. Boyd[redacted].
Brig. Gen. Robert R. Hicks, Jr[redacted].
Brig. Gen. Stewart W. Wallace[redacted].
Brig. Gen. James M. Wright[redacted].
Brig. Gen. Charles W. Thomas[redacted].
Brig. Gen. George H. Harmeyer[redacted].
Brig. Gen. John F. Michitsch[redacted].
Brig. Gen. Lon E. Maggard[redacted].
Brig. Gen. Henry T. Glisson[redacted].
Brig. Gen. Thomas N. Burnette, Jr[redacted]
Brig. Gen. David H. Ohle[redacted].
Brig. Gen. Milton Hunter[redacted].
Brig. Gen. James T. Hill[redacted].
Brig. Gen. Greg L. Gile[redacted].
Brig. Gen. Jmes C. Riley[redacted].
Brig. Gen. Randall L. Rigby[redacted].
Brig. Gen. Daniel J. Petrosky[redacted].
Brig. Gen. Michael B. Sherfield[redacted].
Brig. Gen. James C. King[redacted].
Brig. Gen. Joseph G. Garrett, III[redacted]
Brig. Gen. Leroy R. Goff, II[redacted].
Brig. Gen. Daniel G. Brown[redacted].
Brig. Gen. William P. Tangney[redacted].
Brig. Gen. Charles S. Mahan, Jr[redacted]
Brig. Gen. John J. Maher, II[redacted].
Brig. Gen. Leon J. LaPorte[redacted].
Brig. Gen. Claudia J. Kennedy[redacted].

The following-named officer for promotion in the Regular Army of the United States to the grade indicated under title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. Bettye H. Simmons[redacted] United States Army.

The following-named Medical Corps Competitive Category officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. George J. Brown[redacted] United States Army.

Col. Robert F. Griffin[redacted] United States Army.

IN THE NAVY

The following named Captains in the line of the United States Navy for promotion to the permanent grade of Rear Admiral (lower half), pursuant to Title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Stephen Hall Bake[redacted], United States Navy.

Capt. John Joseph Bepko, I[redacted], United States Navy.

Capt. Jay Alan Campbel[redacted] United States Navy.

Capt. Robert Charles Chapli[redacted], United States Navy.

Capt. James Cutler Dawson, Jr[redacted] United States Navy.

Capt. Malcolm Irving Fage[redacted], United States Navy.

Capt. Veronica Zasadni Froman[redacted], United States Navy.

Capt. Scott Allen Fr[redacted] United States Navy.

Capt. Gregory Gordon Johnso[redacted], United States Navy.

Capt. Stephen Irvin Johnson, [redacted] United States Navy.

Capt. Joseph John Krol, Jr., [redacted] United States Navy.

Capt. Stephen Robert Loeffler, [redacted] United States Navy.

Capt. John Thomas Lyons, III, [redacted] United States Navy.

Capt. James Irwin Maslowski, [redacted] United States Navy.

Capt. Richard Walter Mayo, [redacted] United States Navy.

Capt. Michael Glenn Mullen, [redacted] United States Navy.

Capt. Larry Don Newsome, [redacted] United States Navy.

Capt. Richard Jerome Nibe, [redacted] United States Navy.

Capt. Paul Scott Semk[redacted] United States Navy.

Capt. Robert Gary Sprig[redacted], United States Navy.

Capt. Robert Timothy Zieme[redacted], United States Navy.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Osie V. Combs, Jr[redacted] United States Navy.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Jeffrey Alan Cook[redacted] United States Navy.

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. Dennis C. Blai[redacted].

IN THE AIR FORCE

Air Force nominations beginning Tarek C. Abboushi, and ending Michael F. Zupan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 5, 1995.

Air Force nominations beginning Julian Andrews, and ending Janice L. Anderson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Air Force nominations beginning Laraine L. Acosta, and ending Joan C. Winters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Air Force nominations beginning Larry E. Freeman, and ending Timothy L. Cook, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD On October 11, 1995.

IN THE ARMY

Army nominations beginning Anthony C. Aiken, and ending Karen L. Wilkins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 19, 1995.

Army nominations of Amy M. Autry, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Army nominations beginning Michael B. Neveu, and ending Robert A. Diggs, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Army nomination of Duane A. Belote, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Army nomination of Derek J. Harvey, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on October 11, 1995.

Army nominations beginning Barbara Hasbargen, and ending Gary Vroegindewey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 11, 1995.

Army nominations beginning Mary B. Alexander, and ending Craig L. Wardrip, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 11, 1995.

IN THE MARINE CORPS

Marine Corps nominations beginning Thurmond Bell, and ending Earnest R. Walls, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

IN THE NAVY

Navy nominations beginning John M. Abernathy III, and ending George R. Shayne, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 8, 1995.

Navy nomination of Robert W. Ernest, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 1995.

Navy nominations beginning Timothy A. Adams, and ending Michael J. Zielinski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 5, 1995.

Navy nominations beginning Albert M. Carden, and ending Jenevieve J. Williamson, which nominations were received by the Senate and appeared in CONGRESSIONAL RECORD on September 8, 1995.

Navy nominations beginning William D. Agerton, and ending William M. Turner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 19, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

BILL READ FOR THE FIRST TIME—S. 1372

Mr. SMITH. Mr. President, I understand that S. 1372, introduced earlier today by Senator MCCAIN, is at the desk.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1372) to amend the Social Security Act to increase the earnings limit, and for other purposes.

Mr. SMITH. Mr. President, I will now ask for the bill to be read a second time.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH. At this time I object on behalf of the minority leader, Senator DASCHLE.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, NOVEMBER 1, 1995

Mr. SMITH. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Wednesday, November 1, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business until 12 noon with Senators permitted to speak for up to 10 minutes each; and, further, that the time from 9:30 to 10:30 be under the control of Senator DASCHLE, or his designee, and 10:30 to noon under the control of Senator DOLE, or his designee.

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

PROGRAM

Mr. SMITH. Mr. President, for the information of all Senators, at approximately 12 noon on Wednesday, it will be the intention of the majority leader to turn to the consideration of the House message to accompany the budget reconciliation bill in order to appoint conferees on the part of the Senate. Several rollcall votes may be necessary on motions to instruct. However, there is an overall 10-hour limitation on those motions. Members can, therefore, expect rollcall votes throughout Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SMITH. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:43 p.m., adjourned until Wednesday, November 1, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 31, 1995:

DEPARTMENT OF EDUCATION

PATRICIA WENTWORTH MCNEIL, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE AUGUSTA SOUZA KAPPNER, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS A. SCHWARTZ [redacted] U.S. ARMY.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRY LEE BARRETT, OF CALIFORNIA
CAROL E. CARPENTER-YARMAN, OF CALIFORNIA
JOHN R. MORGAN, OF TENNESSEE
DOUGLAS WYLIE PALMER, OF WASHINGTON
WILLIAM R. PARISH III, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PETER H. DELP, OF CALIFORNIA
MARGARET LORRAINE DULA, OF CALIFORNIA
TAMERA ANN FILLINGER, OF CALIFORNIA
NANCY J. LAWTON, OF VIRGINIA
MICHAEL E. SARHAN, OF ARKANSAS
MARY EDITH SCOVILL, OF VIRGINIA
DEE ANN SMITH, OF VIRGINIA
JAMES E. VERMILLION, OF FLORIDA
MICHAEL F. WALSH, OF PENNSYLVANIA

FOR APPOINTMENTS AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ELLIS MERRILL WALKER ESTES, OF CALIFORNIA
ALONZO SIBERT, OF THE DISTRICT OF COLUMBIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

EMMANUEL BRUCE-ATTAH, OF TENNESSEE
JOSEPH L. DORSEY, OF TEXAS
STEVEN KENNETH DOSH, OF MARIANA ISLANDS
MARSHALL W. HENDERSON, OF CALIFORNIA
MARYANNE HOIRUP-BACOLOD, OF CALIFORNIA
EDITH I. HOUSTON, OF TEXAS
CYNTHIA J. JUDGE, OF OREGON
CEOPUS KENNEDY, OF ALABAMA
JEFFREY RANDALL LEE, OF VIRGINIA
RAYMOND L. LEWMAN, OF WASHINGTON
JENNIFER NOTKIN, OF MASSACHUSETTS
DIANE L. RAWL, OF VIRGINIA

DEPARTMENT OF AGRICULTURE

DAVID W. COTTRELL, OF FLORIDA

UNITED STATES INFORMATION AGENCY

MYUNGSOO MAX KWAK, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SENECA ELIZABETH JOHNSON, OF IDAHO
LAWRENCE J. KAY, OF IOWA
W. HOWIE MUIR, OF CONNECTICUT

UNITED STATES INFORMATION AGENCY

JOSEPH A. BOOKBINDER, OF NEW YORK
JAMES GREGORY CHRISTIANSEN, OF VIRGINIA
JENNIFER L. DENHARD, OF MARYLAND
KATHERINE HOWARD, OF MICHIGAN
MAURA MARGARET KENISTON, OF NEW YORK
JOSEPH PATRICK KRUZICH, OF OREGON
PHILIP THOMAS REEKER, OF NEW YORK
MICHAEL WILLIAM STANTON, OF VIRGINIA
RODNEY MATTHEW THOMAS, OF RHODE ISLAND
MARK TONER, OF PENNSYLVANIA
DALE EDWARD WEST, OF TEXAS
KATHERINE L. WOOD, OF VIRGINIA
JULIET WURR, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SERGE M. ALEKSANDROV, OF MARYLAND
LORI H. ALVORD, OF WISCONSIN
CHARLES S. BAXTER, OF VIRGINIA
DAVID A. BLOCK, OF VIRGINIA
CHESTER WINSTON BOWIE, OF MARYLAND
STEPHEN CRAIG BRADLEY, OF VIRGINIA
KIP ANDREW BRAILEY, OF VIRGINIA
STEPHANIE LYNN BRITT, OF VIRGINIA
MARC R. CARDWELL, OF VIRGINIA
THEODORE D. CARLSON, OF VIRGINIA
STACEY T. COSTLEY, OF MARYLAND
JONATHAN S. DALBY, OF VIRGINIA
DOLLIE N. DAVIS, OF MARYLAND
HELEN DAVIS-DELANEY, OF MARYLAND
CLAUDIA N. DEVERALL, OF VIRGINIA
PAUL R. FELDTMOSE, OF MARYLAND
KERRY L. GAFNEY, OF VIRGINIA
MARC T. GALKIN, OF VIRGINIA
FELIX GONZALEZ, OF VIRGINIA
DAMIAN THOMAS GULLO, OF VIRGINIA
BRUCE R. HARRIS, JR., OF VIRGINIA
ANGE BELLE HASSINGER, OF THE DISTRICT OF COLUMBIA
MARGARET H. HENOCH, OF THE DISTRICT OF COLUMBIA
ROBERT DOUGLAS JENKINS, OF VIRGINIA
RICHARD HILL JOHNSON, OF VIRGINIA
KEITH PATRICK KELLY, OF MICHIGAN
DAVID P. LAWLOR, OF VIRGINIA
STEVEN JON LEVAN, OF VIRGINIA
KEVIN G. LEW, OF VIRGINIA
ALAN LONG, OF VIRGINIA
SHARON ANN LUNDAHL, OF VIRGINIA
DEAN PETERSON, OF SOUTH DAKOTA
MICHAEL H. RAMSEY, OF VIRGINIA
E. ELIZABETH SALLIES, OF THE DISTRICT OF COLUMBIA
LINDA M. SIPPRELLE, OF VIRGINIA
RODNEY D. SMITH, OF VIRGINIA
HARRY L. TYNER, OF VIRGINIA

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 3353, 12203(A) AND 12207:

MEDICAL CORPS

To be lieutenant colonel

NELSON M. ALVERIO [redacted]
ARTHUR S. PUA [redacted]

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICER TRAINING CORPS AND ENLISTED COMMISSIONING PROGRAM GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE AND STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BOBBY Z. ABADI [redacted]
EDERLAIDA O. ABREU [redacted]
CHARLES J. ACKERKNECHT [redacted]
DEREK S. ADAMETZ [redacted]
CHARLES F. ADAMS [redacted]
STEPHEN K. AGEE [redacted]
KELLY V. AHLM [redacted]
BARIMA K. AKOASARE [redacted]
ALBERT A. ALARCON [redacted]
HILARY A. ALBERS [redacted]
MARCUS A. ALBERS [redacted]
JOHN C. ALBRIGHTON [redacted]
FREDERICK G. ALEGRE [redacted]
CHARLES G. ALGIER II [redacted]
FERDINAND B. ALIDO [redacted]
SCOTT D. ALLEE [redacted]
KATHERINE F. ALLEN [redacted]
GREGORY G. ALLGAIER [redacted]
CHARLES E. ALLISON, JR [redacted]
JOHN D. ALLISON [redacted]
STEPHEN W. ALLUM [redacted]
NATHANIEL B. ALMONT [redacted]
ERIC P. ANDERSEN [redacted]
ALEXANDER D. ANDERSON [redacted]
BRIAN C. ANDERSON [redacted]
BRIDGETTE M. ANDERSON [redacted]
LAND T. ANDERSON [redacted]
BRIAN S. ANDERTON [redacted]
REBECCA A. ANDREWS [redacted]
STEVEN W. ANTCLIFF [redacted]
CORY R. APPLEBEE [redacted]
WILLIAM ARIAS, JR [redacted]
KAREN M. ARMSTRONG [redacted]
DOUGLAS J. ARNOLD [redacted]
DANIEL P. ARTHUR [redacted]
ERIC J. ASCHEMAN [redacted]
RANDY E. ASHMAN [redacted]
MELISSA C. AUSTIN [redacted]
MORGAN S. AVITABILE [redacted]
LYNDA M. AYALA [redacted]
DANIEL B. AYOTTE [redacted]
PATRICK, C. BABKA [redacted]
CHADWICK S. BACHOROWSKI [redacted]
SCOTT A. BACON [redacted]
GREGORY L. BADGER [redacted]
CARLOS J. BADILLO [redacted]
KENNETH N. BAGUSO [redacted]
PHILIP M. BAHEN [redacted]
CHRISTOPHER E. BAILEY [redacted]
JASON W. BAILEY [redacted]
JOSEPH T. BAILEY [redacted]
GREGORY E. BAKER [redacted]
JOHN F. BAKER [redacted]
BENJAMIN J. BALLARD [redacted]
BRIAN M. BALLER [redacted]
NATHAN A. BALLOU [redacted]
ROMMEL S. BALMEO [redacted]
MARIANIE O. BALOLONG [redacted]
VERLANA R. BANKES [redacted]
RICHARD R. BARBER [redacted]
CHRISTOPHER J. BARKER [redacted]
MATTHEW A. BARKER [redacted]
PAUL R. BARNEY [redacted]
DALE S. BARRETT [redacted]
OSCAR A. BARROW [redacted]
JON A. BARTEE [redacted]
TOBIN P. BASFORD [redacted]
JENNIFER L. BASHAW [redacted]
BRIAN J. BAUMHOVER [redacted]
JASON J. BEACHY [redacted]
SCOTT A. BEAL [redacted]
MARCUS A. BEAMAN [redacted]
ROBERT W. BEAMAN [redacted]
MICHAEL L. BEANE [redacted]
LASHANDRA M. BEARD [redacted]
QUINCY E. BEASLEY [redacted]
GREGORY M. BEATTY [redacted]
CHARLES D. BECK [redacted]
GREGORY B. BECK [redacted]
JOSEPH R. BECKER [redacted]
MICHAEL S. BELK [redacted]
JESSE J. BELSKY [redacted]
MARIO M. BENEDITO [redacted]
JEFFREY L. BENJAMIN [redacted]
DANIEL E. BENNETT [redacted]
HOLLY E. BENNETT [redacted]
KEITH K. BENSON [redacted]
KATHRYN L. BERGER [redacted]
MIKAEL P. BERGH [redacted]
JOHN R. BERGQUIST [redacted]
RYAN J. BERNACCHI [redacted]
JEFFREY S. BERNHARD [redacted]
GEOFFRY S. BERRY [redacted]
RICHARD R. BESSEL [redacted]
THOMAS M. BESTAFKA [redacted]
RICHARD A. BESTGEN [redacted]
KEITH R. BIANDO [redacted]
JASON H. BIEGELSON [redacted]
RACHELLE L. BILBRUCK [redacted]
HEATHER A. BILLETS [redacted]
JOSHUA R. BINDER [redacted]
MICHAEL A. BISBEE [redacted]
RAYMOND K. BIZIOREK [redacted]
ANTOINETTE BLACK [redacted]
KRISTINE T. BLACK [redacted]
DAVID J. BLACKMAN [redacted]
CARL M. BLAHNIK [redacted]
KARA J. BLAISURE [redacted]
JOSE A. BLANDINO [redacted]
ROBERT D. BLONDIN [redacted]
ADAM S. BLOOM [redacted]
JASON R. BLYTH [redacted]
KURT P. BOENISCH [redacted]
CHRISTOPHER G. BOHNER [redacted]
MATTHEW D. BOKMEYER [redacted]
TODD M. BOLAND [redacted]
WILLIAM A. BOLLER [redacted]
JOHN D. BOMKAMP [redacted]
DAVID V. BONFILI [redacted]
KOE P. BORNHOR [redacted]
GREGORY E. BOUCHER [redacted]
CHRISTOPHER L. BOWEN [redacted]
RICHARD L. BOWLES [redacted]
PATRICK W. BOYCE [redacted]
ERIK J. BOYNTON [redacted]
JOHN J. BRABAZON [redacted]
DANIEL S. BRADLEY [redacted]
HARRY C. BRADLEY [redacted]
DOUGLAS W. BRADY [redacted]
JEFFREY D. BRANCHEAU [redacted]
MICHAEL J. BRAND [redacted]
MICHAEL C. BRATLEY [redacted]
STEPHEN J. BREITIGAN [redacted]
WALTER D. BREWER [redacted]
JONATHAN E. BRIEN [redacted]
LUCIA BRIGHTWELL [redacted]
CHRIS T. BRINKAC [redacted]
ANDREW W. BRINKMEIER [redacted]
NEAL BRINN [redacted]
BRYAN A. BRIONES [redacted]
RACHEL W. BRISTOL [redacted]
LATONIA D. BROADWATER [redacted]
ANTHONY V. BROCK [redacted]
DANIEL M. BROOKES [redacted]
ROBERT J. BROOKS [redacted]
SHANE E. BROOKS [redacted]
BYRON B. BROWN [redacted]
CHARLES A. BROWN [redacted]
J.C. BROWN [redacted]
KENDALL R. BROWN [redacted]
TROY A. BROWN [redacted]
MARK J. BROWNFIELD [redacted]
ANNA C. BRYANT [redacted]
TIMOTHY J. BRYANT [redacted]
RYAN J. BRYLA [redacted]
CHRISTOPHER B. BRYSON [redacted]
JOHN L. BUB [redacted]
KURT A. BUCKENDORF [redacted]
JAMES E. BUCKLEW [redacted]
MARK L. BUNN [redacted]

EUGENE A. BURCH II [redacted]
MICHAEL A. BURCHIK, JR. [redacted]
BRIAN H. BURGIN [redacted]
JOHN R. BURKE [redacted]
DEXTER A. BURLEW [redacted]
MICHAEL E. BURLEY [redacted]
JAMES H. BURNS [redacted]
JERRY L. BURNS [redacted]
PAUL C. BURNS [redacted]
SEAN M. BURROW [redacted]
RICHARD E. BURTON [redacted]
JAMIE F. BURTS [redacted]
DAVID V. BUSH [redacted]
STEPHANIE J. BUTLER [redacted]
JONATHAN M. BUTZKE [redacted]
PETER B. BYFORD [redacted]
DAVID W. BYRD [redacted]
NEFTALI CABEZUDO [redacted]
JEAN L. CADER [redacted]
JOHN E. CAGE [redacted]
PAUL M. CAIRNS [redacted]
JUSTIN M. CALLAGHAN [redacted]
JAMES R. CALVERT [redacted]
DELIO A. CALZOLARI, JR. [redacted]
ANDREA H. CAMERON [redacted]
DAVID J. CANNING [redacted]
AGUSTIN E. CAREY [redacted]
COLLEEN A. CARLTON [redacted]
JEFFERY W. CARMODY [redacted]
JOHN R. CARNAHAN [redacted]
TODD R. CARPENTER [redacted]
ARIEL H. CARPIO [redacted]
VICENTE CARRERAS, JR. [redacted]
JEFFREY A. CARROLL [redacted]
TONYA S. CARROLL [redacted]
ROBERT CARTER [redacted]
PHILLIP S. CARY [redacted]
ROSANNA M. CASANOVA [redacted]
LISA M. CASTANEDA [redacted]
JOHN A. CASTEEL [redacted]
GARY L. CAVE [redacted]
CHRISTIAN D. CHAPMAN [redacted]
PIERRE E. CHARPENTIER [redacted]
JUDITH L. CHERRY [redacted]
JEFFREY CHIANG [redacted]
COLIN W. CHINN [redacted]
DAVID Y. CHO [redacted]
PAUL L. CHOATE [redacted]
WON H. CHOE [redacted]
HYOSON CHOI [redacted]
BRANDON CHRISTENSEN [redacted]
MELISSA E. CHRISTOFFEL [redacted]
CHRISTOPHER D. CHUHRAN [redacted]
FRANCIS M. CHUNFAT [redacted]
TODD F. CIMICATA [redacted]
ANDREW J. CLARK [redacted]
DANIEL W. CLARK [redacted]
FRANKIE J. CLARK [redacted]
JENNIFER A. CLARK [redacted]
MICHAEL J. CLARK II [redacted]
NATHAN D. CLARK [redacted]
GABRIEL T. CLEMENS [redacted]
RODNEY G. CLEMENTS [redacted]
JENNIFER L. COCIO [redacted]
ROBERT M. COHEN [redacted]
PAMELA A. COLBY [redacted]
DEREK E. COLE [redacted]
HAROLD T. COLE [redacted]
JOSEPH M. COLE [redacted]
JAYSON L. COLEBANK [redacted]
JOSEPH W. COLEMAN [redacted]
HEATHER M. COLLAZO [redacted]
DAVID COLON [redacted]
RACHEL A. COLUCCI [redacted]
MATTHEW T. COMMONS [redacted]
DANIEL K. COMUNALE [redacted]
CHRISTOPHER M. CONDON [redacted]
BRYAN Z. CONNELLY [redacted]
THOMAS P. CONNELLY, JR. [redacted]
BRENNA C. CONWAY [redacted]
DANIEL W. COOK [redacted]
JOSEPH COOK [redacted]
TANYA N. COOK [redacted]
WENDY A. COOK [redacted]
WILLIAM W. COOK [redacted]
MICHAEL J. COOKSON [redacted]
CHRISTOPHER P. COOPER [redacted]
JOSEPH S. COOPER [redacted]
ROBERT C. COOPER [redacted]
JOAQUIN S. CORREIA [redacted]
MARK D. CORRIERE [redacted]
KEVIN D. CORYELL [redacted]
ERIN M. COTTRELL [redacted]
MICHAEL S. COURSEY [redacted]
RICHARD G. COUTURE, JR. [redacted]
ROBERT G. CRAMPTON [redacted]
AARON R. CRANE [redacted]
GREGORY A. CRAWFORD [redacted]
KENNETH T. CREAMEANS [redacted]
PARIS E. CRENSHAW [redacted]
FRANCIS CRISTINZIO [redacted]
ROBERT F. CROFOOT [redacted]
SCOTT E. CROFT [redacted]
JOHN L. CROGHAN [redacted]
PATRICK A. CROLEY [redacted]
NICOLA M. CROWELL [redacted]
TOBY S. CROWLEY [redacted]
RAYMOND D. CRUMP [redacted]
PHILLIP D. CRUZ [redacted]
ASSUNTA M. CUEVAS [redacted]
KENNETH L. CULBREATH [redacted]
LISBETH A. CUNNINGHAM [redacted]

ROSS H. CUNNINGHAM [redacted]
MICHAEL B. CURTIS [redacted]
RUSSELL A. CZACK [redacted]
DANIEL J. DAHAN [redacted]
DAVID C. DAILY [redacted]
DEBORAH A. DALL [redacted]
JASON A. DARISH [redacted]
WAYNE E. DAVEY [redacted]
JEAN CLAUDE DAVIDSON [redacted]
RICHRD T. DAVIES [redacted]
BILLY R. DAVIS [redacted]
DAVID M. DAVIS [redacted]
RODNEY O. DAVIS [redacted]
THERON C. DAVIS [redacted]
WILLIAM M. DAVIS [redacted]
FLOYD L. DAWALT [redacted]
GRANT W. DAWSON [redacted]
THALMUS D. DAY [redacted]
BOYD C. DECKER [redacted]
DAMIAN A. DEFAZIO [redacted]
JEFFERY E. DEGROFT [redacted]
JENNIFER L. DELONG [redacted]
ADAM J. DEMELLA [redacted]
GEORGE K. DEMETRIADES [redacted]
GEORGE DEMOPOULOS [redacted]
DUSTIN A. DEMOREST [redacted]
DOUGLAS A. DENNEY [redacted]
LANNY P. DERBY, JR. [redacted]
PAUL C. DESAULNIERS [redacted]
NANCY J. DEVEAU [redacted]
CHRISTOPHER B. DEWING [redacted]
VICTOR M. DIAZ [redacted]
BRAIN J. DIEBOLD [redacted]
FREDERICK D. DIETRICH [redacted]
JOHN A. DIGIOVACCHINO [redacted]
CATHERINE A. DILLON [redacted]
AMEURFINNA F. DIMEN [redacted]
DEENA S. DISRAELLY [redacted]
RICHARD L. DIVINEY [redacted]
DAVID B. DOLBIER [redacted]
MICHAEL J. DOLLENS [redacted]
ROGER G. DONOGHUE [redacted]
AMY J. DONOVAN [redacted]
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MARK E. DOSSANTOS [redacted]
BRENDAN K. DOUGHERTY [redacted]
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JOE V. MARTINEZ [redacted]

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MATTHEW A. MATO [redacted]
CARTER J. MAURER [redacted]
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MATTHEW E. MAY [redacted]
RAY A. MCBRIDE II [redacted]
TAMSEN A. MCCABE [redacted]
JULIE A. MCCARTHY [redacted]
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RENE J. MONCION [redacted]
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MICHAEL S. OHARE xxx-xx-x...
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JULIA E. POSTOLAKI xxx-xx-x...
RALPH F. POTTER xxx-xx-x...
CHRISTOPHER C. POWELL xxx-xx-x...
MICHAEL F. POWER xxx-xx-x...
MICHAEL K. POWERS xxx-xx-x...
MIRANDA F. POWERS xxx-xx-x...
RICHARD L. PRESTON xxx-xx-x...
ARTHUR V. PREVATTE xxx-xx-x...
BRIAN M. PRICE xxx-xx-x...
JOHN S. PRICE xxx-xx-x...
NATHANAEL B. PRICE xxx-xx-x...
SAMMIE PRINGLE xxx-xx-x...
DAVID C. PRITCHETT xxx-xx-x...
ETHAN R. PROPER xxx-xx-x...
SCOTT L. PROPST xxx-xx-x...
JAMES N. PUTNAM III xxx-xx-x...
ANDRE R. PYATT xxx-xx-x...
JOHN M. QUILLINAN xxx-xx-x...
ROBERT J. RACE xxx-xx-x...
JOSEPH P. RADELL xxx-xx-x...
BRIAN E. RAFACZ xxx-xx-x...
ROSANNA L. RAGADIO xxx-xx-x...
HOLLY L. RAGLAND xxx-xx-x...
RONNIE B. RAGUINI xxx-xx-x...
JOHN G. RAISBECK xxx-xx-x...
CHRISTOPHER A. RAKOV xxx-xx-x...
JOEL C. RAMSBORG xxx-xx-x...
BOWEN W. RANNEY xxx-xx-x...
NATESH A. RAO xxx-xx-x...
DAVID M. RAY xxx-xx-x...
THOMAS N. RAY, JR. xxx-xx-x...
DAVID A. REAL xxx-xx-x...
JOHN D. REARDON xxx-xx-x...
DAVID M. REED xxx-xx-x...
ERIC D. REHBERG xxx-xx-x...
CHRISTINA M. REID xxx-xx-x...
CHAD D. REITHMEIER xxx-xx-x...
ROBERT H. REITZ xxx-xx-x...
STEPHEN C. RENDALL xxx-xx-x...
ELIZA REYES xxx-xx-x...
EUGENE H. RHEE xxx-xx-x...
ERIC A. RICE xxx-xx-x...
RONALD P. RICH xxx-xx-x...
WILLIAM C. RICHARDSON xxx-xx-x...
LUIS J. RIOSECO xxx-xx-x...
MATHEW R. RITCHEY xxx-xx-x...
JOHN D. RITCHIE xxx-xx-x...
RYAN N. RITTER xxx-xx-x...
MIGUEL R. RIVERA xxx-xx-x...
STEPHANIE A. ROBERTS xxx-xx-x...
BARBARA L. ROBINSON xxx-xx-x...
DARRICK F. ROBINSON xxx-xx-x...
JAMES T. ROBINSON xxx-xx-x...
MICHAEL J. ROBINSON xxx-xx-x...
MUI K. ROBINSON xxx-xx-x...
KARENANN B. ROBLES xxx-xx-x...
CHRISTOPHER L. ROBY xxx-xx-x...
DAVID B. ROCHE xxx-xx-x...
DAVID A. RODRIGUEZ xxx-xx-x...
RICHARD B. ROGERS xxx-xx-x...

DANIEL B. ROSADO xxx-xx-x...
ANDREW A. ROSE xxx-xx-x...
PAUL ROSEN xxx-xx-x...
PHILIP R. ROSITI xxx-xx-x...
BRYAN L. ROSS xxx-xx-x...
GARY L. ROSS xxx-xx-x...
JOHN E. ROTTER xxx-xx-x...
JAMES H. ROWBOTTOM xxx-xx-x...
ERIC J. ROZEK xxx-xx-x...
THOMAS A. RUFFO xxx-xx-x...
ROBERT F. RULOF xxx-xx-x...
RICHARD C. RUSS xxx-xx-x...
CHARLES R. RUSSELL xxx-xx-x...
THOMAS F. RYAN xxx-xx-x...
RUSSELL C. RYBKA xxx-xx-x...
AMY D. SAARE xxx-xx-x...
JASON R. SALEMME xxx-xx-x...
CHERYL J. SALTSMAN xxx-xx-x...
ROBERT A. SALVIA xxx-xx-x...
JERRY D. SALYER xxx-xx-x...
BENJAMIN A. SAMUEL xxx-xx-x...
ALEJANDRO SANCHEZ xxx-xx-x...
ANDREW SANDERS xxx-xx-x...
KARREY D. SANDERS xxx-xx-x...
MICHAEL H. SANDERS xxx-xx-x...
REGINALD D. SANDERS xxx-xx-x...
ANTHONY A. SANDOVAL xxx-xx-x...
KATHLEEN M. SANDOZ xxx-xx-x...
EDWIN SANTANA xxx-xx-x...
WILFREDO I. SANTOS xxx-xx-x...
JONATHAN D. SARGENT xxx-xx-x...
CHRISTOPHER J. SARTON xxx-xx-x...
KENNETH E. SCHEUERMANN xxx-xx-x...
APRIL SCHEUNEMANN xxx-xx-x...
JOHN A. SCHIAFFINO xxx-xx-x...
EDWARD J. SCHMIDT xxx-xx-x...
JAMES W. SCHMITT xxx-xx-xxxx
TOBY V. SCHNEIDER xxx-xx-x...
JOHN T. SCHOFIELD III xxx-xx-x...
ERIC C. SCHREIBER xxx-xx-x...
RYAN D. SCHROEDER xxx-xx-x...
PATRICK J. SCHUETTE xxx-xx-x...
JOHANNA M. SCHULTZ xxx-xx-x...
WILLIAM A. SCHULTZ xxx-xx-x...
AARON B. SCHWADERER xxx-xx-x...
STACY L. SCHWARTZ xxx-xx-x...
STEPHEN H. SCOTT xxx-xx-x...
JAMES A. SEELYE xxx-xx-x...
TRACY L. SEMONIK xxx-xx-x...
RICHARD E. SESSOMS xxx-xx-x...
LINDA C. SEYMOUR xxx-xx-x...
DOUGLAS K. SHAMLIN xxx-xx-x...
MICHAEL T. SHARP xxx-xx-x...
THOMAS H. SHARPE xxx-xx-x...
SAMUEL A. SHAW xxx-xx-x...
LOUIS J. SHEARER xxx-xx-x...
MARCELLE P. SHILLITO xxx-xx-x...
GLEN E. SIDARAS xxx-xx-x...
ARTHUR T. SILVER xxx-xx-x...
CHRISTOPHER S. SIMMONS xxx-xx-x...
STEPHEN E. SIMMS xxx-xx-x...
PETER M. SIWEK xxx-xx-x...
GARRETT D. SMALL xxx-xx-x...
VALERIE J. SMALL xxx-xx-x...
BRYAN L. SMITH xxx-xx-x...
CHRISTOPHER M. SMITH xxx-xx-x...
DANIEL A. SMITH xxx-xx-x...
EMANUEL K. SMITH III xxx-xx-x...
JAN G. SMITH xxx-xx-x...
KATHLEEN R. SMITH xxx-xx-x...
KENNETH SMITH xxx-xx-x...
LISA D. SMITH xxx-xx-x...
MICHAEL A. SMITH xxx-xx-x...
MICHAEL S. SMITH xxx-xx-x...
RAMONA L. SMITH xxx-xx-x...
VICTOR E. SMITH xxx-xx-x...
TIMOTHY M. SNAVELY xxx-xx-x...
DAVID T. SNEE xxx-xx-x...
MICHAEL Y. SNELLING xxx-xx-x...
JEFFREY L. SNYDER xxx-xx-x...
JEFFREY Z. SNYDER xxx-xx-x...
TODD E. SNYDER xxx-xx-x...
MARK D. SOHANEK xxx-xx-x...
THOMAS B. SONG xxx-xx-x...
ATTAPOL SOOKMA xxx-xx-x...
EDWARD G. SORRELL xxx-xx-x...
MICHELLE G. SOUTHARD xxx-xx-x...
MICHAEL T. SPADAZZI xxx-xx-x...
SUSAN B. SPERLIK xxx-xx-x...
LOUIS V. SPICCIATI, JR. xxx-xx-x...
PHILIPP D. SPILLER, JR. xxx-xx-xx...
JOHN E. STAFFORD xxx-xx-x...
SHERRILL D. STAMEY xxx-xx-x...
EDWARD A. STANCZAK xxx-xx-x...
SHAWN B. STANDLEY xxx-xx-x...
VERNON H. STANFIELD xxx-xx-x...
MATT T. STANTON xxx-xx-x...
DAVID L. STEBBINS xxx-xx-x...
CHRISTOPHER R. STECKLINE xxx-xx-x...
MICHAEL W. STEELE xxx-xx-x...
MATTHEW J. STEENO xxx-xx-x...
ROBERT J. STEFANI xxx-xx-x...
THOMAS A. STEPHEN xxx-xx-x...
JONATHAN T. STEPHENS xxx-xx-x...
MICHAEL L. STEPHENS xxx-xx-x...
PAUL R. STEPHENSON xxx-xx-x...
STANLEY V. STEPNOWSKI xxx-xx-x...
JOSHUA C. STEVENS xxx-xx-x...
JOEL G. STEWART xxx-xx-x...
STANLEY K. STEWART xxx-xx-x...
WILLIAM P. STINNETT xxx-xx-x...
HAROLD E. STOCKTON xxx-xx-x...

MARTIN L. STODDARD xxx-xx-x...
CARMEN N. STOKS xxx-xx-x...
DANIEL C. STONE xxx-xx-x...
MATTHEW J. STONEHOUSE xxx-xx-x...
ALETTA M. STOUDMIRE xxx-xx-x...
MATTHEW L. STOUGHTON xxx-xx-x...
CHRISTIAN A. STOVER xxx-xx-x...
DONALD W. STRASSER xxx-xx-x...
DANIEL G. STRAUB xxx-xx-x...
FRANK S. STRAZZULLA xxx-xx-x...
KYLE G. STRUDTHOFF xxx-xx-x...
KENNETH A. STUBERT xxx-xx-x...
JEFFREY D. STURM xxx-xx-x...
AARON D. SULLIVAN xxx-xx-x...
ANDREW J. SULLIVAN xxx-xx-x...
RYAN M. SULLIVAN xxx-xx-x...
SHANE F. SULLIVAN xxx-xx-x...
TIMOTHY M. SULLIVAN xxx-xx-x...
PAUL P. SUMAGAYSAY xxx-xx-x...
BRUCE J. SUTHERLAND III xxx-xx-x...
CHRISTOPHER L. SUTHERLAND xxx-xx-x...
ROBERT M. SWAHN xxx-xx-x...
TORY J. SWANSON xxx-xx-x...
SHAUN A. SWARTZ xxx-xx-x...
MARK M. SWEENEY xxx-xx-x...
WILLIAM A. SWICK xxx-xx-x...
KAIL C. SWINDLE xxx-xx-x...
LESLEY N. SWINT xxx-xx-x...
STEPHEN H. SWITZER xxx-xx-x...
JESSICA M. SZPOT xxx-xx-x...
JOSHUA M. TABOR xxx-xx-x...
NANCY E. TALBOT xxx-xx-x...
MATTHEW R. TAMBOURINE xxx-xx-x...
BRIAN J. TANAKA xxx-xx-x...
PAUL M. TATE xxx-xx-x...
MATTHEW A. TAITAR xxx-xx-x...
CHARLES W. TAYLOR xxx-xx-x...
COLLEEN A. TAYLOR xxx-xx-x...
LISA M. TAYLOR xxx-xx-x...
RICHARD D. TEMER xxx-xx-x...
NATHAN W. TEMPLE xxx-xx-x...
DONALD I. TENNEY xxx-xx-x...
JAMES J. TERRY xxx-xx-x...
TRAVIS T. TESCH xxx-xx-x...
PATRICIA L. TESTON xxx-xx-x...
ANTHONY W. THOMAS xxx-xx-x...
DENYSE M. THOMAS xxx-xx-x...
JOSEPH M. THOMAS xxx-xx-x...
MICHAEL E. THOMAS xxx-xx-x...
SCOTT P. THOMAS xxx-xx-x...
SEAN J. THOMAS xxx-xx-x...
COREY E. THOMPSON xxx-xx-x...
CYNTHIA A. THOMPSON xxx-xx-x...
JOHN A. THOMPSON xxx-xx-x...
JAMIE D. THOMTON xxx-xx-x...
JAMES P. THURMAN xxx-xx-x...
JAMES E. TIDWELL xxx-xx-x...
MICHAEL E. TIEFENBACH xxx-xx-x...
JEFFREY C. TILLMAN xxx-xx-x...
MICHAEL D. TIMMCKE xxx-xx-x...
JOSEPH W. TIRRELL xxx-xx-x...
JANINE R. TOMPKINS xxx-xx-x...
BRENT K. TORNGA xxx-xx-x...
AMY L. TRAIL xxx-xx-x...
CHAD E. TRAXLER xxx-xx-x...
JOSEPH C. TREVINO xxx-xx-x...
THEODORE M. TREVINO xxx-xx-x...
MARIE M. TRICKEL xxx-xx-x...
MATTHEW W. TUFTE xxx-xx-x...
ALLON G. TUREK xxx-xx-x...
THOMAS C. TUREK xxx-xx-x...
ANTHONY J. TURNER xxx-xx-x...
CAROL L. TURNER xxx-xx-x...
JOHN D. TUTWILER xxx-xx-x...
MATTHEW E. TWYFORD xxx-xx-x...
STEVEN A. TYLER xxx-xx-x...
THOMAS A. ULMER xxx-xx-x...
CHRISTOPHER M. URBAN xxx-xx-x...
GRAYDON S. UYEDA xxx-xx-x...
CHRISTOPHER J. VALDIVIA xxx-xx-x...
IAN M. VALECRUZ xxx-xx-x...
ALEXANDER VALENTIN xxx-xx-x...
TOBY S. VALKO xxx-xx-x...
AMY E. VANCE xxx-xx-x...
DAVID J. VANDYKE xxx-xx-x...
ERIC J. VANDYKE xxx-xx-x...
NOU VANG xxx-xx-x...
JACKSON W. VAUGHN xxx-xx-x...
WOLFGANG J. VELASCO xxx-xx-x...
RICARDO VIGIL xxx-xx-x...
DEBORAH D. VILLAIPHANE xxx-xx-x...
ROSS R. VILLANUEVA xxx-xx-x...
FAYE L. VODICKA xxx-xx-x...
EDWARD F. VOELSING xxx-xx-x...
BRADFORD S. VOLK xxx-xx-x...
R.B. WADDELL xxx-xx-x...
DAVID J. WALKER xxx-xx-x...
DAVID A. WALKER, JR xxx-xx-x...
SHANNAN A. WALKER xxx-xx-x...
WILLIAM L. WALKER xxx-xx-x...
JOHN F. WALSER, JR xxx-xx-x...
MICHAEL J. WALSH xxx-xx-x...
KIMBERLY A. WALTERS xxx-xx-x...
TERRY R. WAMSLEY xxx-xx-x...
LATEEF T. WARNICK xxx-xx-x...
WILLIAM K. WARREN xxx-xx-x...
LAKINA A. WASHINGTON xxx-xx-x...
JASON L. WATKINS xxx-xx-x...
LANDRY S. WATSON xxx-xx-x...
STEVEN T. WEATHERLY xxx-xx-x...
AMY B. WEBB xxx-xx-x...
GODFREY D. WEEKES xxx-xx-x...

WILLIAM H. WEILAND [redacted]
ERIC R. WELCH [redacted]
SHANNON J. WELLS [redacted]
BRIAN E. WELSH [redacted]
WILLIAM W. WERTZ [redacted]
ANDREA L. WESTERHOF [redacted]
STEVEN C. WHEAR [redacted]
EUGENE B. WHITE [redacted]
FREDERICK C. WHITNEY [redacted]
ARCELIA WICKER [redacted]
JAMES D. WIGHT [redacted]
TROY E. WILCOX [redacted]
THOMAS J. WILEY [redacted]
TIMOTHY B. WILKE [redacted]
DEMETRIUS WILKINS [redacted]
CHRISTOPHER J. WILLIAMS [redacted]
DONALD P. WILLIAMS [redacted]
HEATHER M. WILLIAMS [redacted]
JASON C. WILLIAMS [redacted]
JEFFREY S. WILLIAMS [redacted]
LUCY K. WILLIAMS [redacted]
MARLON WILLIAMS [redacted]
DARRELL J. WILSON [redacted]
ELY C. WILSON [redacted]
ENID WILSON [redacted]
JOSHUA B. WILSON [redacted]
KURT E. WILSON [redacted]
MICHAEL D. WILSON [redacted]
STEPHEN M. WILSON [redacted]
KIMBERLY D. WINCKLER [redacted]
THOMAS R. WINKLER [redacted]
DAVID S. WINTER [redacted]
FRANK J. WIRTZ [redacted]
MICHAEL P. WISCHNEWSKI [redacted]
REBECCA G. WISE [redacted]
HEATHER L. WISHART [redacted]
KAMAU O. WITHERSPOON [redacted]
CHERYL ANNE WOEHR [redacted]
JAMES J. WOJTOWICZ [redacted]
IAN S. WOLFE [redacted]
CLAYTON C. WOLKINS [redacted]
JENNIFER L. WONG [redacted]
ALEXANDER D. WOOD [redacted]
JASON M. WOOD [redacted]
PETER P. WOOD [redacted]
STEVEN J. WOODRUFF [redacted]
GERALD D. WOODS [redacted]
MICHAEL D. WOODS [redacted]
JOSHUA P. WRIGHT [redacted]
PATRICIA A. WRIGHT [redacted]
SHAUNN B. WYCHE [redacted]
TIMOTHY J. WYSE [redacted]
SCOTT A. YACH [redacted]
THOMAS E. YARDLEY [redacted]
JOHN T. YEARY [redacted]
ERIC S. YOUNG [redacted]
STANLEY B. YOUNG [redacted]
DAVID A. YOVANNO [redacted]
STEVEN J. ZACCARI [redacted]
THOMAS A. ZDUNCZYK [redacted]
RYAN G. ZERVAKOS [redacted]
JAMES J. ZIMMERMAN [redacted]
JOSEPH A. ZIRNHELT [redacted]
ROBERT L. ZIRZOW [redacted]
BENJAMIN D. ZITTERE [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

VIRGIL A. ABEL [redacted]
CRAIG T. ABINGTON [redacted]
DALE M. ABRAHAMSON [redacted]
ROBERT A. ADAMS [redacted]
EDWARD D. AGER [redacted]
DANIEL R. ALLEMEIER [redacted]
ROGER L. ALLEN [redacted]
ROBERT P. ALLISON [redacted]
WILLIAM ALTGILBERS [redacted]
JAMES R. ANDERSON [redacted]
NORMAN H. ANDERSSON [redacted]
JOHN J. ANZIDEI [redacted]
NORMAN E. ARFLACK [redacted]
RAYMOND V. AULL [redacted]
MICHAEL A. BAILEY [redacted]
DOLAS D. BAIN [redacted]
ROBERT L. BAIRD [redacted]
DENISE N. BAKER [redacted]
ROBERT V. BALDWIN [redacted]
EDWARD H. BALLARD [redacted]
JOSEPH E. BALLAS [redacted]
RICHARD A. BALLIET [redacted]
WILLIAM BARKER [redacted]
WILLIAM B. BARKER [redacted]
RONALD F. BARNES [redacted]
HARVEY BARRISON [redacted]
JOHN H. BAUMAN [redacted]
IVAN T. BEACH [redacted]
PAUL M. BEAVER [redacted]
DWAYNE C. BECKFORD [redacted]
IVAN V. BEGGS [redacted]
LOUIS A. BENIAMINO [redacted]
RODGER E. BENROTH [redacted]
TERRY W. BENSON [redacted]
JOHN C. BERNATZ [redacted]
JOSE BERRIOS [redacted]
MARTIN H. BEST [redacted]
STEVEN P. BEST [redacted]
KENT M. BEVAN [redacted]
JAMES A. BEVIS [redacted]
PARK P. BIERBOWER [redacted]
RUSSELL V. BIERI [redacted]
TERRY G. BLAKEMORE [redacted]
ROBERT E. BOIVIN [redacted]
CURTIS R. BOREN [redacted]
DARWIN G. BOSTIC [redacted]
WILLIAM J. BOVER [redacted]
DONALD W. BOYKIN [redacted]
CARL W. BRAMLITT [redacted]
LARRY J. BRANDT [redacted]
JOHN M. BRAUN [redacted]
JOHN D. BRIDGERS [redacted]
JOHN C. BRIGHTON [redacted]
RICHARD W. BRINKER [redacted]
WILLARD BROADWATER [redacted]
DOUGLAS K. BROWELL [redacted]
DONALD L. BROWN [redacted]
RONALD B. BROWN [redacted]
THOMAS W. BROWN [redacted]
JAMES G. BRUMIT [redacted]
RICHARD R. BUCHANAN [redacted]
BRUCE M. BUCHHOLTZ [redacted]
ELBERT T. BUCK [redacted]
LARRY R. BULLOCK [redacted]
WILLIAM K. BURNS [redacted]
CHESTER L. BUSH [redacted]
GEORGE E. BUSH, JR [redacted]
CAREY B. BUSSEY [redacted]
FULTON W. BYNUM [redacted]
DAVID L. CAIN [redacted]
JOHN L. CAIRER, JR [redacted]
MARC T. CALLAN [redacted]
JAMES J. CAMPBELL [redacted]
JAN M. CAMPLIN [redacted]
DANA E. CARDEN [redacted]
FRANK R. CARLINI [redacted]
FLOYD P. CARLTON [redacted]
ROBERT D. CARMAN [redacted]
JAMES B. CARY [redacted]
GARY E. CATHCART [redacted]
BENJAMIN D. CATHERS [redacted]
KENNETH L. CHAMPION [redacted]
FRANK H. CHAPMAN [redacted]
JAMES E. CHAPMAN [redacted]
RONALD S. CHASTAIN [redacted]
DAN V. CHISHOLM [redacted]
JAMES H. CHISMAN [redacted]
CRAIG, CHRISTENSEN [redacted]
STEPHE CHRISTENSON [redacted]
CHARLES L. CLARK [redacted]
RAYMOND C. CLARK [redacted]
RAYMOND J. CLARK [redacted]
ROBERT E. CLARK [redacted]
MICHAEL J. CLEARY [redacted]
MICHAEL L. CLEARY [redacted]
WILLIAM C. CLEMENTS [redacted]
RICK R. CLIFT [redacted]
ROY M. COFFMAN [redacted]
JOHN S. COLEMAN [redacted]
DAN M. COLGLAZIER [redacted]
RICHARD R. COLSON [redacted]
WILLIAM D. COLVIN [redacted]
JOHN W. CONLEY [redacted]
LARRY J. CONNOLLY [redacted]
WILLIAM L. CONWAY [redacted]
PETER S. COOKE [redacted]
JAMES E. CORFMAN [redacted]
ENRIQUE COSTAS [redacted]
PAUL D. COSTILOW [redacted]
AUDREY M. COTTON [redacted]
NORMAN J. COX, JR [redacted]
RONALD C. COX [redacted]
WILLIAM A. CRAGG [redacted]
WESLEY E. CRAIG [redacted]
CRAIG W. CRANE [redacted]
STEWART M. CRANE [redacted]
JAMES D. CREEK [redacted]
WILLIAM E. CROCK [redacted]
TINA Y. CUNNINGHAM [redacted]
JOSEPH S. CZYZYK [redacted]
COLOMBA A. DANGELO [redacted]
DOUGLAS W. DANIEL [redacted]
MARK C. DANIELS [redacted]
ROBERT P. DANIELS [redacted]
PHILLIP L. DAVIDSON [redacted]
ALLEN DAVIS III [redacted]
HARRY G. DAVIS [redacted]
JOSEPH M. DAVIS [redacted]
THOMAS C. DAVIS [redacted]
WORTHEN A. DAVIS [redacted]
HERMAN M. DEENER [redacted]
WILLIAM L. DEETZ [redacted]
GARY E. DEKAY [redacted]
RICHARD B. DELGADO [redacted]
TONY J. DEMASI [redacted]
ROBERT B. DICKSON [redacted]
ANTHONY DICORLETO [redacted]
GERALD A. DIGREZIO [redacted]
TIMOTHY DILLIPLANE [redacted]
VINCENT L. DODSON [redacted]
RALPH E. DOMAS [redacted]
RICHARD G. DONOGHUE [redacted]
PAUL L. DOPPEL [redacted]
JIMMY E. DOUGLAS [redacted]
RONALD O. DOWNEY [redacted]
DONALD W. DRASHEFF [redacted]
MARTIN C. DUNBAR [redacted]
MICHAEL H. DUNFIELD [redacted]
NANCY M. DUNN [redacted]
JOSEPH P. DUNNE [redacted]
MARTIN F. DUNNE [redacted]
DONALD D. DURHAM [redacted]
DAVID W. EASTON [redacted]
STANLEY B. ECKLEY [redacted]
GLENN H. EDDINS [redacted]
MARK E. ELDRIDGE [redacted]
JOHN L. ENRIGHT [redacted]
WILLIAM ETHEREDGE [redacted]
GARY B. EVANS [redacted]
LARRY E. FAGERSTEN [redacted]
NOLAND M. FARMER [redacted]
THOMAS N. FEASKI [redacted]
JOHN R. FENIMORE [redacted]
ALBERT FITZGERALD [redacted]
CHARLES E. FLEMING [redacted]
NICHOLAS FLETCHER [redacted]
ROBERT D. FOLEY [redacted]
OTIS W. FOX [redacted]
KENT M. FREISE [redacted]
DAVID FRIDLINGTON [redacted]
MICHAEL J. FRIEDL [redacted]
ROBERT G. FRITZ [redacted]
STUART C. FROEHLING [redacted]
ALAN K. FRY [redacted]
ROBERT E. FULLEM [redacted]
WILLIAM R. FURR [redacted]
JOHN D. GAINES [redacted]
CHRISTOPH GALLAVAN [redacted]
BERRY L. GAMBRELL [redacted]
DONNIE F. GARRETT [redacted]
GUY A. GIANCARLO [redacted]
CHARLES E. GIBSON [redacted]
BENJAMIN GIGLIOTTI [redacted]
GLENN D. GILLETT [redacted]
ROBERT E. GODWIN [redacted]
EDWARD A. GOLDSMITH [redacted]
JOHN S. GONG [redacted]
MICHAEL R. GONZALES [redacted]
RONALD M. GRAHAM [redacted]
TYRONE L. GRAHAM [redacted]
CHARLES T. GRANADE [redacted]
CURTIS GRANDSTAFF [redacted]
VIRGIL S. GRAY [redacted]
LARRY A. GREENE [redacted]
JAMES N. GREENWOOD [redacted]
DAVID E. GREER [redacted]
DAVID J. GRIFFITH [redacted]
WILLIAM C. GRIMES [redacted]
WILLIAM E. GROWNEY [redacted]
MARLIN T. GUILD [redacted]
ROBERT M. HALL [redacted]
FRANK H. HAMILTON [redacted]
GLENN C. HAMMOND [redacted]
MARK E. HAMMOND [redacted]
GREGG A. HANSEN [redacted]
ROBERT E. HARRIS [redacted]
MICHAEL W. HARTLEY [redacted]
DONALD A. HAUS [redacted]
PAUL HAVEY [redacted]
LARRY G. HAYES [redacted]
GEORGE J. HEIL [redacted]
RODNEY C. HENELY [redacted]
ROBERT E. HENSON [redacted]
REINALDO HERRERO [redacted]
JOHN B. HERSHMAN [redacted]
OSCAR B. HILMAN [redacted]
GERALDINE M. HINCE [redacted]
LEON E. HOLBROOK [redacted]
BENNIE J. HOLMES [redacted]
JAMES W. HOPPER [redacted]
JOHN G. HULET [redacted]
DONALD W. HULL [redacted]
ERIN A. HURD [redacted]
VIRGIL L. HAMS [redacted]
WILLIAM E. INGRAM [redacted]
ARLYN R. IRION [redacted]
JOHN C. IRVINE [redacted]
CLIBURN D. IZARD [redacted]
RAYMOND A. JACKSON [redacted]
PAUL E., JENSEN [redacted]
RALPH K. JOHNS [redacted]
L.Z. JOHNSON [redacted]
MARTIN R. JOHNSON [redacted]
MICHAEL JOHNSON [redacted]
WILLIAM H. JOHNSON [redacted]
ROBERT P. JOHNSTON [redacted]
JACK F. JONES [redacted]
PAUL G. JONES [redacted]
TERRY D. JONES [redacted]
TIMONTHY D. JONES [redacted]
MICHAEL JORGENSEN [redacted]
JOHN R. JUMP [redacted]
THOMAS M. JURKOWSKI [redacted]
JOSEPH H. JUST [redacted]
WILLIAM V. KANE [redacted]
GEORGE KANTOR, JR [redacted]
STEVEN A. KAVANAUGH [redacted]
ROSS S. KELLY [redacted]
TERRY G. KEMP [redacted]
TIMOTHY M. KENDALL [redacted]
TIMOTHY M. KENNEDY [redacted]
JOHN H. KERN [redacted]
REED J. KIMBALL [redacted]
KIM. KIMMEY [redacted]
JAMES E. KIRKWOOD [redacted]
HERMAN G. KIRVEN [redacted]
LARRY A. KIVIOJA [redacted]
MICHAEL KLAPPHOLZ [redacted]
ROBERT L. KLEIN [redacted]
EDMUND H. KNETIG [redacted]
KENNETH E. KOHLS [redacted]

WILLIAM C. KUEFFER xxx-xx-x...
JOHN L. LAGGART xxx-xx-x...
MICHAEL P. LAHAYE xxx-xx-x...
LOUIS A. LALLO xxx-xx-x...
TERRY L. LANDRUM xxx-xx-x...
JOHN A. LAROCCA xxx-xx-x...
DELBERT M. LARSON xxx-xx-x...
EARL E. LAUER xxx-xx-x...
JAMES J. LAWRENCE xxx-xx-x...
JULIUS J. LAWTON xxx-xx-x...
JOHN E. LEATHERMAN xxx-xx-x...
ROGER W. LECLAIRE xxx-xx-x...
LAWRENCE H. LEE xxx-xx-x...
TERRANCE J. LEGG xxx-xx-x...
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MICHAEL G. LEHT xxx-xx-x...
JOE L. LEMONS xxx-xx-x...
TERRY W. LERCH xxx-xx-x...
MARK E. LEWIS xxx-xx-x...
BARRY LISCHINSKY xxx-xx-x...
MICHAEL W. LOBDELL xxx-xx-x...
PHILIP G. LOFTIS xxx-xx-x...
WILLIAM H. LOGAN xxx-xx-x...
HAL A. LONG xxx-xx-x...
JAMES A. LONG xxx-xx-x...
LOREN S. LOOMIS xxx-xx-x...
ALBERT J. LOPEZ xxx-xx-x...
RICHARD L. LOPEZ, JR xxx-xx-x...
DONALD W. LUDENS xxx-xx-x...
JAMES A. LUNDELL xxx-xx-x...
CHARLES K. LYDEEN xxx-xx-x...
LARRY D. MAAS xxx-xx-x...
AARON A. MACHNIK xxx-xx-x...
JOSEPH G. MACK xxx-xx-x...
KENNETH E. MADDEN xxx-xx-x...
WILLIAM B. MADDOX xxx-xx-x...
DENNIS P. MAHER xxx-xx-x...
JIM E. MAINWARING xxx-xx-x...
DEAN J. MALLIRES xxx-xx-x...
MICHAEL E. MALONE xxx-xx-x...
WILLIAM MARMADUKE xxx-xx-x...
DOUGLAS W. MARR xxx-xx-x...
MARION D. MARSH xxx-xx-x...
MICHAEL A. MARTIN xxx-xx-x...
MICAHEL T. MASNIK xxx-xx-x...
DAVID J. MASON xxx-xx-x...
KENNETH R. MATLOCK xxx-xx-x...
RICHARD G. MAXON xxx-xx-x...
JAMES A. MAYER xxx-xx-x...
MATTHEW J. MC CABE xxx-xx-x...
DENNIS, MC CAFFERTY xxx-xx-x...
DANNICE J. MC CANN xxx-xx-x...
RAMOND C. MC CANN xxx-xx-x...
WILLIAM MC DERMOTT xxx-xx-x...
NATHANIEL MC GEE xxx-xx-x...
JEFFREY L. MC GOWAN xxx-xx-x...
STEVEN C. MC NABB xxx-xx-x...
RICHARD MC REYNOLDS xxx-xx-x...
RONALD E. MC ROBERTS xxx-xx-x...
JIM F. MELTON xxx-xx-x...
DENIS L. MERCHANT xxx-xx-x...
STEVEN L. MESSERVY xxx-xx-x...
MICHAEL R. MISSINA xxx-xx-x...
JOSEPH W. MEYER xxx-xx-x...
BENJA MIERZEJEWSKI xxx-xx-x...
JOSEPH J. MIKA xxx-xx-x...
DON M. MILLER xxx-xx-x...
PHILLIP W. MILLER xxx-xx-x...
DENNIS K. MINER xxx-xx-x...
ROBERT D. MINTON xxx-xx-x...
GEORGE MISERENDINO xxx-xx-x...
DAVID C. MITCHELL xxx-xx-x...
GREIG W. MITCHELL xxx-xx-x...
VERN T. MIYAGI xxx-xx-x...
JES MOLANOCARDENAS xxx-xx-x...
ROBERT A. MOLINA xxx-xx-x...
JAMES H. MONTGOMERY xxx-xx-x...
MICHAEL MONTGOMERY xxx-xx-x...
MARK A. MONTJAR xxx-xx-x...
MICHAEL W. MOODY xxx-xx-x...
BRUCE D. MOORE xxx-xx-x...
DRUE B. MOORE, JR xxx-xx-x...
JOHN B. MOORE, JR xxx-xx-x...
RICHARD A. MOORE xxx-xx-x...
WILLIAM R. MOORE xxx-xx-x...
ANDREW J. MORAN xxx-xx-x...
GLENN H. MORGAN xxx-xx-x...
TERRY MORGAN xxx-xx-x...
RAYMOND A. MORRIS xxx-xx-x...
MICHAEL J. MORRISON xxx-xx-x...
PHILIP J. MORRISS xxx-xx-x...
RICHARD R. MORSE xxx-xx-x...
JOHN D. MUCHOW xxx-xx-x...
STEVEN J. MURA xxx-xx-x...
SARA J. MURPHY xxx-xx-x...
MARK P. MURRAY xxx-xx-x...
FRANK W. MYERS xxx-xx-x...
JONATHAN H. MYERS xxx-xx-x...
RICHARD C. NASH xxx-xx-x...
JOHN L. NATTERSTAD xxx-xx-x...
JOSEPH F. NEDER xxx-xx-x...
GERARD B. NERY, JR xxx-xx-x...
RICHARD J. NESKE xxx-xx-x...
BOBBY C. NEW xxx-xx-x...
ROBERT M. NEWBERT xxx-xx-x...
DANA L. NEWCOMB xxx-xx-x...
CHARLES E. NEWPORT xxx-xx-x...
ARTHUR NICHOLS, JR xxx-xx-x...
JAMES M. NIELSEN xxx-xx-x...
JOHN C. NODGAARD xxx-xx-x...
JACK E. NOEL xxx-xx-x...
J.W. NOLES xxx-xx-x...

VINCENT F. OCONNELL xxx-xx-x...
GERARD A. OCZEK xxx-xx-x...
ALLEN W. ODELL xxx-xx-x...
HERSHELL ODONNELL xxx-xx-x...
JAMES M. OKIEF xxx-xx-x...
JOSEPH R. OLIVA xxx-xx-x...
ANDREW C. OLIVO xxx-xx-x...
EUGENE W. ORSON xxx-xx-x...
VICTOR M. ORTIZ xxx-xx-x...
DANIEL OSORIO xxx-xx-x...
EUGENE M. OTT xxx-xx-x...
EDWARD C. OTTO xxx-xx-x...
TERRY L. OUTMAN xxx-xx-x...
KARSTEN E. OVERA xxx-xx-x...
MICHAEL B. PACE xxx-xx-x...
JOHN F. PARKER xxx-xx-x...
PATRICK D. PASKE xxx-xx-x...
LARRY N. PATTERSON xxx-xx-x...
JAMES A. PATTON xxx-xx-x...
PETER Q. PAUL xxx-xx-x...
DAVID J. PAYNE xxx-xx-x...
RICHARD C. PAYNE xxx-xx-x...
FRANCIS G. PELKEY xxx-xx-x...
JOHN E. PENDERGRASS xxx-xx-x...
LEE E. PEPPER xxx-xx-x...
LYNN P. PEPPERL xxx-xx-x...
LEVI H. PERRY xxx-xx-x...
NEIL J. PERRY xxx-xx-x...
EDWARD A. PETERSEN xxx-xx-x...
DONALD R. PETRASH xxx-xx-x...
BERNARD A. PFEIFFER xxx-xx-x...
KENNETH W. PFEIFFER xxx-xx-x...
DONALD E. PHILLIPS xxx-xx-x...
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RANDY G. PHILLIPS xxx-xx-x...
ROBERT S. PHILLIPS xxx-xx-x...
STEPHEN H.PIERCE xxx-xx-x...
KENNETH E. POLINO xxx-xx-x...
DARRELL P. POLITTE xxx-xx-x...
CONRAD W. PONDER xxx-xx-x...
JOHN F. PORTER xxx-xx-x...
JOHN K. POVALL xxx-xx-x...
DANNIE W. POWELL xxx-xx-x...
ERNEST W. POWELL xxx-xx-x...
KEITH A. PREWITT xxx-xx-x...
CHARLES C. PRICE xxx-xx-x...
LARRY D. PRICE xxx-xx-x...
RANDY J. PRIEM xxx-xx-x...
WILLIAM F. PRINCE xxx-xx-x...
THOMAS J. PRINCIPE xxx-xx-x...
ROBERT S. PRITCHETT xxx-xx-x...
JOHN S. PRIZNER xxx-xx-x...
WILLIAM H. PUGH xxx-xx-x...
GARY A. QUICK xxx-xx-x...
DAVID W. RAES xxx-xx-x...
ERVIN RAMOSMOLL xxx-xx-x...
WILLIAM B. RANEY xxx-xx-x...
JOHN RATZENBERGER xxx-xx-x...
ROBERT D. RAYBOURN xxx-xx-x...
ROBERT E. REED xxx-xx-x...
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PAULA D. RENSHAW xxx-xx-x...
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RAYNOR J. RICKS xxx-xx-x...
WILLIAM J. RIDLEY xxx-xx-x...
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ANGEL M. RIVERA xxx-xx-x...
RAY L. ROBINSON xxx-xx-x...
TERRY L. ROBINSON xxx-xx-x...
JOHN M. ROCCO xxx-xx-x...
R. E. ROGERS, JR xxx-xx-x...
JOHN C. ROGGOW xxx-xx-x...
JAMES L. ROHRBAUGH xxx-xx-x...
JOHN L. ROMAN xxx-xx-x...
THOMAS A. ROMAN xxx-xx-x...
TONEY L. ROMANS xxx-xx-x...
ALAN D. ROSENBAUM xxx-xx-x...
MICHAEL J. ROSS xxx-xx-x...
ARTHUR ROVINS xxx-xx-x...
JAMES R. ROWLAND xxx-xx-x...
SANDRA A. ROWLEY xxx-xx-x...
MICHAEL L. RUBICH xxx-xx-x...
LEONARD RUOTOLO xxx-xx-x...
JAMES A. RUSSELL xxx-xx-x...
ROGER D. RUSSELL xxx-xx-x...
WILLIAM L. RUSSELL xxx-xx-x...
RICHARD R. RUST xxx-xx-x...
DAVID W. RUTHERFORD xxx-xx-x...
ROBERT A. SALVIANO xxx-xx-x...
TIMOTHY J. SANKEN xxx-xx-x...
MICH SANTARCANGELO xxx-xx-x...
DAVID L. SAYLORS xxx-xx-x...
CHRISTOP SCAGNETTI xxx-xx-x...
DAVID A. SCHAUER xxx-xx-x...
DARRLY K. SCHEFFEL xxx-xx-x...
SHAWN N. SCHERTZER xxx-xx-x...
NORMAN P. SCHIEKE xxx-xx-x...
JAMES A. SCHILLER xxx-xx-x...
DANIEL L. SCHLIMGEN xxx-xx-x...
RICHARD T. SCHNELL xxx-xx-x...
JOSEF SCHROEDER xxx-xx-x...
TERRY J. SCHROEDER xxx-xx-x...
GREGORY D. SCHRUBBE xxx-xx-x...
FREDERI SCHUMACHER xxx-xx-x...
ROBERT W. SCHUPP xxx-xx-x...
DONALD D. SCHUSTER xxx-xx-x...
SAMUEL L. SCHUTTE xxx-xx-x...
RICHARD D. SCHWARK xxx-xx-x...
GUSTAVU SCHWARTING xxx-xx-x...

ROGER A. SCHWARTZ xxx-xx-x...
LAWRENCE J. SCHWARZ xxx-xx-x...
GARTH T. SCISM xxx-xx-x...
MICHAEL SEBASTIAN xxx-xx-x...
CHARLES E. SECREST xxx-xx-x...
JAMES P. SEWELL xxx-xx-x...
NANCY W. SEYDLER xxx-xx-x...
WINFIELD V. SHAW xxx-xx-x...
DAVID G. SHERFICK xxx-xx-x...
ANDREW M. SHERIDAN xxx-xx-x...
JIM H. SHERMAN xxx-xx-x...
JERRY E. SHILES xxx-xx-x...
RONALD W. SHINN xxx-xx-x...
TOM L. SHIRLEY xxx-xx-x...
DAVID T. SHORTER xxx-xx-x...
THEODORE G. SHUEY xxx-xx-x...
JAMES E. SIMPSON xxx-xx-x...
STEPHEN H. SIMPSON xxx-xx-x...
WILLIAM A. SIMPSON xxx-xx-x...
THOMAS L. SINCLAIR xxx-xx-x...
WILLIAM A. SLOTTER xxx-xx-x...
WILLIAM H. SMITH xxx-xx-x...
ALAN E. SOMMERFELD xxx-xx-x...
SANTOS SOSA xxx-xx-x...
JAIME SOTO xxx-xx-x...
ANDREW C. SPACONE xxx-xx-x...
CLAYTON SPANGENBERG xxx-xx-x...
JAMES L. SPEICHER xxx-xx-x...
JAMES C. SPENCER xxx-xx-x...
RONALD L. SPILLER xxx-xx-x...
JAMES S. SPINDEN xxx-xx-x...
MARK F. SPINLER xxx-xx-x...
CECIL S. SPITLER xxx-xx-x...
LEIF T. SPONBECK xxx-xx-x...
PERRY D. STACY xxx-xx-x...
JACK G. STARICH xxx-xx-x...
JOHN B. STAVOVY xxx-xx-x...
RONALD STEENSLAND xxx-xx-x...
LEONARD E. STEPHENS xxx-xx-x...
JAMES L. STEVENS xxx-xx-x...
WALTER J. STEWART xxx-xx-x...
HUGH M. STIRTS xxx-xx-x...
RONALD D. STOKES xxx-xx-x...
RONALD S. STOKES xxx-xx-x...
CHANDLER D. STONE xxx-xx-x...
HENRY T. SWANN xxx-xx-x...
THOMAS F. SWEENEY xxx-xx-x...
WILTON G. SWENSON xxx-xx-x...
ROBERT M. TAWES xxx-xx-x...
BERNARD TAYLOR JR xxx-xx-x...
WILFORD TAYLOR JR. xxx-xx-x...
DENNIS W. TEITGE xxx-xx-x...
WILLIAM TERPELUK xxx-xx-x...
ROBERT A. THIESING xxx-xx-x...
BILLY W. THOMAS xxx-xx-x...
JOHNNY W. THOMAS xxx-xx-x...
TOM W. THOMAS xxx-xx-x...
WILLIAM A. THOMAS xxx-xx-x...
REX E. THOMPSON xxx-xx-x...
STEPHEN B. THOMPSON xxx-xx-x...
RUEDIGER TILLMANN xxx-xx-x...
JOHN P. TOBEY xxx-xx-x...
THOMAS M. TRITSCH xxx-xx-x...
PATRICK J. TUSTAIN xxx-xx-x...
WILLIAM H. TUTTLE xxx-xx-x...
THOMAS UPTAGRAFFT xxx-xx-x...
JAMES A. VANDERHOEF xxx-xx-x...
GILBERT VANSICKLE xxx-xx-x...
FELIX VARGAS xxx-xx-x...
DAVID H. VAUGHAN xxx-xx-x...
BERNARD F. VERONEE xxx-xx-x...
DAVID C. VOLLRATH xxx-xx-x...
ALAN J. WALKER xxx-xx-x...
MARK O. WALSH xxx-xx-x...
LOUIS P. WARCHOT xxx-xx-x...
JAMES R. WARD xxx-xx-x...
TEVEN S. WARD xxx-xx-x...
JIMMY R. WATSON xxx-xx-x...
VERNON A. WATTS xxx-xx-x...
HAROLD M. WEAVER xxx-xx-x...
THOMAS J. WEISS xxx-xx-x...
ARTHUR J. WELCH xxx-xx-x...
ROBERT E. WELCH xxx-xx-x...
JOHN A. WELLS, JR xxx-xx-x...
MICHAEL P. WELSH xxx-xx-x...
RONALD WESTERVELT xxx-xx-x...
MITCHEL WILLOUGHBY xxx-xx-x...
LARRY E. WILSON xxx-xx-x...
CHARLES J. WINN xxx-xx-x...
BILLY R. WOOD xxx-xx-x...
HENRY B. WOOD xxx-xx-x...
ROBERT V. WOOD xxx-xx-x...
CHARLES W. WRIGHT xxx-xx-x...
ARTHUR H. WYMAN xxx-xx-x...
HENRY V. WYSOCKI xxx-xx-x...
JAMES T. YARBROUGH xxx-xx-x...
RONALD D. YOUNG xxx-xx-x...
JAMES A. ZERNICKE xxx-xx-x...

CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 1995:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JOHN B. HALL, JR. [redacted] REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BRETT M. DULA [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES F. RECORD [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THAD A. WOLFE [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. NICHOLAS B. KEHOE II [redacted] UNITED STATES AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. ROBERT W. ROPER, JR. [redacted]
BRIG. GEN. EDWARD L ANDREWS [redacted]
BRIG. GEN. DAVID K. HEEBNER [redacted]
BRIG. GEN. MORRIS J. BOYD [redacted]
BRIG. GEN. ROBERT R. HICKS, JR. [redacted]
BRIG. GEN. STEWART W. WALLACE [redacted]
BRIG. GEN. JAMES M. WRIGHT [redacted]
BRIG. GEN. CHARLES W. THOMAS [redacted]
BRIG. GEN. GEORGE H. HARMEYER [redacted]
BRIG. GEN. JOHN F. MICHITSCH [redacted]
BRIG. GEN. LON E. MAGGART [redacted]
BRIG. GEN. HENRY T. GLISSON [redacted]
BRIG. GEN. THOMAS N. BURNETTE, JR. [redacted]
BRIG. GEN. DAVID H. OHLE [redacted]
BRIG. GEN. MILTON HUNTER [redacted]
BRIG. GEN. JAMES T. HILL [redacted]
BRIG. GEN. GREG L. GILE [redacted]
BRIG. GEN. JAMES C. RILEY [redacted]
BRIG. GEN. RANDALL L. RIGBY [redacted]
BRIG. GEN. DANIEL J. PETROSKY [redacted]
BRIG. GEN. MICHAEL B. SHERFIELD [redacted]
BRIG. GEN. JAMES C. KING [redacted]
BRIG. GEN. JOSEPH G. GARRETTE, II [redacted]
BRIG. GEN. LEROY R. GOFF, I [redacted]
BRIG. GEN. DANIEL G. BROWN [redacted]
BRIG. GEN. WILLIAM P. TANGNEY [redacted]
BRIG. GEN. CHARLES S. MAHAN, JR. [redacted]
BRIG. GEN. JOHN J. MAHER, II [redacted]
BRIG. GEN. LEON J. LAPORTE [redacted]
BRIG. GEN. CLAUDIA J. KENNEDY [redacted]

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 611(A) AND 624(C):

To be brigadier general

COL. BETTYE H. SIMMONS [redacted] UNITED STATES ARMY.

THE FOLLOWING-NAMED MEDICAL CORPS COMPETITIVE CATEGORY OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 6119(A) AND 624(C):

To be brigadier general

COL. GEORGE J. BROWN [redacted] UNITED STATES ARMY.
COL. ROBERT F. GRIFFIN [redacted] UNITED STATES ARMY.

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

to be read admiral (lower half)

CAPT. STEPHEN HALL BAKER [redacted] UNITED STATES NAVY.
CAPT. JOHN JOSEPH BEPKO, II [redacted] UNITED STATES NAVY.
CAPT. JAY ALAN CAMPBELL [redacted] UNITED STATES NAVY.
CAPT. ROBERT CHARLES CHAPLIN [redacted] UNITED STATES NAVY.
CAPT. JAMES CUTLER DAWSON, JR. [redacted] UNITED STATES NAVY.
CAPT. MALCOLM IRVING FAGES [redacted] UNITED STATES NAVY.
CAPT. VERONICA ZASADNI FROMAN [redacted] UNITED STATES NAVY.
CAPT. SCOTT ALLEN FRY, [redacted] UNITED STATES NAVY.
CAPT. GREGORY GORDON JOHNSON [redacted] UNITED STATES NAVY.
CAPT. STEPHEN IRVIN JOHNSON [redacted] UNITED STATES NAVY.
CAPT. JOSEPH JOHN KROL, JR. [redacted] UNITED STATES NAVY.
CAPT. STEPHEN ROBERT LOEFFLER [redacted] UNITED STATES NAVY.
CAPT. JOHN THOMAS LYONS, III [redacted] UNITED STATES NAVY.
CAPT. JAMES IRWIN MASLOWSKI [redacted] UNITED STATES NAVY.
CAPT. RICHARD WALTER MAYO [redacted] UNITED STATES NAVY.
CAPT. MICHAEL GLENN MULLEN [redacted] UNITED STATES NAVY.
CAPT. LARRY DON NEWSOME [redacted] UNITED STATES NAVY.
CAPT. RICHARD JEROME NIBE [redacted] UNITED STATES NAVY.
CAPT. PAUL SCOTT SEMKO [redacted] UNITED STATES NAVY.
CAPT. ROBERT GARY SPRIGG [redacted] UNITED STATES NAVY.
CAPT. ROBERT TIMOTHY ZIEMER [redacted] UNITED STATES NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. OSIE V COMBS, JR. [redacted] UNITED STATES NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. JEFFREY ALAN COOK [redacted] UNITED STATES NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DENNIS C. BLAIR [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING TAREK C. ABBOUSHI, AND ENDING MICHAEL F. ZUPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

AIR FORCE NOMINATIONS BEGINNING JULIAN ANDREWS, AND ENDING JANICE L. ANDERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

AIR FORCE NOMINATIONS BEGINNING LARAINE L. ACOSTA, AND ENDING JOAN C. WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

AIR FORCE NOMINATIONS BEGINNING LARRY E. FREEMAN, AND ENDING TIMOTHY L. COOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ANTHONY C. AIKEN, AND ENDING KAREN L. WILKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1995.

ARMY NOMINATION OF AMY M. AUTRY, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

ARMY NOMINATIONS BEGINNING MICHAEL B. NEVEU, AND ENDING ROBERT A. DIGGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

ARMY NOMINATION OF DUANE A. BELOTE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

ARMY NOMINATION OF DEREK J. HARVEY, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1995.

ARMY NOMINATIONS BEGINNING BARBARA HASBARGEN, AND ENDING GARY VROEGINDEWEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1995.

ARMY NOMINATIONS BEGINNING MARY B. ALEXANDER, AND ENDING CRAIG L. WARDRIP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1195.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING THURMOND BELL, AND ENDING EARNEST R. WALLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

IN THE NAVY

NAVY NOMINATIONS BEGINNING JOHN M. ABERNATHY III, AND ENDING GEORGE R. SHAYNE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1995.

NAVY NOMINATION OF ROBERT W. ERNEST, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 1995.

NAVY NOMINATIONS BEGINNING TIMOTHY A. ADAMS, AND ENDING MICHAEL J. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

NAVY NOMINATIONS BEGINNING ALBERT M. CARDEN, AND ENDING JENEVIEVE J. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 1995.

NAVY NOMINATIONS BEGINNING WILLIAM D. AGERTON, AND ENDING WILLIAM M. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1995.

HOUSE OF REPRESENTATIVES—*Tuesday, October 31, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. GOODLING].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 31, 1995.

I hereby designate the Honorable WILLIAM F. GOODLING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority and minority leader, limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY] for 5 minutes.

VOTE AGAINST H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT

Mrs. LOWEY. Mr. Speaker, I rise in opposition to H.R. 1833 which would ban second- and third-term abortions in the case of severe threats to the life and health of the mother and cases of severe fetal anomaly.

Proponents of the bill attempt to exploit one of the greatest tragedies any family faces by using graphic pictures, sensationalized language, and distorted truths. Families facing a late-term abortion are families that want to have a child. These couples have chosen to become parents and only face the decision of abortion due to unavoidable circumstances.

Unfortunately, medical testing is still not sophisticated enough to detect fetal anomalies until late in the pregnancies. Also, some illnesses such as diabetes or kidney failure can suddenly flare up and put the health and life of the mother at risk. The decision to abort at this stage in a pregnancy is agonizing and deeply personal.

This bill is not about choice. It is about necessity. As the mother of three grown children, I thank God every day that my children were born healthy and strong. However, not everyone is so lucky.

Yesterday my office received a call from Claudia Ades, a woman who lives in Santa Monica, CA. She had heard about the bill and called to ask me if there was anything we could do to defeat it. As Claudia said so passionately, "this procedure saved my life and the life of my family."

Three years ago, Claudia was pregnant and happier than she had ever been in her life. However, 6 months into her pregnancy she and her husband discovered that the child she was carrying suffered from a number of severe fetal anomalies, including acute brain damage, a very malformed heart. It was doubtful that the child would survive birth; and, if it survived, its short life would be filled with pain and suffering.

After speaking to a number of doctors, Claudia and her husband finally had to accept their view that there was no way to save this pregnancy. They chose to go to Dr. James McMannus because his procedure would allow Claudia to get pregnant in the future and would allow them to have a family. "This was a desperately wanted pregnancy," Claudia said yesterday, "but my child was just not meant to be in this world."

Who here cannot sympathize with the pain that Claudia and her family faced? Those of us with healthy children can only imagine the horror that Claudia felt when she received the news about her child's condition. It is the news that all mothers pray every day they will never have to hear.

But in those tragic cases where families do hear this horrible news, who should get to decide? If, God forbid, this ever happened to me or somebody in my family, I would want the decision to be mine just as any of you would.

The one thing that I know for sure is that the decision should not be made by the Congress of the United States. At that horrible, tragic moment the Congress, the Government, just has no place in the home, in the hearts, in the decisionmaking of these agonizing families.

I beg my colleagues to think very carefully, to vote against H.R. 1833. This is not a Democrat or Republican issue. This is not a pro-choice or an anti-choice issue. This tragedy can strike any family regardless of party affiliation.

Defeat this bill so that women in Claudia's situation can get the best medical care possible. Defeat this bill because it is the right thing to do.

WORKERS' RIGHTS IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized during morning business for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, in his desperate effort to hold on to power at any cost and by any means necessary, Cuban tyrant Fidel Castro has turned the Cuban economy into a slavelike system.

In Castro's new economy, where foreign investors call the shots, workers get the short end of the deal.

While the regime collects all the hard currency produced by foreign investors, the Cuban worker, already denied his civil and human rights, is paid by the State.

Not in hard currency, but in Cuban pesos, at the official rate of one peso per dollar, although, in reality, the real exchange rate is more like 25 pesos to the dollar.

As one foreign investor put it, "you pay $500 for an employee, and he receives the equivalent of $20."

In Cuba, Mr. Speaker, independent labor unions, worker strikes, and collective bargaining are prohibited.

Instead, there is one State-controlled puppet union, the Cuban Workers Central, which reacts to every whim of the Cuban tyrant.

For example, in 1992, when Cuban ports worker Rafael Gutierrez attempted to establish an independent labor union, the Cuban Workers Trade Union, he was arrested and detained at State security headquarters, for subversion and distribution of enemy propaganda.

Mr. Gutierrez was later released, but was not able to find employment due to the regime's persecution against him.

In 1994, Mr. Gutierrez was denied a visa by the Cuban regime to speak at the International Confederation of Free Trade Unions Human Rights Commission, where he would have condemned the regimes' human rights violations.

Finally, tired of the repression against him, Mr. Gutierrez was one of the thousands of Cubans who sought their freedom, aboard a rickety raft, and was one of the refugees held at the Guantanamo Naval Base.

More deplorable and tragic is how the Cuban regime is now using its repression of workers' rights to attract foreign investment to the island.

Last August, Miguel Taladrid, the regime's Deputy Minister of Foreign Investment and Economic Cooperation, stated that, "The current system is more convenient. We are free from labor conflcits; nowhere else in the world could you get this tranquilty."

Unfortunately, the regimes' promotion of its repression of the Cuban worker, is having the desired effect on investors.

A businessman from the Dominician Republic had this to say, "The main reason why I chose to invest in Cuba, rather than in the Dominican Republic, was the assurance by the Cubans that I would not have to negotiate, or be forced to sign, collective agreements with trade unions."

He added that, "The Cuban Government is attracting European investors by promising cheap labor and the absence of free trade unions."

This tragic scenario of workers' rights in Cuba is apparently alien to some of my colleagues from the other side of the aisle, who hosted and expressed their great admiration for Castro during his recent trip to New York City.

My Democrat colleagues from that great city all have excellent lifetime voting records supporting workers' rights in the United States, according to the AFL–CIO. One of them has 100 percent lifetime AFL–CIO record, while the other two have a 95 and 94 percent rating.

Apparently, my colleagues are all for worker rights, except, of course, when those rights might interfere or harm their relationship with their good buddy, Fidel Castro.

For not a peep was heard from them, condemning the repression of workers' rights in Cuba by Castro.

Maybe we should not be surprised, Mr. Speaker, that my colleagues would not want to tarnish their sweet relationship with the tyrant.

After all, they spend a lot of time and effort to assure that the tyrant received a warm greeting in New York City.

One of our colleagues made a heartwarming gift to Castro: a pair of boxing gloves claiming that, "Fidel is No. 1."

Yet another one could not contain himself and repeatedly hugged the tyrant and applauded Castro's rhetoric of being for the working people of the world.

Apparently, my colleagues do not care much for those like Mr. Gutierrez and others who dared to challenge the regimes' repression, for never did they bring up the subject of workers' rights to Castro.

The same congressional colleagues oppose the U.S. embargo against Castro and, instead, promote free and open trade with the tyrant, as an instrument to push him from power.

Oddly, some of them did not promote these views in Haiti or South Africa, where some supported economic embargoes against the undemocratic regimes of those two countries to help bring freedom and democracy.

My colleagues might be for workers' rights in the United States, and Castro might give the impression that he supports working people of the world, but neither my colleagues nor Castro show much concern for the working people of Cuba.

If an award were to be given for hypocrisy, Mr. Speaker, my three New York Democrat colleagues who cheered Castro in New York would win hands down.

Today is trick or treat day. But our New York colleagues got an early start on Halloween. They treated Castro well; they tried to trick the people of the United States and Cuba. But freedom-loving people will not be fooled. Democracy must come to my enslaved native homeland.

VOTE AGAINST H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I must say, as I stand here to discuss the bill H.R. 1833, it is appropriate we do this, I guess, on Halloween, because this is such a ghoulish issue and it is so very distressing to me that this body is moving forward to deal with this issue.

In America, it is wonderful because most people when they become pregnant have no problems. But not all people. Last year, this country was fortunate in that it only had to have about 600 late-term abortions. But let me tell you, every one of those was terribly critical, dealing with the life of the mother or fetal abnormalities that could not be treated in utero, that could be incompatible with life, totally incompatible with life and could harm the mother and her future ability to go on and have a normal family.

Luckily, most people are not going to be affected by this bill. But let me tell you, for anyone who is going to be affected by this bill, they are going to be outraged.

As the gentlewoman from New York talked about, when any family has decided to have a child and is very excited and very enthusiastic about it, and these are the people we are talking about, and they suddenly get toward the end and find some horrendous, awful thing has derailed their dream, if they find the Congress of the United States has started practicing medicine without a license and has decided that the safest procedure a doctor might recommend cannot be given, a procedure that would allow that family to go forward and have another child without really threatening the reproductive organs of the woman or her life is no longer allowed by order of the U.S. Congress, that the fact that her life cannot be taken into account or anything else, I think that family is going to be totally outraged, has every reason to be totally outraged. You have got to really ask, why do we think we have that power?

What we are going to be doing as we deal with this issue is we are really attempting to demonize women who are put in this position and demonize doctors who are trying to treat them. We are trying to say, this is a procedure that is so awful and so terrible that only demons would get into this.

Well, let us think about this. Is trying to save the life of the mother something that you would demonize someone for? If you have a fetus with abnormalities that are not correctable, that are incompatible with life, and we are talking about very severe things, like absence of a head, brain outside the head, one heart, one chamber of the heart, these types of things, where the fetus can die in utero and then start decomposing and cause all sorts of life-threatening things to the mother.

□ 0915

Are we just saying to her, "Well, risk it. You risk it, and that is what you are going to do?" If we pass this bill, we are really rolling back the tremendous progress this country has made on safe motherhood. If you look at earlier years, we were running 800 deaths per 100,000 births. We are now down to 8, but part of that is because we have allowed doctors and families, when they get into these awful, awful, awful conflicts to sit down and decide what the family wants to do and what medical professionals think is the best to do, and we are going to take that away. We are going to take that away if we vote on the bill 1833. We are going to say to them, we know better, and we are going go to back, rolling back the safe motherhood progress that we have made in this country.

You are going to hear all sorts of things on this floor. I beg people to, please, look at the doctor's testimony about how the charts you see are inaccurate and wrong, how the terms you hear are not medically accurate terms, and they do not describe accurately what transpires, how the person that they base all of this on was really fraudulent; it was a person who never participated in these events. We have letters and documentation on all of that.

So here we are taking this urban myth, blowing it up, trying to demonize, trying to undo and get Congress involved in something that is a great,

great tragedy, and if we pass this bill, we are only going to make these tragedies much greater.

I plead with my colleagues to find their spines, to stand up and to really not get involved in this demonization of women, doctors, and their families who have nothing but terrible choices to make.

THE BUDGET DEFICIT CRISIS

The SPEAKER pro tempore (Mr. GOODLING). Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, as we hear the words and the heated rhetoric from the White House regarding the budget deficit crisis, regarding President Clinton's positions on the budget, I thought it would be important for us just to step back, because things move so quickly in Washington and have moved so quickly in the past few years, I think it is important we step back and take a perspective and take a long look at what the President's position has been on budgets, on taxes, and on fiscal matters since he first got elected in 1992.

First of all, we really can go back even to the campaign. Remember when he was campaigning through the snows of New Hampshire and his campaign was in crisis because of some political scandals that were shaking him up. The response was to go to the New Hampshire voters in 1992 and say, "I am proposing a tax break for middle class Americans." I do not know how many people remember that, but he did it, and when he was pressed, Bill Clinton, the candidate, held up his plan. He said, "Others talk about it. I have got a plan right here that is going to give middle class Americans tax cuts."

It helped him survive the crisis in New Hampshire, moved beyond New Hampshire, eventually got elected as President of the United States, and in large part ridiculed George Bush for breaking his "no new taxes" pledge. Well, all of America sat around and watched President Clinton after he got elected take to the airwaves for the first time and said, "Oops, I made a mistake. Instead of giving middle class Americans tax relief, I am actually going to tax you more than any President in the history of the United States ever has. I am going to propose Btu taxes, I am going to propose taxes on senior citizens, going to increase their taxes on Social Security up to 85 percent, I am going to lower the earning limits for senior citizens from $34,000 to $14,000, so senior citizens cannot remain productive after they retire without being penalized by the Federal Government."

Of course, the Republicans at that point did not go out and say that President Clinton wanted senior citizens to die like the administration is now saying that we want senior citizens to die simply because we have got the guts to save Medicare for him, but it just showed how the President flip-flopped back and forth, back and forth, and fast forward 2 years to the speech he made a few weeks ago. I know the House Democrats absolutely have to love when Bill Clinton, after yanking them along for the ride said, "It may surprise you, but I think I raised taxes too much also," and then blamed it on the Republicans. Now I went back over that vote tally, and there was not a single Republican on the House or Senate side that voted to raise the taxes, but somehow Bill Clinton flip-flopped again and said, "Yes, I know I raised taxes too much on you, but it was those Republicans' fault." I am a bit baffled, but that is OK. Bill Clinton was baffled.

The next day he flip-flopped it again and blamed it on talking after 7 p.m. at night, and said, "My mom always told me do not go out and speak after 7 p.m. at night, because you never know what you are going to say." I have a question for the President: What is he going to do when all the Presidential debates coming up next year are going to be after 7 p.m.? So what is he going to do? I mean, if I were running against the President, I would turn to him and say, Mr. President, it is past 7 p.m. Do we believe you on this issue, or is your mom right again, or are you just making it up as you go along? It would be funny if it were not so frightening.

This is a question of leadership. And you do not have to go back 2 years to look at the multiple flips-flops on the budget issue, go back 2 months, look at the first budget he proposed after the election, the Clinton 1 budget. It was voted down 99 to 0 in the Senate. It was voted down 99 to 0 because it continued sky rising deficits.

He said the balanced budget is not necessary. He proposed a second budget. It was voted down 96 to 0, and soon after the polls showed that 88 percent of Americans wanted a balanced budget this year and wanted tax cuts also, miraculously he flip-flopped again, which leads us to what happened last week where he said that he thought he raised taxes too much on Americans, but it was the Republicans' fault.

I mean, now what do we do as Americans? When our President speaks on budget issues, when he speaks on tax issues, when he speaks on deficit issues, what do we believe? Where do we go for leadership from the White House? It is absolutely frightening, because he continues to flip-flop and continues to look at the polls instead of looking at what is in America's best interest.

I ask him to follow the Republican Party's lead, balance the budget, balance it now for the sake of future generations.

PRESERVE ROE VERSUS WADE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. WOOLSEY] is recognized during morning business for 4 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to talk about H.R. 1833, a bill which would criminalize some late-term abortions.

First of all, I would like to say, H.R. 1833, Mr. CANADY's bill to criminalize specific late-term abortions is a cruel attempt to make a political point.

Make no mistake about it, ladies and gentlemen, the Canady bill—with all of the emotional rhetoric, with all of the graphic pictures, with all of the exaggerated testimony—is the first frontal attack on Roe versus Wade by the new majority. Plain and simple. The new majority wants to do away with Roe; the radical right wants to do away with Roe; and the Canady bill is the first step.

So let us be honest about what this debate is really about.

Next, I want to talk about who will be harmed by the Canady bill. This legislation seeks to prohibit a wide array of abortion techniques which are used in the late stages of a pregnancy when and if the life of the mother is in danger or a fetus is so malformed that it has no chance to survive.

The procedures which the Canady bill seeks to prohibit are used very, very rarely. In fact, less than 600 times per year, for all late term abortions and, less than 100 a year for this procedure. These particular abortion techniques are used in extreme and tragic cases. Like a fetus with no brain; or a fetus with missing organs; or a fetus with the spine growing outside of the body. The procedures which will be banned by the Canady bill are used when the fetus has zero chance of survival.

If women are forced to carry these malformed fetuses to term, they are in danger of chronic hemorrhaging, permanent infertility, or death.

That is what H.R. 1833 is all about.

To my colleagues on both sides of the aisle, I know that this is a difficult issue to talk about on the floor of the House of Representatives. I do not think that this subject belongs here. I do not think that Congress should be making decisions on surgical procedures.

Women and their doctors need to make these decisions, not Members of Congress. So let us put the decision back where it belongs. Give women the right to make their own decisions. Let us preserve Roe versus Wade. I urge my colleagues to vote "no" on H.R. 1833 when it is considered later this week.

THE EARNED INCOME TAX CREDIT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California

[Mr. KIM] is recognized during morning business for 5 minutes.

Mr. KIM. Mr. Speaker, yesterday I was not able to complete my statement, and after that I had numerous phone calls and letters asking me to complete. Why? Because the American people deserve to know about the EITC, earned income tax credit.

Many people do not know. I did not know until I joined Congress. This perhaps is the most severe attack, calling it mean spirited cutting, putting all of the poor people out in the cold.

I would like to tell you, the American people, what is really happening on this EITC. First of all, what is EITC? That was established back in 1975. Originally the intent was good, to try to help those people who actually are working, those people who are working, but they do not earn enough to support their families. What we are trying to do is Government subsidize them, give them a credit. They call it a negative income tax. They call it subsidy to the working poor. Excellent idea. Nobody is complaining. I think it is a good idea.

The Republicans are putting it, and the Democrats are putting it. What happened then?

If you make less than $26,000 with kids, then Government again gives you a little subsidy. Now, what happened is this program became out of control. Look at what happened here.

When this started in 1975, it only cost the Government $1.2 billion. Then about 10 years later it cost about $2.5 billion. But since then, we, Congress, keep changing the law to be expanding, it raised income level, and the eligibility has kept changing. Now you do not have to have a family. Anybody can receive this EITC credit without having any family. Even a single person can do it.

From then on, look what happened. Costs have gone up, gone up 1,000 percent, from $2.5 to $25 billion, absolutely out of control. This is what is happening now.

Why do we not recognize this serious problem? I do not know. Colleagues have been dominating, controlling our Congress 40 years. Why did they not address this problem previously? A bureaucrat, can they not see it? It is out of control, a 1,000-percent increase. Why do they not come up with some idea to control this thing? We did, in the budget reconciliation package.

Let me tell you what we are proposing to do. We said, "By golly, we cannot let this go." If you do not think so, costs have gone up to $36 billion. What we are trying to do is control cost, bring it down a little bit, down to $31 billion, from $36 billion to $31 billion, trying to control this out-of-control spending speed. Now, what is wrong with that? You call that a deep cut? I mean, gutting it? Call that a mean spirited cut? All we are trying to do is trying to control this out-of-control spending.

Why is it? Because there is a lot of waste and fraud going on. According to a report, it said more than 1 million people are receiving the EITC illegally, and GAO study says 40 percent of EITC recipients are illegally receiving more money than they deserve.

□ 0930

The waste and fraud is totally out of control. That is what we are trying to control.

What we proposed on this reconciliation package is as follows: No. 1, we are going to stop giving those folks money if they do not have any children to support. We are going back to our original intent, just folks who have children. What is wrong with that?

Second, we are going to eliminate waste and fraud. We are going to make it tough for them to apply for the EITC credit. They have to have proof. Those two combinations alone can save $5 billion, easily. By doing it, we can balance the budget within 7 years.

Now, what does that mean, balancing the budget in 7 years? According to the Wharton Business School, they predict if we balance the budget, the interest will go down by 4 percent. All right. Even if interest rates fall by even 1 percent, the family who currently has a $100,000 mortgage at 8 percent would save $30,000. Can you imagine if we balance the budget, if you own a House with a mortgage of $100,000 at an 8-percent interest rate, you can save $30,000? Further they say GNP will go up 28 percent, creating 20 million additional jobs. That is what we are doing. Mr. Speaker, come on, we are not trying to put those people out in the cold.

PARTIAL BIRTH ABORTION BILL IS BAD LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. LOFGREN] is recognized for 5 minutes.

Ms. LOFGREN. Mr. Speaker, I am here to speak against H.R. 1833, the so-called partial birth abortion bill. As a member of the Committee on the Judiciary, I had heard that this bill had been introduced, and, like I think a lot of Americans today, I thought, what the heck is that? I called around trying to find out what this procedure was, but it turned out that I knew someone who had to utilize this procedure.

As the Speaker knows, I have been in this body for under 11 months. I started in January. But for many years I was a member of the board of supervisors in Santa Clara County, and I served with a wonderful woman, Susan Wilson, who is a typical American person. She grew up in Texas. She was a cheerleader, she married her high school boy, and they moved to San Jose, where she volunteered in her Methodist church, taught sewing, and was a youth counselor. She had three fine sons.

A year ago April, Susie was so excited to tell me she was going to have another granddaughter. Her son Bill and daughter-in-law Vickie were expecting their third child. It was going to be a girl. They even picked out the name Abigail.

Towards Easter time they found out a very sad thing. They found out late, it had been missed in the early tests, that Abigail would not live. Abigail's brain had formed outside of her cranial cavity, and the brain tissue that had formed was malformed. This baby could not live. It was a devastating piece of news for Susie and for Vickie and Bill and for all of us who loved and knew that family. We cried a lot.

But one of the things that was important to Vickie and Bill and to all of us was that Vickie not also die, because they have two children who need a mother.

So Vickie and Bill did as much research as they could to see, could the child be saved? They found out regrettably, no, and they found out what was Vickie's risk. They found out, much to their dismay, that unless there was an intervention, Vickie could die. Certainly Abigail was going to die in any case.

They hoped to have another child. They found if they did not do something, that Vickie's possibility of having another child would be seriously threatened. So they did engage in a late term abortion to save Vickie's life and to preserve the opportunity to have another child. They know now that little Abigail is in heaven, and they are grateful for that, and they know that Vickie is still alive to be the mother, the good mother she is, to her children.

In the Committee on the Judiciary I heard a lot of angry rhetoric, but I did not hear a willingness to listen to the truth, to the real families that have real tragedies that they have to cope with. And I know that they do not need the guidance and help of the Congress of the United States on this very personal and horrible situation. What they need is the help and guidance of God, not the Congress.

A CALL TO COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CHRYSLER] is recognized for 5 minutes.

Mr. CHRYSLER. Mr. Speaker, a call to the community. An honest conversation on race, reconciliation, and responsibility. At the close of the 20th century, the toxic issue of race confronts society everywhere. It is at the core of the crisis facing American cities. This working document in its

final form will be offered to the American people by political, business, religious, artistic, academic, and community leaders representing a broad spectrum of opinion. The aim is to rally all Americans around a vision of community that transcends our divisions.

Mr. Speaker, America is at a crossroads. One road leads to community; the other to the chaos of competing identities and interests. We have all hurt one another, often unconsciously, in ways we would never intend. We need each other. We need to eradicate the scourge of racial division. We must demonstrate that our diversity is our greatest strength and that out of this diversity is rising a new American community. We can offer hope to a world torn by divisions of every kind.

We invite every citizen to join us in a renewed commitment to an American community based on justice, reconciliation and excellence. The original promise of this country, that out of a rich diversity of peoples a great nation would rise, has only partially been fulfilled. This unique experiment remains incomplete because the promise of equal opportunity and dignity for all has not been fully realized. Much of the distrust, resentment and fear in America today is rooted in our unacknowledged and unhealed racial history.

For many of us, race determines where we live, where we send our children to school and where we worship. Because racism is deeply embedded in the institutions of our society, individuals are often insulated from making personal decisions based on conscious racial feelings and do not experience the daily burden that their brothers and sisters of color have to carry. We must change the structures which perpetuate economic and racial separation. But no unseen hand can wipe prejudice away. The ultimate answer to the racial problem lies in our willingness to obey the unenforceable.

The new American community will flow from a spirit of giving freely without demanding anything in return. In the new American community, when any one individual is injured, exploited or demeaned, all of us will feel the pain and be diminished. It will be a place where hearts can put down roots and where each feels accepted and at home. Some painful memories cannot be erased. But forgiving is not forgetting; it is letting go of the hurt.

To build this new American community, we must empower individuals to take charge of their lives and take care of their communities. In cities across America, bold experiments are taking place. Citizens have initiated honest conversations—between people of all backgrounds—on matters of race, reconciliation and responsibility. They have chosen to move beyond blame and guilt, beyond hatred and fear, deciding to face the past with courage and honesty. They are demonstrating that through honesty, a willingness to embrace each other's painful experiences, and with God's power to change us, the wounds of the past can be healed and our Nation become one community.

This approach calls us to a new concept of partnership and responsibility. It means: Listening carefully and respectfully to each other and to the whole community; bringing people together, not in confrontation but in trust, to tackle the most urgent needs of the community; searching for solutions, focussing on what is right rather than who is right; building lasting relationships outside our comfort zone; honoring each person, appealing to the best qualities in everyone, and refusing to stereotype the other group; holding ourselves, communities and institutions accountable in areas where change is needed; and recognizing that the energy for fundamental change requires a moral and spiritual transformation in the human spirit.

PARTIAL BIRTH ABORTION ACT NOT GOOD LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 3 minutes.

Ms. PELOSI. Mr. Speaker, this morning I rise in strong opposition to H.R. 1833. As a mother of five wonderful children who supports a woman's right to choose, I respect the opposition that our colleagues have to that right to choose. Indeed, we have had some very heated debates on that subject on this floor. But today we are breaking new ground, and it is, I think, most unfortunate for America's women and America's families that we have a bill, before us, the so-called partial birth abortion act.

Mr. Speaker, I strenuously object to the procedures of this House that would allow a bill with that name and that misrepresentation to come to the floor. The makers of that motion know that all abortions taking place in the third trimester are for reasons of serious fetal abnormality or risk to the life or health of the mother.

Mr. Speaker, unfortunately, though medical science has developed sophisticated testing to determine potential medical problems in the pregnancy, often these tests are not fully accurate until later in the pregnancy. Some women may undergo several ultrasounds and other tests and be told that all is well, only to have a devastating anomaly detected at the 28th week of pregnancy or beyond. Other women may be diagnosed with cancer or kidney failure late in pregnancy or have a previous condition such as brittle diabetes suddenly flare-up so seriously that their own health and even their lives are threatened. These women are faced with the painful and deeply personal choice of ending a wanted pregnancy.

The intact DNE abortion procedure which H.R. 1833 seeks to outlaw is for many women in these circumstances the safest medical option available. It saves the life and protects the health and safety of the mother. This is also used when the fetus cannot sustain life. It also enables the mother to go on more safely to have other children, which outlawing this procedure might prevent her from doing.

The bill also does not take into account the indescribable agony faced by women and families eagerly awaiting a wanted child upon discovering late in pregnancy that their dreams are shattered. Under this bill, women could be forced to continue their pregnancy, even if it is certain, certain, Mr. Speaker, that the fetus will not survive birth. This is cruel, inhumane, and medically inappropriate. The bill is bad medicine and bad policy.

I know that this is a painful and personal matter for the people affected by it. It should not be a decision by this Congress. It should be a decision by a woman, her family, her doctor, and her God, and I urge our colleagues to oppose this legislation and leave the decision with the family.

RATEPAYER PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to introduce legislation that will, I believe, begin the process of examination of the electric industry. My bill would repeal prospectively section 210 of the Public Utility Regulatory Policies Act of 1978. This legislation is only one of many important aspects of the electric industry that must be explored and opened up for discussion. I am hopeful that this legislation serves as an instigator of a much larger debate. I now have 15 cosponsors. It is a bipartisan bill.

My only interest in introducing this bill lies in achieving the most efficient and most cost-effective means of electric generation for America's ratepayers. Prospective repeal of PURPA represents a positive step in that direction. It is important to note that PURPA is a mandate, regardless of its intent. It substitutes government intervention where the marketplace should dictate. Furthermore, PURPA has not jump-started the renewable energy generation industry as was the act's intent—only 6 percent of PURPA generated power comes from nonrenewables.

Nonetheless, there are other important concerns surrounding the repeal of PURPA. It is important to note that, just as I support deregulation through the repeal of PURPA, I also support

the notion of more comprehensive Federal deregulation legislation that would provide for greater and freer competition in power generation.

I truly understand the concerns of those in opposition to my bill—I recognize that their industry has come about largely because of PURPA. I also recognize that not all PURPA generators abuse the system. In fact, a Georgia-Pacific plant located in my district generates its own power from the plant's waste, but sells none back into the system. In this instance, PURPA encouraged innovation and self-sufficiency, a notion that I strongly believe in: It is the American way. But the American way does not rely on a mandate; it dictates deregulation over regulation.

House Energy and Power Subcommittee Chairman DAN SCHAEFER has indicated that he intends to hold a series of hearings on the variety of issues involved in electricity deregulation and reform. I support his efforts and look forward to the opportunity to finally address these important issues.

Indeed, by introducing this legislation today, I believe that I am helping to initiate debate, not only on this important issue, but on the whole gamut of issues surrounding the regulation of the electric generation industry. I am anxious to work with Chairman SCHAEFER, Chairman BLILEY, the House Committee on Commerce, and all other interested parties as Congress moves forward with its comprehensive examination of this industry.

Everyone will agree that we must begin to explore a move toward an electricity industry that is based on competition, market force, and lower prices for ratepayers. This is certainly my objective as I introduce this necessary first piece of electricity reform legislation.

VOTE AGAINST H.R. 1833

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 2 minutes.

Mrs. MALONEY. Mr. Speaker, in the interests of good health care and good public policy, I urge my colleagues to vote against H.R. 1833. In the first 6 months of the 104th Congress, 12 antichoice bills passed. This one, H.R. 1833, is by far the worst.

The bottom line is, H.R. 1833 represents an unprecedented politically motivated intrusion into the practice of sound and acceptable clinical medicine.

Here are the facts choice opponents purposely ignore. Abortion in late term pregnancy is rare, very rare. Only four one-hundredths of a 1 percent of abortions are performed at 26 weeks. H.R. 1833 provides no exceptions for cases in which the procedure would be necessary to preserve a woman's health or life. The bill presents a direct constitutional challenge to Roe versus Wade.

If facts do not convince you, maybe this family's story will. Vickie Smith, a mother of two children, ended a wanted pregnancy because the fetus had abnormalities incompatible with life. A large part of its brain was formed outside the skull. Because Vickie went through the safest procedure available, she was able to have more children. She is now expecting her third child. With the safest procedure known, Vickie could have become infertile or could have died.

In the interests of good health and public policy, please vote against H.R. 1833. Do not allow an already cruel situation to be politicized. It is bad public policy and bad medicine.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 48 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MYRICK) at 10 a.m.

PRAYER

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

From the beginning of time, O God, Your benediction of grace has not changed; through the steadfast heritage of righteous people, Your blessed work has been accomplished; through Your faithful and abiding word, we have been enriched and the meaning of life has been proclaimed, and through Your love we have been forgiven and redeemed and made new. On this new day we offer our thanksgivings for the bounty of Your blessings to us and to all people. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

JOIN THE EFFORT

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

Mr. BALLENGER. Madam Speaker, today is Halloween—the Democrat's favorite day. All this year Democrats have made a concerted effort to scare people. They have tried to scare children with school lunch horror stories. They have tried to scare seniors with their Mediscare tales from the crypt. And they have tried to scare the poor with EITC ghost stories.

Democrats have lost the battle of ideas, plain and simple. The only weapon they have is distortion and fear. They have no mandate. They have no positive message of hope. And the only way they can influence policy is to scare the wits out of the American people.

Madam Speaker, fear is not a hallmark of sound political leadership and scaring people is what bullies do.

I challenge our friends on the other side to stop the horror stories, take off your masks, and join our effort to save Medicare, reform welfare, cut taxes on families, and balance the budget.

TRICK OR TREAT

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

Mr. DOGGETT. Madam Speaker, I think it is appropriate here on Halloween to be focused on trick or treat. Today we have an opportunity to do that on the question of reforming this Congress and the issue of gifts and lobby reform, whether there will be more tricks for the public and more treats for the Members of this Congress. Since the opening of this Congress, our Republican colleagues have had repeated opportunities to join us in the type of bipartisan reform of lobby and gift ban that has occurred across the rotunda in the U.S. Senate. thus far, whether it was on day 1 of this Congress, whether it was on June 20, whether it was on June 22, or whether it was on September 6, our Republican colleagues have thus, with the exception of I think two of them, refused to join us in that kind of bipartisan cleanup. What better day than Halloween to

say it is time to stop tricking the American people and stop taking treats from the lobby. It is time to get about cleaning up this House and doing the business of the American people.

PRESIDENTIAL TRICK OR TREAT?

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

Mr. BARTLETT of Maryland. Madam Speaker, tonight is Halloween and Americans want to know if they will get a trick or treat from their President.

The President has told Americans that he wants these four things in the Federal budget:

No. 1, a plan that will balance the Federal budget in 7 years.

No. 2, a plan that will save Medicare from bankruptcy.

No. 3, a plan that will end welfare as we know it.

No. 4, a plan that will cut taxes for families and reduce the capital gains tax to spur job creation and economic growth.

Madam Speaker, the President has never presented such a plan. But the House and the Senate have passed and will shortly send to the President a budget reconciliation plan that will achieve all four of the President's goals.

The question is: Will the President trick Americans and veto the only budget plan that will achieve his goals or will the President treat Americans and just sign the balanced budget?

Madam Speaker, Americans want to know what their President will give them this Halloween, trick or treat.

YESTERDAY'S VOTE ON BOSNIAN RESOLUTION A MISTAKE

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

Mr. MORAN. Madam Speaker, the vote that we took yesterday on Bosnia, even though it was overwhelming, was a mistake. It undermined the American President, and it undermined America's position as the leader of the free world. I think we will live to regret it.

If you talk the talk, you have got to be willing to walk the walk. We have poured billions of dollars into NATO to protect the integrity of Europe's borders, to promote democracy, and to make good on our vow after the holocaust of World War II that it would never happen again. The Bosnian war is a reflection of the fact that we have allowed it to happen again. If it happens here, it can happen in other places.

The fact is that the war in Bosnia occurred because of a violation of Bosnia's borders by Serbia's invasion with soldiers and armaments. The fact is that the massacre of Bosnian Moslems is the worst holocaust to occur in Europe since World War II. The fact is that America needs to be a leader in securing peace in that area of the world and in fact throughout the world, and we cannot assume that mantle of world leadership if we deliberately prevent our President from acting responsibly and effectively.

KEEPING PROMISES

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

Mrs. SEASTRAND. Madam Speaker, approximately a year ago, the American people spoke loud and clear when they elected a Republican majority in Congress for the first time in 40 years. They wanted us to come to Washington and keep our promises to cut spending and reform the way Washington works. We have kept our promises.

We have passed a balanced budget. We have passed real welfare reform. We have passed tax cuts for middle class families and small businesses, and we have downsized the huge Federal bureaucracy.

Madam Speaker, the new Republican majority has kept our promises we made last year. We have delivered what the people want. Now it is time for President Clinton to keep his campaign promises, too.

STEALING ALL BUT THE FAMILY JEWELS

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

Mr. TRAFICANT. Madam Speaker, documents now reveal that Alan Greenspan misled us, the Bush White House used phony numbers. NAFTA is Halloween all right, inside out. It is a trick. Certainly not a treat.

The news that breaks today might be good for the South if you think about it. You already lost in the first 9 months of this year 100,000 textile jobs. Fruit of the Loom is laying off 3,200 people and moving to Mexico.

I have heard about people stealing your pants. This is the first time somebody has stolen our goochies, ladies and gentleman.

While Congress is debating 4-year deals, 5-year deals, 7-year deals, I predict in 1999 Congress will be debating a 10-year deal. The reason is very simple. America will never balance the budget, let alone pay one dime off on this massive debt without jobs. As long as the good-paying jobs are going overseas, we will continue to lose our pants.

Thank God it could have been worse. They could have stolen our family jewels.

CELEBRATING HALLOWEEN ALL YEAR

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

Mr. HAYWORTH. Madam Speaker, as many other colleagues of mine who come to this well have noted, today is in fact Halloween. In listening to the Clinton liberals here on the other side talk over the past several months, I have come to the conclusion that they have really been trying to celebrate Halloween all year long.

Madam Speaker, it really makes for perverse verse. Because when we talk about Medicare, the liberals howl about Mediscare; and when we speak of Medicaid, the liberals moan of Medifraid; and when we pass the Balanced Budget Act, the liberals scream, "Give us your tax dollars, Jack;" and when we discuss welfare reform, the liberals bitterly cry, "Oh, please keep the norm."

Madam Speaker, the liberals have tried their fear tactics, and they have cried wolf once too often. The American people want us to balance the budget, reform welfare, and preserve and protect Medicare and Medicaid.

Madam Speaker, let us get serious. Friends, join us and let us give the American people what they really want.

104TH CONGRESS SCARIEST ON HALLOWEEN

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

Ms. DELAURO. Madam Speaker, the scariest things this Halloween are the tricks and treats being doled out by the Republican-led Congress. The problem is that the American people get all the tricks, while lobbyists get all the treats.

When lobbyists come knocking on the doors of this House there are plenty of GOP goodies to go around. If you come dressed as a golfer—you will be treated to a gift ban bill that does not ban lobbyist-paid golf trips.

If you come dressed as a corporate big-wig or millionaire—you will be treated to more than your share of the Republican's $245 billion tax cut. And, if you come dressed as a doctor—you will be treated to 3 billion dollars' worth of goodies in the GOP Medicare bill.

But, if you come dressed as a senior citizen, a student or a veteran, a working man or woman, there are no treats, only tricks. The scariest thing this Halloween may just be the 104th Congress.

GO BIG RED

(Mr. BARRETT of Nebraska asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Madam Speaker, I rise today to settle a bet.

About a week ago, the gentleman from Colorado [Mr. ALLARD] challenged me to a small wager on the outcome of the Colorado Buffalo-Nebraska Cornhusker football game. I accepted that challenge, and the Cornhuskers did not let me down.

The decisive score: Nebraska 44, Colorado 21. Nebraska apparently is well on its way to defending its national championship, and perhaps another national championship game in Arizona in the Fiesta Bowl.

This is the cap that the gentleman from Colorado [Mr. ALLARD] will be wearing around Capitol Hill today. I want you all to take a good look at it, and I hope that you will all take the time to congratulate him on the victory of the team whose cap he is sporting.

I know, Madam Speaker, that this time is devoted to serious issues affecting each of our districts, but football is serious in Nebraska as well as Colorado. I can think of few things of any more interest or that unite people more than football.

Go Big Red.

KILLING MEDICARE

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

Mr. OLVER. Madam Speaker, the Republicans are cutting Medicare by $270 billion. Why such an extreme cut?

The Republican Speaker, Mr. GINGRICH, tells seniors he wants to save Medicare. The Republican Senate leader says he wants to save Medicare. But what do they say when they are not talking to elderly voters?

Last week the gentleman from Georgia [Mr. GINGRICH] said, "We don't get rid of Medicare in round one because we don't think that's politically smart."

Mr. DOLE told a large group from the insurance industry, he is proud of his 1965 vote against the creation of Medicare.

The Republicans are not saving Medicare, they are making extreme cuts in Medicare to pay for the tax cuts for the wealthiest of Americans.

They have made it clear, in their own words, this is only round one. The Republicans intend to kill Medicare.

CORNHUSKERS TOP BUFFALOES

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

Mr. ALLARD. Madam Speaker, I rise today to recognize a frightening performance by the Nebraska Cornhusker football team this past Saturday, October 28, against the University of Colorado Golden Buffaloes.

Nebraska quarterback Tommie Frazier and his Cornhuskers bedeviled and bewitched the CU team, proving to the Nation why Nebraska was the national champion last year, and why the team is ranked No. 1 this week.

The Buffs are still haunted by a fumble that was ruled dead, and which cost them a touchdown. And although the Buffs fought a hard battle, they jinxed themselves with untold penalties.

I will be doing my Halloween bit today by wearing a Nebraska football cap, as I promised my good friend, Congressman BILL BARRETT of Nebraska. And I am giving that Cornhusker a sack of candy corn, in the hopes of sweetening Nebraska's chances to repeat as national champs.

□ 1015

MEDICARE: SAVING IT OR DESTROYING IT?

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

Mr. BROWN of Ohio. Madam Speaker, last week the Gingrich plan passed Congress. If you make $20,000 a year, your taxes will go up. If you make 10 times that amount of money, you will get a several thousand dollar tax break.

The Gingrich plan cuts student loans to middle class families and cuts Medicare $270 billion in order to pay for a tax break for America's wealthiest people.

Why do they want to destroy Medicare? Listen to Speaker GINGRICH's own words when he spoke to a group of insurance executives:

> Now, we didn't get rid of it in round one because we don't think that that's politically smart and we don't think that's the right way to go through a transition. But we believe it's going to wither on the vine because we think people are voluntarily going to leave it.

Madam Speaker, that is wrong to want to destroy Medicare, particularly at the same time that you say you are trying to save it.

STOP SUBSIDIZING LOBBYISTS

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

Mr. WICKER. Madam Speaker, I rise today as an advocate for the taxpayer whose hard-earned dollars are going to subsidize Washington lobbyists. The lobbyists I speak of directly benefit from the Federal grant system, designed to help people and charities, not line the pockets of inside-the-beltway lobbyists.

When I tell my constituents that the Federal Government gives away over $39 billion per year in grant money with little or no strings attached, they tell me to stop this business-as-usual attitude in Washington.

If these groups were not spending money on political and partisan activities, they would have much more money for the services they are intended to perform and they would not have to take as much—or any—money from hard-working Americans.

The Istook-McIntosh-Ehrlich amendment to the Treasury-Postal conference report would require Federal grantees to open their books and be accountable to the taxpayers who fund them. Sunshine, Madam Speaker. Let us show the taxpayers how their money is being spent. It is only fair and the right thing to do.

As President of the freshman class, I can tell you that this is the kind of reform we promised the American people last November—let us deliver in the 104th Congress.

MEDICARE

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

Mr. THOMPSON. Madam Speaker, I rise today to convey the frustrations that so many senior citizens expressed to me while I was in my district the past weekend. I can picture one of the seniors who approached me and begged, "please do not let them take my only source of medical insurance away, I can't afford to pay a dime more." This little lady was talking about the increase in her Medicare premiums that is being proposed by the Republican Congress.

Madam Speaker, this lady's request resonated throughout the Second Congressional District in Mississippi. These seniors cannot afford to pay more so that those wealthy Americans can receive a tax break. Can you imagine a poor senior citizen, receiving only $400 a month in Social Security income, who currently spends $46.10 a month for health care premiums now having to pay $97.70? That's over a 100-percent increase in premiums. That's outrageous. That's cruel. Is this the Government that was created by the people and for the people? The question now is, which people? Ask a low-income senior citizen and they will tell you: the rich people.

How can we, as responsible Members of Congress, advocate raising a poor senior citizen's premium to pay for a tax cut for those Americans who can live without it. This is not democracy but hypocrisy.

The Republican plan to cut $270 billion out of Medicare is a cruel and devastating attack on our mothers and grandmothers. Do you really think that your rich friends need a tax cut this much? I do not think so. Republicans please think about what you are doing and spare the pain that you are causing our seniors with your tax hike on their Medicare. The

over 388,000 Medicare beneficiaries in Mississippi beg you not to jeopardize their health insurance. Let us not make these seniors choose between food and medical care.

STOP THOSE WHO WOULD SAVE CASTRO

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

Mr. DIAZ-BALART. Madam Speaker, they cannot have it both ways on Castro. Here, Business Week quotes a fellow named Andreas who is a businessman who is lobbying for Castro. It says the embargo has been a total failure; it ought to be ended.

Then you have got Time Magazine saying the purpose of Castro's visit to New York was very specific: He is desperate to end the embargo. With no more subsidies from the Soviet Union, the economy has ground to a halt. Normalized trade with a huge market 90 miles north would make all the difference for Castro. If the embargo is not working, why is Castro so desperate to get rid of it?

We have got two groups lobbying for Castro. We have the capitalists who want to take advantage of the slave economy and exploit Cuban workers, and we have the ideologues, like a couple of our colleagues, who drooled all over Castro to give him gifts when he went to New York. They are in concert now. They are in coalition.

But we will press forward with Helms-Burton. The American people cannot stand Castro. They know what he is doing to the Cuban people. We are going to succeed, in stopping him. We are going to succeed in passing Helms-Burton and preventing this coalition of capitalists and ideologues from saving him.

WHAT IS THE TRAIN WRECK?

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

Mr. DURBIN. Madam Speaker, we are coming to the close of this congressional session, but it is the toughest part. You see, the Republicans have passed the Gingrich budget which makes deep cuts in Medicare, imposes new taxes on working families and, frankly, President Clinton and many of the congressional Democrats have said we find this unacceptable.

So how will Speaker GINGRICH force through these changes? What he suggested we do is, frankly, to have the so-called train wreck, in other words, we do not appropriate money for Federal agencies so they have to turn out the lights, and even worse, we would basically not extend the debt ceiling of the United States as is necessary.

What is the debt ceiling? It is basically the full faith and credit of this Government behind our financial obligations. Now, there is a coalition of 130 Republicans led by a Michigan Republican Member of this House who has come up with suggestions to the Treasury Department printed in this morning's Washington Times about how they can get by even if we do not extend the debt ceiling. Do you know what they suggest, these Republicans? They suggest that we do not send the refunds to people for their income tax returns next year. That is one of their bright ideas.

The second one is, do not put money in the Social Security trust fund. That is the height of irresponsibility.

A BALANCED BUDGET AND THE DEBT CEILING

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

Mr. SMITH of Michigan. Madam Speaker, I would suggest to the previous speaker, learn the facts and that would enhance everybody's conclusion of what is best for this country.

I am usually not critical on a partisan basis. But looking at what some of the Democrats have suggested, looking at what Secretary Rubin looks into that television camera and tells the American people is less than the honest truth.

I think it is important, No. 1, that we end up with a balanced budget in this country. I think it is important that we use the single, sole leverage that we have, and that is holding back the vote on yet again increasing the debt ceiling of the United States of America. We have increased this debt ceiling 77 times since 1940. It has become a matter of tradition. I say it is enough.

I say let us do what was done in 1985 and 1986 during Gramm-Rudman. Let us do what was done to President Bush in 1990. Let us use the debt ceiling vote as leverage.

I would ask everybody to attend the Joint Committee on Policy meeting tomorrow at 10 a.m.

CONGRATULATIONS TO WORLD CHAMPION ATLANTA BRAVES

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

Mr. LEWIS of Georgia. Madam Speaker, on Saturday night in Atlanta, Justice was served—served a high fastball he parked in the right field seats.

That was all the help Tom Glavine would need. With one of the greatest pitching performances of all time, the Atlanta Braves won the World Series—they are world champions.

Since day one, the Braves were on a mission—a quest. They dug deep within themselves to find the courage, the raw courage, to win the NL East—to beat the Rockies, the Reds, and, finally, the Cleveland Indians—the second best team in baseball.

The old saying—great pitching beats great hitting—held true. The Braves' pitchers were too much for the Indians. But another old saying did not hold true. Nice guys do not always finish last. Congratulations to the World Champion Atlanta Braves. Go Braves, go Braves, go Braves.

INTRODUCTION OF LEGISLATION TO REINFORCE OUR COMMON BOND

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

Mr. ROTH. Madam Speaker, yesterday we almost witnessed the divorce of a nation. Our great friend and neighbor to the north, Canada, just narrowly avoided splitting in two over linguistic and cultural differences. Canada may yet split up, and linguistic tensions there were not erased by the razor-thin victory of unity yesterday.

Canada's example is a cautionary tale for the United States. We are the most diverse nation in the world. We have over 190 languages here. They have only two.

Within 5 years, one out of every seven Americans will not speak English. We have to make English our official language so we can keep that commonality, so we can keep one Nation, one language, one people. It is important, as important as never before.

So I am asking the Members here to sign onto the bill, H.R. 739, so we can keep our commonality. I have introduced this legislation that seeks to reinforce the common bond that holds our country together, the English language.

We encourage people to study other languages and speak another language at home, but when you vote, when you work with the Government, it has to be done in the English language so we can keep that commonality.

TAXPAYER-FUNDED POLITICAL ADVOCACY

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

Mr. LARGENT. Madam Speaker, I rise today to urge my colleagues to support a much needed lobbying reform measure which would put an end to what has come to be known in Washington as Welfare for Lobbyists. I am quite certain that if taxpayers knew that their hard earned money is being spent to subsidize the political activity of certain Federal grant recipients, they would be as outraged as I am over this practice.

As Members of Congress, we have been entrusted by the citizens of this country to oversee how Federal tax dollars are spent. If we continue to allow the incestuous practice of taxpayer-subsidized political activity, we will have betrayed this trust.

We are in the middle of a budget battle. We are trying to reign in wasteful Government spending in the name of fiscal responsibility. How can we face our constituents and say that we have met that responsibility, if we continue to line the pockets of lobbyists with 39 billion dollars' worth of public money?

These lobbyists are exploiting their status as nonprofit grant recipients. The time has come to say "no more." Too many groups have spent too much money to promote the narrow self-interests of too few. Say "no" to this outrage by voting "yes" to the Istook-McIntosh-Ehrlich amendment. Vote to end Welfare for Lobbyists.

PROVIDING FOR CONSIDERATION OF H.R. 2492, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 239 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 239

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2492) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes. The bill shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropri ions. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 239 is a closed rule, which is entirely appropriate in this circumstance in order to provide for the timely consideration of the legislative branch appropriations bill. The President vetoed the conference report on this bill on October 3, after it had easily passed both the House and Senate, and in his veto message, claimed he had no problem with the bill's content, merely its timing. Therefore, we do not need to relive the amending process, and rather than going through the process of a veto override attempt, we should pass this bill quickly so that we can move on to the remaining spending bills.

The rule provides for consideration of the bill in the House, with 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Also, the rule provides one motion to recommit.

House Resolution 239 brings to the floor H.R. 2492, which is identical to the conference report on H.R. 1854, which passed the House on September 6 by an overwhelming vote of 305 to 101. This bill has strong bipartisan support, and even the President described the bill in his veto message as "A disciplined bill, one that I would sign under different circumstances." The House will have shortly completed action on all the spending bills, and the President has now signed both the military construction and agriculture appropriations measures. When H.R. 2492 reaches the President's desk, hopefully the President will also sign this bill, this time.

One issue that arose at the Rules Committee has been debated in many settings, including during debate on the rule on the Transportation appropriations conference report last week—gift ban legislation. Many of us would like to see action on this issue as soon as possible, and in case any of you missed the announcement by the majority leader last week, our leadership is planning to have a lobbying reform bill and tough new gift restrictions on the House floor by November 16. According to the majority leader, the Senate language will serve as the starting point, and later this week, we will be holding a hearing at Rules on the issue. Many Members would like the opportunity to improve on the Senate language, and therefore merely attaching the Senate bill to an appropriations measure in the House is not the way to proceed now that we have a commitment to move gift reform as a separate piece of legislation. Although it was argued that the legislative branch appropriations bill was "an appropriate vehicle," it is nonetheless not germane to attach the Senate gift ban to this bill. Let's give the topic of gift reform the opportunity to be fully debated in the context of its own legislation.

As a Member of Congress who serves on both of the Speaker-appointed committees, and in my role on the Committee on House Oversight, I am very proud of the reforms achieved in the legislative branch appropriations bill, based on the recommendations by House Oversight. We had some tough choices to make, but getting our own House in order and cutting our own budget was a necessary and important first step in the long and difficult road toward achieving a balanced Federal budget.

Mr. Speaker, as you will recall from the House's consideration of this bill in June, and again in September, H.R. 2492 incorporates House oversight plans to greatly reform the internal workings of the House of Representatives. This bill is below the subcommittee's 602(b) allocation and is over 8 percent below last year's spending level. Additionally, H.R. 2492 consolidates offices and paves the way for the privatization of some functions that may be less costly when performed by the private sector.

I would like to commend Chairman THOMAS, Chairman PACKARD, ranking member FAZIO, and of course Chairman LIVINGSTON, for their excellent work in bringing this bill forward.

Mr. Speaker, House Resolution 239 is necessary to preserve the agreements reached in conference, and agreed to in the House and Senate, on legislative branch appropriations. I urge adoption of both the rule and the bill.

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

□ 1030

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

Mr. Speaker, I rise in strong opposition to the rule providing for the consideration of H.R. 2492. I oppose this rule for one simple reason: The Republican majority has again denied the House the opportunity to use this bill as the vehicle to finally consider and pass real congressional reform.

The Republican majority has spent the last 10 months talking about the reforms the American people voted for last November. But talk is all we have gotten when it comes to enacting a gift ban and reforming lobby laws. I must ask, Mr. Speaker, is the Republican party all talk and no action? The majority leader has time and again promised action on these issues, but time and again the Republican majority has denied the full House the opportunity to take a vote on what the Republicans claim they were elected and sent to Washington to do.

My colleague, the gentlewoman from Utah [Mrs. WALDHOLTZ], has stated her intention to introduce new gift ban and lobby reform legislation and our chairman, the gentleman from New York [Mr. SOLOMON], has stated his intention to hold hearings on this matter. But, I must again ask why do we need to keep on talking about this issue when the opportunity to take action is right here and right now. Because this rule will not allow the House to consider this issue today that I will oppose ordering the previous question on this resolution and will seek to amend the rule to permit the House to consider gift ban and lobby reform legislation.

Mr. Speaker, we have heard many promises from the Republican leadership that this important reform will be considered by November 16. But Mr.

Speaker, since January promises have been made only to be broken. I do not question the sincerity of the pledges made by my chairman or my Rules Committee colleague, but again, I must ask why wait when we can act right now?

Mr. Speaker, when the Rules Committee considered this rule 2 weeks ago, I offered an amendment to the rule proposed by the Republican majority. My amendment would have allowed for the consideration of the gift ban and lobby reform legislation sponsored by my friend, the gentleman from Texas [Mr. BRYANT]. At that meeting—2 weeks ago Mr. Speaker—the Republican majority stated that the legislative branch appropriations bill was not the proper vehicle to consider such legislation. And even if it were, the legislation introduced by Mr. BRYANT was in need of improvement. And so, instead of allowing the House the opportunity to make the so-called needed improvements to the Bryant proposal, much less consider it at all, the Republican majority proceeded to vote on a strict party line vote against my amendment to the rule.

Mr. Speaker, it seems to me that if the Republican majority were so dedicated to the principle of reforming the House, then any bill would be the appropriate vehicle to carry such important reforms. And, Mr. Speaker, if Mr. BRYANT's legislation is so flawed why then should we not bring the original proposal of Mrs. WALDHOLTZ to the floor and amend that proposal as needed? And, in addition to the Waldholtz proposal, why not consider the lobby reform proposal of the gentleman from Pennsylvania [Mr. MCHALE], whose bill has nine Republican cosponsors? Why not, Mr. Speaker?

Since the Speaker's Task Force on Reform has not consulted with the Democratic members of the Rules Committee, we can only speculate about which amendments may be considered necessary to improve the Bryant proposal. I have read in the newspaper that the majority leader is considering rethinking the provision of the Senate-passed gift-ban relating to Members' attendance at charity golf, skiing, and tennis tournaments. Does the Republican majority believe that allowing Members to attend these events for free is a significant improvement on a ban on the acceptance of gifts from those who lobby Congress and seek to influence the legislative process?

I have also read that the majority leader thinks the lobby reform legislation might also be the appropriate vehicle to attach a ban on lobbying by nonprofit groups—such as the American Red Cross or the YWCA—who receive Federal grants. Mr. Speaker, as the majority leader well knows, attaching that issue to this legislation is a sure way to guarantee that nothing is done this year and probably next year. And, Mr. Speaker, what kind of reform is it that allows Members to play golf with lobbyists at exclusive country clubs while at the same time prohibiting the Red Cross from lobbying in our offices?

And so, in order to allow the House to consider proposals adopted by the Senate last summer, it is my intention to offer an amendment to this rule which would allow the House to consider the Waldholtz and McHale proposals along with the legislative branch appropriations bill.

Mr. Speaker, this rule is being used as a convenient way to avoid directly addressing an issue that truly does resonate outside the beltway. Briefings and hearings in the Rules Committee really don't mean much to my constituents. Many of them pay very close attention to the United We Stand movement and support for this issue is considered to be a paramount test of an incumbent's willingness to truly reform the Congress. And, I suspect, on this issue, actions will indeed speak louder than briefings and hearings.

Mr. Speaker, I have repeatedly offered amendments in the Rules Committee which would, had they been adopted by the Republican majority, afforded the House the opportunity to vote on the gift ban and lobby reform legislation. It is time to stop talking about reform and to start enacting reform. I would urge my colleagues to vote for real congressional reform and to defeat the previous question in order that this rule can be amended to allow the consideration of gift ban-lobby reform legislation.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. PACKARD].

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

Mr. Speaker, it is obvious the gentleman from Texas is not opposed to this bill. It is obvious that his only intent in opposing the rule is that it does not permit for a debate on a totally separate and independent issue. The majority leader has made a very clear and succinct promise that the gift ban issue will be brought up within the next couple of weeks, and I think that that is what we fully intend to do.

There is no question that the gift ban needs to be debated at length and in detail on the floor of the House, and it will be. But an hour's debate on a bill that is totally unrelated to it is not the best time nor the place to do it.

I am convinced that the 2 weeks is not going to do harm to the issue. The President has indicated that this is a good bill. This is a good rule. It permits us to readdress the bill that he vetoed for extraneous reasons, totally unrelated to the merits of the bill. Thus, the appropriate thing is for us to pass this rule, to debate the bill, to pass the bill, send it to the President, along with several other appropriations bills, and then debate the gift ban issue at the appropriate time and with the appropriate amount of time to do it properly.

The gentleman from Texas [Mr. BRYANT] surely would not wish for us to limit the debate on the gift ban to 1 hour. It deserves more than that. It is not without controversy, and certainly what would be the time to do it, when we have time.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to limit the debate to an hour on very many issues, but I would point out to the gentleman, we passed this bill by an overwhelming margin in the House last year. It passed by an overwhelming margin when it was a conference committee report. It would be the law today, but for the fact it was filibustered by the Republicans in the Senate at the end of the last session. We are only asking that we take up what has been adopted and passed by the Senate.

Mr. PACKARD. Mr. Speaker, reclaiming my time, the gentleman will get exactly what he is asking for, but not on this bill. It will come up within the 2 week period that has been promised. I am convinced it will happen. Then the gentleman will have an opportunity to debate it in far greater detail than as a rider on a totally unrelated bill.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to first say that the observations and exchange of just a moment ago with regard to the possibility that this matter may be brought up in the future should cause every Member to ask why we are moving as we are moving today. I think it has been answered in part already by the gentleman from Texas [Mr. FROST] who pointed out that this promise has been made over and over and over, and now the entire year has nearly gone by here, and still nothing has been done with regard to limiting the ability of a Member of Congress to take free tickets, free golf, free travel, free recreational travel in the guise of charitable tournaments and so forth, from lobbyists, whose job is to influence our decisions on matters that affect the American public.

It has been promised over and over, but it has not happened. Worse, in the press conference that the gentleman from Texas [Mr. ARMEY], the majority

leader, had last week, he suggested that maybe we need to make some alterations in the Senate rules. Now, the Senate already has these rulings in effect in the Senate. Maybe we ought to alter them if we are going to make them apply to the House, so we can allow more of these charitable golf tournaments.

Mr. Speaker, I submit the American people do not want that kind of alteration. If we are delaying taking this up so that we can drag this whole matter back through a bunch of hearings, hash it over again and again, when it has passed the House twice last year, and it is now the rules in the Senate, just to delay it so a few Members can continue to play free golf and take advantage of their job and embarrass all the rest of the House of Representatives by showing up on the television magazine shows, then my answer is, we ought to go ahead and act today.

Let me mention the activities of one Member of the House. I will not call his name, but I am reading from his financial disclosure statement. This is 1988. This Member played in the Bob Hope Charity Classic, where he got $350 in golf clothing and accessories, by the way, as a little bonus for playing. In the Kemper Open Golf Tournament, the Houston Golf Association Golf Tournament, the Danny Thomas Memorial Golf Tournament, the Larry Bird Charity Golf Tournament. In all of these he got between $150 and $300 in gifts at the same time.

In 1989 five more golf tournaments, just the same as the ones I just read.

In 1990, he really hit the big time. The Bob Hope, the Kemper, the Youthlinks, the Mazda, the Danny Thomas, the GTE, the ACLI Golf Tournament. Big bags of gifts all the way.

In 1991, he kept on going to these golf tournaments, and so on and so forth.

I just submit, there is a question about if this guy has too much free time. I mean, playing golf every single weekend someplace, a fancy golf tournament, getting a bag of free gifts, no wonder he comes down to the floor and hollars and hoots and says we ought not to pass any gift legislation.

I just submit, this is a grotesque embarrassment to the House of Representatives. We ought to end it right now. What the gentleman from Texas [Mr. FROST] has said we are going to do is attempt to defeat the previous question on this rule so that we can bring up the Senate gift bill, which has been introduced here by me, but also been introduced by the gentlewoman from Utah [Mrs. WALDHOLTZ].

□ 1045

We are going to bring up the gentlewoman from Utah, Mrs. WALDHOLTZ's, version of the Senate gift bill which is in effect in the Senate now. It has 17 Republican cosponsors. And we will bring up the gentleman from Pennsylvania, Mr. MCHALE's, lobby reform bill, which has 9 Republican cosponsors.

If the previous question is defeated, we will take this up immediately and we will pass it and we will be through with this interminable argument, and we will be able to guarantee to the American people that the next 2 weeks, before this, I do not know, third, or fourth or fifth time the Majority Leader has offered us a deadline for voting, that in the next 2 weeks we will not spend our time trying to find a way to water down a common-sense set of regulations with regard to the ability of a Member of the House of Representatives to take free gifts and free golf and free food and free everything else from the very lobbyists that are hired to influence us in making decisions.

Mr. Speaker, it is a common-sense strategy. I submit that if we, and I am speaking to the Members of the House, do not want to see more of these magazine shows where a few Members of the House are pictured running all over the place in golf carts, on beaches, and everywhere else, getting freebies from lobbyists, then for goodness sakes vote down the previous question and let us pass this thing and be done with it.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, there is a discussion here about whether or not they want to change, the Republicans want to change the gift rule to allow for charity golf outings. I think the list that the gentleman just read makes a point here that, in each of these instances, these are sponsored by corporate entities that have business before the Congress of the United States. Most Members of Congress that play in a charity golf tournament of that nature could not name the charity that is the beneficiary or the charities that are the beneficiaries. What they know is they got there because Kemper invited them or some insurance association invited them, not because the charity invited them.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for his additions to my remarks.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

We are at this time facing before us the rule for the legislative branch appropriations bill. Last Friday, Mr. Speaker, the majority leader committed to having votes in the House on both the lobbying bill and the gift reform rule on or before November 16. Yesterday my colleague on the Committee on Rules, the gentlewoman from Utah [Mrs. WALDHOLTZ], introduced House Resolution 250, which is identical to the Senate rule.

Today, the chairman of the Committee on Rules announced the first hearing on this resolution at 10 a.m. this Thursday. We then intend to hold another hearing next week to report the resolution, Mr. Speaker, The Committee on the Judiciary is proceeding to report the lobby reform bill in time to meet the deadline set by the Majority Leader.

Mr. Speaker, I see other distinguished colleagues here. For example, the gentleman from California [Mr. FAZIO]. He was before us in the Committee on Rules. He pointed out that this product before us is the work of much bipartisan effort. The President, at the time he vetoed it, as I stated before, stated he vetoed it not for substantive reasons but for reasons of timing. And after that our friends on the other side of the aisle have reiterated that this precisely is a bipartisan product that has achieved consensus.

Mr. Speaker, I think it is important to point out that the amendment that my friend, the gentleman from Texas [Mr. FROST] wishes to offer to this rule is nongermane to the rule and would be held out of order even if the previous question is defeated. So this, Mr. Speaker, is, in fact, a nongermane exercise that we are facing now on a nongermane amendment to the rule to make in order a nongermane amendment to the bill.

It may be difficult for some of our friends on the other side of the aisle to realize that we are facing before us the rule on legislative appropriations, but that is what we are facing at this time and that is what the House should pass this morning, the rule and, subsequently, the bill on legislative branch appropriations.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Texas.

Mr. DOGGETT. Of course, Mr. Speaker, the only reason it is nongermane is because the Committee on Rules refuses to make it germane.

As far as lobby reform is concerned, I am sure Members have seen today's history of bills and resolutions and realized an indication of Speaker GINGRICH's commitment to reform is the fact that the lobby reform bill came onto his desk on July the 26 and sat there for three months, over three months, until yesterday afternoon before he even bothered to refer it to committee. That is hardly an indication of any commitment to clean this place up, is it?

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, what I am trying to do, and obviously I am trying to remain as civil as I think the House deserves at this point on this issue and also as much as I can on the subject that we are debating, the fact is that we have a rule with a framework, providing a framework for debate for a conference committee report on the funding of the legislative branch. I am

not getting into issues with regard to the fact that friends on the other side of the aisle had 40 years here to make these changes, and I am not going to get into that.

Mr. DOGGETT. Because Mr. Speaker, the gentleman knows that last year twice the House approved the gift ban.

Mr. DIAZ-BALART. Mr. Speaker, I have not yielded the gentleman time.

The SPEAKER pro tempore. The time is controlled by the gentleman from Florida.

Mr. DIAZ-BALART. So, Mr. Speaker, instead of getting on, continuing on nonrelevant issues, I am trying to focus the attention of the House on what is before us, which is the rule setting the guideline for debate for a conference committee report to fund the legislative branch.

That is what is before us, Mr. Speaker; and I would hope that after having seen the commitment of the leadership of this House to bring forth before us this issue that has been brought out this morning, before November 19 to the floor, that there is a limit to which this exercise that our friends on the other side of the aisle are engaging in can remain useful even for them.

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

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and I would point out to my friend from Florida that we brought this very issue up the first day of the legislative session in January. We have brought it up repeatedly. Every time we have attempted to get a vote on this issue we have been prevented from having that vote by the Republican majority, and we will continue to bring this issue up at every opportunity until, finally, it gets to the floor.

The Republican majority has said, "Oh, trust us, it will come up no later than November 16." Well, lo and behold, we will come to November 16 and there may just be another reason why it cannot be voted on at that time.

Mr. Speaker, we will continue to raise this issue at every appropriate juncture.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO], the ranking Democratic Member on the Committee on House Oversight.

Mr. FAZIO of California. Mr. Speaker, I thank my friend from Texas for yielding.

Mr. Speaker, I will comment on the substance of the legislative branch bill later on, but I do want to support his effort on this rule to bring lobby and gift reform before this Congress today. I think it is worthwhile, particularly in light of the comments of the gentleman from Florida to review what, in fact, has transpired in this Congress.

In 1989, we passed one of the most fundamental reforms of our ethics laws in the modern history of the Congress. President Bush signed it with great fanfare. But in the last Congress we have attempted to conform some of the more stringent provisions that we put in place for executive branch personnel with the Congress of the United States.

The lobby reform bill we considered in the last Congress was passed through the Senate by a 95 to 2 vote. We then took it up on the floor of this House on suspension and passed it 315 to 110 in the last Congress. Then, despite some smoke screen opposition which we have even attempted to deal with this year in this bill, we were able to pass it once again as a conference report, 306 to 112.

We went to the Senate and, lo and behold, the Senate filibustered. The Republican Members of that body, not wanting to grant the Democrats a political victory on the eve of an election, prevented this legislation from going forward to the White House for a certain signature.

So here we are in this Congress, Mr. Speaker, with those same Republicans now in charge for 10 full months and how have we advanced lobby and gift reform? Certainly not in a bipartisan way in this body. The other body passed it, sent it over here unanimously.

As has already been indicated by my friend from Texas [Mr. DOGGETT] the Speaker did not refer it to committee. He held it from July to the present time at the desk. No discharge petition could even be filed because the bill was not before the committee on the Judiciary.

The gentleman from Florida [Mr. CANADY] in his subcommittee had a hearing on lobby reform, but, obviously, no markup was scheduled. No bill was really before them.

Leadership, as exemplified by the gentleman from Texas [Mr. ARMEY] last Friday, has only materialized since this Democratic caucus went on the offensive, adopting a resolution strongly supporting gift and lobby reform, and relentlessly bringing this issue to the floor.

Today, Mr. Speaker, we act in a bipartisan manner by in effect discharging, if possible, the Waldholtz and McHale bills. This is not an effort to push a partisan agenda. We are bringing the bipartisan freshman and sophomore classes together and letting their legislation come before us, if this rule could be amended to bring that about.

So just when lobby and gift reform was likely to pass last week, this bill was pulled from the floor. The legislative branch bill, which was scheduled, was removed from the agenda.

The comments of the gentleman from Texas [Mr. ARMEY] which were designed to really calm us down and indicate to us that we would be dealing with this issue in the future, in my mind create more questions and doubts than they resolve.

First of all, instead of going to the Ethics Committee, the Committee on Standards of Official Conduct, a bipartisan committee where we could have dealt with this issue of gift rules where we historically have judged gift rules, we are going to the partisan Committee on Rules.

Instead of simply passing the Senate version of the gift rule ban, we are now holding up the specter of the golf trips and the various methods by which people get to engage in travel for fun, when, in fact, the charity is only marginally involved in the process.

We also have heard the gentleman from Texas [Mr. ARMEY] refer to a task force, not a committee that will meet in public and debate these issues, but a task force, which the gentleman from Michigan [Mr. HOEKSTRA] will chair which will have jurisdiction. Mr. HOEKSTRA having just been removed from the Committee on the Budget to accommodate another problem on the minority side will apparently guide us. That task force, not in the daylight of public scrutiny apparently, will then take up the question of lobby and gift reform.

Well, it seems to me we have already understood that it is time to move forward on lobby reform. Now we hear that perhaps the gentleman from Texas [Mr. ARMEY] wants to inject the poison pill of the Istook amendment into the lobby reform bill, a proposal which Senator HATFIELD and Members of the Senate Republican majority find unacceptable, certainly on all the appropriations bills that have been considered in the other body.

So that very contentious and difficult issue that bans nonprofit agencies from lobbying is going to be injected into the debate on the question of whether we should pass a simple statute to bring thousands of lobbyists, who don't report on their involvement in the legislative process under current law, into the light of day, requiring them to indicate to the public just who they are representing, how much money they are spending, et cetera.

The Armey approach to lobby and gift reform, it seems to me, is likely to be a disaster. It is likely to slow down this process and make all of the efforts we have been making on this side of the aisle a real waste of all our time. We ought not separate these bills and we ought not amend them. Pass the Senate bills.

I hope the leadership, including the gentleman from Texas [Mr. ARMEY], will relent and allow us to move forward on the Waldholtz and McHale legislation today. I fear we will regret it when we fail to join the Senate in passing gift and lobby reform by the end of this year.

Mr. DIAZ-BALART. Mr. Speaker, I know it is hard to get to the debate on the relevant issue, but I yield at this time such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

□ 1100

Mr. SOLOMON. Mr. Speaker, I thank my good friend and valued Rules Committee colleague from Miami, FL, for yielding me this time.

Mr. Speaker, I could not in good conscience remain silent on why we are here today on a bill that is identical to one that was overwhelmingly adopted by both Houses and which the President himself has indicated is a good and disciplined bill that he would sign under different circumstances.

We are here because the President nevertheless vetoed the bill that is $206 million or 8.6 percent below last year's spending level.

What were the so-called circumstances that prompted this veto at the same time he signed the military construction appropriations bill? Well, he just didn't think it was right for us to pass our own appropriations bill before all the others were finished.

Mr. Speaker, that argument might hold some water if other Presidents had taken the same position in the past, or, if the Congress had traditionally waited until last to pass the legislative branch appropriations bill. But that is just not the case.

We have traditionally acted early on the legislative branch bills under Democratic controlled Congresses. And Republican Presidents have traditionally signed them.

It is one thing for a nonincumbent presidential candidate to run against Congress. But it is quite another for a sitting President to use the veto pen for political, rather than fiscal, purposes. To me this is a gross breach of comity between the two branches, with no apparent rationale whatsoever beyond rhetorical politics.

It would be one thing if the President had vetoed this bill because it spent more than last year on Congress, or did not cut our spending as much as we have for the other departments of Government. But even if that were the case, which it is not, those criteria were not used by previous Republican presidents when Democrats ran Congress.

So it is truly regrettable that we must pass this same bill again and hope that this time the so-called circumstances are right—that all the planets are now in proper alignment with each other.

Mr. Speaker, I just want to commend again the chairman and ranking minority member of the Legislative Branch Subcommittee, Mr. PACKARD and Mr. FAZIO, for all the work they have done on this legislation. They have helped this House keep its word to the American people that we would lead the way by making an example of ourselves in reducing spending and staff before asking others to do so. We have kept that commitment. Fiscal restraint and discipline should not be made a punishable act by the President.

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With respect to this rule, I regret that a nongermane amendment is being interjected into the previous question vote on a bill that has such overwhelming support. The gentleman from Texas has described the germaneness problem with his amendment on lobbying and gift reform as merely technical. That is a gross understatement, to put it as kindly as I can.

The amendment he wishes to offer if the previous question is defeated has nothing to do with legislative branch appropriations, nor is it even remotely close to any jurisdiction that the Appropriations Committee enjoys.

The amendment falls directly under the jurisdiction of two completely different committees—Judiciary and Standards of Official Conduct.

So, once again we are being asked to go through a futile exercise and a meaningless vote since the amendment to the rule itself would be nongermane to the rule, and the parliamentarians have confirmed that it would be ruled out of order on a point of order.

So why is the minority intent on taking us down this blind alley? Presumably it is being done to send a message. But, the majority leader announced just last Friday that we will vote on the gift rule on or before November 16. And we are proceeding in the Rules Committee which I chair to hold hearings and then report the gift rule.

There is no longer a need to send a message. We had long ago committed to acting on this. It was only a question of when. And now we know.

Mr. Speaker, the previous question vote is not only a futile exercise and futile vote on a blatantly nongermane amendment to this rule; it is an attempt to politicize and polarize on an issue that is broadly bipartisan. Don't be hoodwinked, by these political shenanigans, into thinking that it is anything else.

Vote "yes" on the previous question, vote "yes" on this rule, and vote "yes" on this bill that keeps our commitment to downsizing the Congress.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Speaker, I listened very carefully to the remarks of my good friend, the gentleman from New York [Mr. SOLOMON], a moment ago. He correctly pointed out that a third of the employees of the House had been let go as a cost savings measure.

I would point out to the gentleman I put a bill in that would reduce the size of the House of Representatives by one-third, and perhaps he would like to join me in that legislation.

Mr. Speaker, in my view the reform of the House of Representatives ought not to be a partisan issue. On the very first day of this session I was pleased to stand at this microphone and join with my colleague the gentleman from Connecticut [Mr. SHAYS], as we fought in a bipartisan manner for the passage and ultimately the enactment of the Congressional Accountability Act, repealing the exemptions that Members of Congress had given themselves going back almost six decades of American history.

Similarly I was pleased to support the honorable and I think farsighted effort of my colleague, the gentlewoman from Utah [Mrs. WALDHOLTZ], in her effort to bring to the floor a bill that would for the first time really enact meaningful gift ban legislation.

But today, Mr. Speaker, I am extremely pleased to stand with my colleagues, the gentleman from Texas [Mr. BRYANT] and the gentleman from California [Mr. FAZIO] as we attempt to move forward the issue of lobbying disclosure reform.

If we defeat the previous question, we will have the opportunity to attach to this bill language previously passed in the United States Senate on the vitally important issue of lobbying disclosure.

Let me take a moment, Mr. Speaker, if I may, to point out exactly what it is we are trying to pass today. H.R. 2268, which would be attached to this bill, clearly defines a lobbyist as anyone who spends at least 20 percent of his time lobbying Members of Congress, congressional staffs, Presidential and other political appointees in the executive branch on any topic or any executive branch official on congressional issues. Registration requirements would apply to those lobbyists who receive at least $5,000 from any client in a 6-month period and those companies that use in-house lobbyists and spend at least $20,000 in a 6-month period of time on lobbying activities. Lobbyists will register semiannually with the Clerk of the House, the Secretary of the Senate, and violations of the law will be referred to the U.S. attorney who can seek fines up to $50,000.

Let us be clear, Mr. Speaker. The vote that we will take in the next few minutes is a litmus test for reformers. Those who are satisfied with the current deficient law will vote for the previous question. Those of us who believe in a bipartisan manner that you can vote twice for a good piece of legislation, you can today defeat the previous question and on or after November 16 support any additional legislation that might be brought to the floor, will vote "no."

Today we have an opportunity to make a difference. Just as the gentleman from Connecticut [Mr. SHAYS] made a difference in January, just as the gentlewoman from Utah [Mrs. WALDHOLTZ] is attempting to move forward the issue of gift ban legislation, today, Mr. Speaker, we can vote "no" on the previous question and guarantee that those paid professional lobbyists, who on a daily basis attempt to influence the content of legislation, will

continue to pursue their advocacy but will reveal that advocacy and its cost to the American people.

I urge a "no" vote on the previous question.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS], my distinguished colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my friend from Florida, Mr. DIAZ-BALART, for yielding me this time and I commend him for his persistence in bringing this good, fiscally responsible bill to the floor for a second time. We are here today, doing deja-vu all over again, because the President apparently chose to use this bill as a soapbox upon which to seek political points rather than exercising sound leadership on matters of fiscal responsibility.

The President vetoed this bill not because he opposed it—he did not. In fact, the President said he would sign the exact same bill—some other time. And so, we will send him the exact same bill, with a new number on it and on a different day, with the hope that the political winds blow in the right direction this time around.

Mr. Speaker, many of our friends on the other side of the aisle have assured us that they do not agree with the President's decision to veto the legislative branch funding bill. Nonetheless, judging by our Rules Committee meeting and floor tactics since then, some of our Democrat colleagues have appeared somewhat gleeful at the opportunity to re-run the debate on lobby and gift reform. Those matters are very important—and in fact, will be on this floor for debate and vote on or before November 16, that is, in a few short weeks. This was the commitment given on Friday by our majority leader, and I have every confidence that commitment will be met.

Mr. ARMEY has tasked our Rules Committee with reviewing the gift rules adopted in the other body, with an eye to strengthening and improving them. And our Rules Committee has plans to move forward this week and next in completing that assignment.

As a member of both committees with jurisdiction over gift reform—that is, the Ethics Committee and the Rules Committee—I am keenly interested in tightening up our rules to improve our credibility with the American people and to better ensure transparency and fair play inside the beltway.

In my office, we accept no gifts and no travel, regardless of who pays for it, not because we can be bought, but because the gray areas involving gifts do cause concern among the people I represent. In fact, I believe that most Members are seeking greater clarity and guidance than currently exist in our rules on this subject.

Mr. Speaker, given the commitment we have received from our leadership, this attempt to attach a non-germane item to the legislative branch funding bill—which has no bearing on House rules—appears a bit mischievous, designed perhaps to score a few political points. I hope Members recognize the tremendous changes that are being implemented by this new majority—and gift reform will be among them by the time the record books of the 1st session of the 104th Congress are written.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the distinguished gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I take the gentleman at his word. I am sure he has his own standards in his office as I do. I think we both could agree, though, that the fastest way and the fairest way to accomplish our mutual goals of upgrading the standards we all have to live by would be to take the two pieces of legislation that passed through the Senate and send them on to the President without getting into the complexity of amendments, which I understand the gentleman from Texas [Mr. ARMEY] referred to in his comments the other day which have the effect of only impeding our progress and perhaps weakening the bill.

Mr. GOSS. Reclaiming the time, I would simply say to the distinguished gentleman that we are reviewing that very possibility among other possibilities. We want to get a better outcome than the Senate has had. I like what the Senate has done. I do not think it is enough. I happen to have more stringent rules in my own office. I think many of us do. In the meantime, any Member who is concerned on this subject, of course, has the opportunity to self-exercise his or her own rules as long a they are more stringent than the rules of the House.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER Mr. Speaker, pass the gift ban and lobbying reform.

In a spectacular display of re-writing history, Speaker GINGRICH claimed that "when the Democrats controlled Congress, every effort at political reform failed."

But last Congress, the Democratic House passed lobbying and gift ban reform. The bill was killed by two Republican filibusters in the Senate.

And, according to Congressional Quarterly, it was NEWT GINGRICH himself who blocked these reforms in the House.

Now that they are in the majority, it seems they like their perks, loopholes, and cushy lobbyist ties too much to give them up.

Back in January, Speaker GINGRICH called Democratic attempts to ban gifts pathetically partisan. Ten months later he is still stonewalling. Even the Senate has unanimously passed both lobby disclosure and the gift ban—4 months ago!

No more excuses. No more delays. Defeat this rule. Pass lobbying disclosure and a gift ban now.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. Congress must begin to restore the credibility to this institution by passing strong measures to ban gifts to Members of Congress and staff and to prevent undue influence by special interest lobbyists.

Four times this session Democrats have tried to pass gift ban and lobby reform legislation. We have tried to force vote after vote to do what is right. It seems that we are dragging our Republican colleagues kicking and screaming toward these reforms that are needed to restore the integrity of this Congress.

In fact, Republicans pulled a bill from the floor last week that would have banned gifts and would have forced lobbyists to disclose their sources of income. What are my colleagues on the other side of the aisle afraid of?

The Republicans said that they would schedule a vote sometime in the future on these important issues. But why wait? Let us start today. Let us pass the gift ban and lobby reform bills that have been passed by the Senate, get them to the President for his signature, and send a message to the American people that we listened to their call for honest and open Government.

The Republican leadership is stalling and plans to water down the legislation. We have already heard talk of continuing the all-expense-paid Government vacation for Members of Congress. A bill that protects these perks, the golf players' perks, is a hole-in-one for the lobbyists and a double bogey for the American public.

Let us pass a tough gift-ban bill and lobby-reform bill, and let us do it today. Let us not wait for some God-forsaken day or some middle-of-the-night event where nothing will happen. Let us get rid of the golf perks in this body.

Mr. DIAZ-BALART. Mr. Speaker, as a Member of Congress who has never played golf and really has no intention of ever doing so, I yield 7½ minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ], a distinguished member of this House who has worked tirelessly since arriving here for genuine reform, and not political posturing.

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Mrs. WALDHOLTZ. Mr. Speaker, I was sitting in the Committee on Rules trying to do my duty, attending my committee meeting, when my ears started burning. I understand my name was made reference to a number of times during the debate, at least the bill I have sponsored.

Mr. Speaker, I think it is very important that we talk candidly about the political theater that is going on the floor this morning. For 40 years the

other party has been in charge of this House. For 40 years they had the ability to set the standards of conduct in this Congress. For 40 years they resisted efforts to make substantive change that this Congress made on the first day that we were sworn in.

Mr. Speaker, the first day this Congress was sworn in we did away with proxy voting so that we all actually have to go and in person cast our votes in committee instead of handing them by proxy to someone else who can vote for us while we ignore our committee responsibilities. The first day this Congress was sworn in, Mr. Speaker, we cut committee staffs by a third. We limited the terms of committee chairmen so the fiefdoms that had grown up in this Congress, giving extraordinary power to a select few, all of the opposition party, was broken up, again, Mr. Speaker, for the first time certainly since the other side had controlled this Congress for 40 years. For the first time, Mr. Speaker, the first day this Congress was sworn in we passed an act that will make this Congress have to live by the same employment laws that it passes for the rest of the country, the Shays Act, the Congressional Accountability Act.

Mr. Speaker, those are extraordinary reforms that the other side could have done when they were in control and chose not to. Mr. Speaker, we are not done with the reform process. We had a few intervening items of business to take care of, like balancing the budget of the United States in 7 years, like reforming the Medicare System so it would actually be here in 7 years instead of allowing it to go into bankruptcy which would have happened undoubtedly, Mr. Speaker, without the action of this House over the last several months. And, Mr. Speaker, we had to take care of those items.

I would have preferred that we would have dealt with gift ban and lobbying reform earlier, but we had important work to do. We did it. And the very next day after passing the 7-year plan to balance the budget of this Nation, the leadership of the Republican Party stepped forward to announce a date certain, not some date off in the future, a date certain we will vote on gift ban and lobbying reform, on or before November 16. Why are we waiting until then, Mr. Speaker? To allow the Members of this body to make whatever suggestions they think are necessary to improve upon the work of the Senate.

There have been statements made that it is a mistake to change what the Senate did, because it will have to go back to the Senate for revoting. That is true on lobbying reform. I do not think that is the case or that is a case to be made for not improving a bill if we think it can be improved, and if we can improve the lobbying bill, we should do so and send it back to the Senate and invite our colleagues in the other body to join with us in improving that legislation.

But, and this is critical, Mr. Speaker, the gift-ban legislation that I have proposed is a change to the rules of the House of Representatives. It does not require the assent of the Senate. It does not require the approval of the President. Whatever we decide as a body to do with respect to improving and tightening the rules with respect to gift-ban legislation we can pass in this House and make effective without any action by anybody else.

So, Mr. Speaker, I think it is important that we allow the Members of this body the opportunity to step forward with ideas that they have to improve this legislation, because as I said last week, Mr. Speaker, I am not so vain as to believe that any bill is perfect simply because it has my name as the sponsor on it, and I am eager to listen to the ideas of my colleagues and how they think this bill can be improved. Let me just make reference, Mr. Speaker, to what happened most recently the last time this House took up gift-ban legislation. Mr. Speaker, the bipartisan task force on reform in 1989, gave us the current gift ban or gift rule that is in effect. At that time they raised gifts, the level for exempt gifts, from $35 to $75, plus they added a measure to account for inflation. That is what the opposition gave us when they took up this legislation when they were in control of this body.

Now why did they kick it up so high? Well, at the time the floor debate was that it was because of inflation. We were told at that time on the floor the debate was centered on the fact it was to account for inflation. I understand the word, Member-to-Member, was passed at the time it was because of greens fees. Mr. Speaker, I do not golf. I do not like golf. But if I decided to take up the hobby, I certainly intend to pay for it myself.

This gift-ban legislation is good, strong legislation. This body deserves the opportunity to have hearings on it, to bring it to the floor for discussion, and then to have a vote.

I am proud to support my leadership who have made the commitment to voting on these very critical issues on or before November 16. That is how the legislative process should work, Mr. Speaker. What we are seeing today is political theater, and the American people should not be fooled.

Mr. BRYANT of Texas. Mr. Speaker, will the gentlewoman yield?

Mrs. WALDHOLTZ. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. I would just like to ask the gentlewoman if she is aware the coalition you are a member of, testified before the Constitutional Law Subcommittee 2 months ago, we ought not to deal with any amendments, we ought to take the Senate rules up, which is what I introduced and you introduced, immediately.

My question is, You now want to entertain the possibility people can come forward and weaken Senate rules so Members can play free golf, as the gentleman from Texas [Mr. ARMEY] suggested might be in order?

Mrs. WALDHOLTZ. I was at the press conference. I will simply say the gentleman from Texas [Mr. ARMEY] did not suggest free golf was in order. What I am saying, Mr. Speaker, is we should respect the opportunity that has been established through the committee structure of this House to allow Members the opportunity. This body deserves the opportunity to follow the committee structure for hearings and amendment and debate, and I believe these bills will be strengthened, if changed, not weakened.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds. I would only point out to the gentlewoman that in 1989 the bipartisan committee that handled these matters was exactly evenly divided between Democrats and Republicans. The Vice Chair was the gentlelady from Illinois. Mrs. Martin. The reforms of 1989 were done on a bipartisan basis which she decries now.

The only other point I would make is we have a situation that this is manana, manana, always the next day, always the next week.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, before us today is not political theater, as the gentlewoman suggested, but a clear opportunity to vote for gift and lobbying disclosure reform that is exactly like the Senate so it will be passed and sign into law.

Let me first stress that this has been a bipartisan fight. There are many Republicans like the gentlewoman from Washington [Mrs. SMITH], the gentleman from Connecticut [Mr. SHAYS] who have courageously taken on their own leadership to convince them to do the right thing, and the right thing is to take these relatively small steps forward to clean our own House.

It has been 142 days since the Speaker shook hands with the President in New Hampshire and pledged to act on lobbying reform and campaign finance reform. I cannot understand why the Republican leadership, which took only 100 days to pass the Contract With America, has waited 142 days and still has not fulfilled the commitment of the Speaker's handshake.

Mr. Speaker, today it is time to turn the promise of a handshake into the reality of law, and we certainly do not have to wait 16 days until the arbitrary November 16 date of the gentleman from Texas [Mr. ARMEY].

The proposal before us is not earth-shattering reform. The House has

passed an even tougher reform bill twice in the last Congress, and the package is identical to the legislation overwhelmingly passed by the Senate.

Is it too much to ask Members to pay for meals over $50?

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I have been at the center of virtually every reform movement that has occurred in this House since the day I got here, limiting outside income, stopping the practicing of law on the side, financial disclosure requirements, you name it. I have done it all, because I believe deeply that this institution cannot afford to be in a situation in which it does not have the absolute faith and confidence of the American people. We simply cannot afford to have the public witness year after year after year television exposés of Members on lobbyists' paid golfing vacations and other trips like that. We have to put an end to that.

This is the right bill to use in order to do just that. I urge you to vote against the rule. I urge you to support the leadership of the gentleman from California and the gentleman from Texas [Mr. BRYANT] and finally end this insider schmoozing which is bringing so much discredit to this institution.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, if the previous question is defeated, we will offer an amendment to the rule that will add two new titles to the bill. The first will incorporate the text of H.R. 2268, the bill offered by the gentleman from Pennsylvania [Mr. MCHALE], and the second one incorporates the text of H.R. 214, the bill offered by the gentlewoman from Utah [Mrs. WALDHOLTZ], relating to gift reform.

I am including the amendment to the rule and the text of the lobbying reform and gift ban proposals at this point in the RECORD.

AMENDMENT TO H. RES. 239, AS REPORTED, OFFERED BY MR. FROST OF TEXAS

At the end of the resolution, add the following:

Immediately upon the adoption of this resolution, there shall be considered as adopted in the House an amendment adding as new titles at the end of the bill (H.R. 2492) the texts of H. Res. 214 (relating to gift reform) and H.R. 2268 (relating to lobbying disclosure), as introduced in the House on September 6, 1995, but excluding sections 16 through 23 of H.R. 2268.

AMENDMENT TO H. RES. 239, AS REPORTED, OFFERED BY MR. FAZIO OF CALIFORNIA

TITLE IV—GIFT REFORM

AMENDMENT TO HOUSE RULES

SEC. 401. Clause 4 of rule XLIII of the Rules of the House of Representatives is amended to read as follows:

"4. (a)(1) No Member, officer, or employee of the House of Representatives shall knowingly accept a gift except as provided in this rule.

"(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $50, and a cumulative value from one source during a calendar year of less than $100. No gift with a value below $10 shall count toward the $100 annual limit. No formal recordkeeping is required by this paragraph, but a Member, officer, or employee shall make a good faith effort to comply with this paragraph.

"(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

"(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

"(c) The restrictions in subparagraph (a) shall not apply to the following:

"(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

"(2) A contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

"(3) A gift from a relative as described in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

"(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

"(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

"(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

"(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

"(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

"(5) A contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee, that is otherwise lawfully made, subject to the disclosure requirements of the Committee on Standards of Official Conduct, except as provided in paragraph 3(c).

"(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

"(7) Food, refreshments, lodging, and other benefits—

"(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

"(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

"(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

"(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

"(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

"(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

"(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

"(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

"(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

"(14) Bequests, inheritances, and other transfers at death.

"(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

"(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

"(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

"(18) Free attendance at a widely attended event permitted pursuant to subparagraph (d).

"(19) Opportunities and benefits which are—

"(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

"(B) offered to members of a group or class in which membership is unrelated to congressional employment;

"(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

"(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

"(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

"(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

"(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

"(21) Anything for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

"(22) Food or refreshments of a nominal value offered other than as a part of a meal.

"(23) An item of little intrinsic value such as a greeting card, baseball cap, or a T-shirt.

"(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

"(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

"(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

"(2) A Member, officer, or employee who attends an event described in clause (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

"(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with an event that does not meet the standards provided in paragraph 2.

"(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

"(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in subparagraph (c)(4) unless the Committee on Standards of Official Conduct issues a written determination that such exception applies. No determination under this subparagraph is required for gifts given on the basis of the family relationship exception.

"(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

"(g)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from an individual other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this rule, if the Member, officer, or employee—

"(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

"(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

"(2) For purposes of clause (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

"(h) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

"(1) the name of the employee;

"(2) the name of the person who will make the reimbursement;

"(3) the time, place, and purpose of the travel; and

"(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

"(i) Each disclosure made under subparagraph (g)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

"(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

"(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

"(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

"(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

"(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in this paragraph; and

"(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

"(j) For the purposes of this paragraph, the term 'necessary transportation, lodging, and related expenses'—

"(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Committee on Standards of Official Conduct;

"(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in clause (1);

"(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

"(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

"(k) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to subparagraph (a) as soon as possible after they are received.

"(l) A gift prohibited by subparagraph (a) includes the following:

"(1) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

"(2) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by subparagraph (p).

"(3) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

"(4) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

"(m) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in subparagraph (b).

"(n) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in subparagraph (a) shall report within 30 days after such designation or recommendation to the Clerk of the House of Representatives—

"(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

"(2) the date and amount of the contribution; and

"(3) the name and address of the charitable organization designated or recommended by the Member.

The Clerk of the House of Representatives shall make public information received pursuant to this subparagraph as soon as possible after it is received.

"(o) For purposes of this rule—

"(1) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

"(2) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

"(p) All the provisions of this rule shall be interpreted and enforced solely by the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct is authorized to issue guidance on any matter contained in this rule.".

EFFECTIVE DATE

SEC. 402. This title and the amendment made by this title shall take effect on and be effective for calendar years beginning on January 1, 1996.

TITLE V—LOBBYING DISCLOSURE

SHORT TITLE

SEC. 501. This title may be cited as the "Lobbying Disclosure Act of 1995".

FINDINGS

SEC. 502. The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

DEFINITIONS

SEC. 503. As used in this title:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O-7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989,

under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(9) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(14) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(16) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

REGISTRATION OF LOBBYISTS

SEC. 504. (a) REGISTRATION.—

(1) GENERAL RULE.—No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $20,000,

(as estimated under section 505) in the semiannual period described in section 505(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $10,000 toward the lobbying activities of the registrant in a semiannual period described in section 505(a); and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than $10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

REPORTS BY REGISTERED LOBBYISTS

SEC. 505. (a) SEMIANNUAL REPORT.—No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 504, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 504(b)(4) in the specific issues listed under subparagraph (A).

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).

DISCLOSURE AND ENFORCEMENT

SEC. 506. The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this title and develop common standards, rules, and procedures for compliance with this title;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this title, including—

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this title;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this title;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this title; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this title, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

PENALTIES

SEC. 507. Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this title; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

RULES OF CONSTRUCTION

SEC. 508. (a) CONSTITUTIONAL RIGHTS.—Nothing in this title shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this title shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this title.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this title shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT

SEC. 509. The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting "any activity that the person engaging in believes will, or that the person intends to, in any way influence";

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking "established agency proceedings, whether formal or informal." and inserting "judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1995 in connection with the agent's representation of such person or entity.";

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking "political propaganda" and inserting "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking "and all statements concerning the distribution of political propaganda";

(B) in subsection (b) by striking ", and one copy of every item of political propaganda"; and

(C) in subsection (c) by striking "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking ", including the nature, sources, and content of political propaganda disseminated or distributed".

AMENDMENTS TO THE BYRD AMENDMENT

SEC. 510. (a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3) by striking all that follows "loan shall contain" and inserting "the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

REPEAL OF CERTAIN LOBBYING PROVISIONS

SEC. 511. (a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

CONFORMING AMENDMENTS TO OTHER STATUTES

SEC. 512. (a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a

lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 503 of the Lobbying Disclosure Act of 1995)" after "an agent for a foreign principal".

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 503(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938"; and

(2) by striking out ", as amended,".

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 503(7) of the Lobbying Disclosure Act of 1995)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEVERABILITY

SEC. 513. If any provision of this title, or the application thereof, is held invalid, the validity of the remainder of this title and the application of such provision to other persons and circumstances shall not be affected thereby.

IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS

SEC. 514. (a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this title and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 504(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this title that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this title, and state whether the person making the lobbying contact is registered on behalf of that client under section 504; and

(2) identify any other foreign entity identified pursuant to section 504(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

ESTIMATES BASED ON TAX REPORTING SYSTEM

SEC. 515. (a) ENTITIES COVERED BY SECTION 6033(b) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 504(a)(3), 505(a)(2), and 505(b)(4); and

(2) in lieu of using the definition of "lobbying activities" in section 503(8) of this title, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) ENTITIES COVERED BY SECTION 162(e) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is subject to section 162(e) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 504(a)(3), 505(a)(2), and 505(b)(4); and

(2) in lieu of using the definition of "lobbying activities" in section 503(8) of this title, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this title under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of "lobbying activities" in section 503(8) and the definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this title pursuant to this subsection; and

(3) any changes to this title or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

EFFECTIVE DATES

SEC. 516. (a) Except as otherwise provided in this section, this title and the amendments made by this title shall take effect on January 1, 1996.

(b) The repeals and amendments made under sections 513, 514, and 515 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

Mr. FROST. Mr. Speaker, I further include at this point in the RECORD the following material concerning floor procedure during the 104th Congress:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D;7R.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens. President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl 2 and cl 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl 2 and cl 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl 2, cl 5(b), and cl 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl 2 and cl 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment..	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl 2 and cl 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl 2 and cl 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl 2 and cl 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl 2 and cl 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl 6 and cl 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority. *RULE AMENDED*	N/A.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl 2 and cl 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2491	7 Year Balanced Budget Reconciliation	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all points of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 59(c) of rule XXI (⅗ requirement on votes raising taxes).	1D
H. Con. Res. 109	Social Security Earnings Test Reform			

*Contract Bills, 67% restrictive; 33% open. **All legislation, 53% restrictive; 47% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I think it is important for us really to stop the ballyhoo and just tell the truth; just with a swift 1-day hearing on Medicare and an overwhelming and devastating vote last week, we tore the Medicare Program apart. But yet we are being asked today to put off for tomorrow what we can actually do today.

This is a bipartisan effort. We need to throw away the gifts, the golf clubs and whatever else takes us away from the work of this body.

I came to this Congress just this year as a freshman, and on the very first day I stood up and spoke against gifts and lobbyists who cloud the issues and sometimes write the legislation. It is time now to defeat the previous question and join the leadership of the gentleman from California and the gentleman from Texas, both of whom have worked consistently in this bipartisan effort to support gift ban legislation.

What is the problem of voting today on gift and lobby reform. This legislation is the people's legislation—it is important to vote on this legislation to reform our own House today.

Let me also correct the record. In the 103d Congress this U.S. Congress, under Democratic rule, voted overwhelmingly for gift and lobby reform. It then went to the Senate. The conference report was accepted by the House with gift and lobby reform included. The House again voted overwhelmingly. Do you know what happened then, the reason why it was not passed, because there was a Republican filibuster led by the gentleman from Kansas, in the other body, who helped defeat important gift and lobby reform.

It is important to defeat the previous question. It is time now today to vote in the right direction for the U.S. Congress to support today gift and lobby reform by defeating the previous question.

Mr. Speaker, why put off for tomorrow what you can do today? This should be a bipartisan effort. The issue of gift and lobby reform has been an issue that I have supported since I became a Member of Congress 10 months ago. In fact, on the day that I was sworn in as a Member of Congress, I expressed my views that there was a strong need for gift reform and lobby reform so that we could increase the confidence of the American people in their elected representatives.

The Senate has already supported gift and lobby reform in a resounding vote with 98 Senators supporting reform and no Senators opposing reform. It is clear to me that we should act without delay.

I urge my colleagues to vote against the previous question on the rule on the legislative branch appropriations bill so that we can amend the rule to include certain provisions on gift and lobby reform.

The provisions that Congressmen FAZIO and BRYANT would like to offer are reasonable and ought to be supported by all Members of the House of Representatives. Those provisions are identical to provisions passed by the Senate.

The provisions would limit the total value of gifts that a Member or a staff member could accept to $100 per year from any source. No individual gift including meals or entertainment

could cost more than $50. Free travel for recreational events such as charity, golf, and ski trips would be prohibited. Meetings and fact-finding trips in connection with official duties would still be permissible.

Many Members of the House have spoken in previous months on the need for reform. Now is the time to act. If we include these provisions in the legislative branch appropriations bill, the President would be in a position to sign those provisions into law as soon as possible.

□ 1130

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, you know, sometimes these gifts come gift wrapped, with a ski trip, a golf fee being paid, a little Cabernet Sauvignon. Sometimes they are not big enough to hold the gifts that come. Because the whole problem is that our Republican colleagues, when they talk about reform, and it is an amazing response to our request for bipartisan support to clean this place up, instead of getting a broom, they get a golf club. They have been unwilling to stand up to the golf caucus in this House. Since day one, they have given us plenty of speeches, they have given us plenty of talk of delay, but they have done absolutely nothing to separate the union between this Congress and the lobby. In fact, they place the lobby on the committee dais. They turned over committee computers to the lobby to write the bills up here. We ought to be putting the lobby names on some of these reforms, like the Gingrich golden rule Medicare cut bill that we passed here a couple of weeks ago.

That is the way they have chosen to operate this House. And now, now that we have pressured them to come forward with reform, after they voted against cleaning this House up on January 4, they voted against cleaning this House up on June 20, they voted against cleaning this House up on June 22, they voted against cleaning this House up on September 6, last week they got so scared about it they jerked this bill off the floor. So, finally, after all the pressure from the Democratic Party, which last year the Democrat Congress passed reform twice, only to see Republicans kill it over in the Senate, finally, they have given us their answer: They held another press conference.

Well, is that not marvelous? At that press conference they told us, as they have this morning, oh, they want to improve the Senate bill. They want to strengthen it. And what was the one example that they gave us of strengthening it at that great press conference? The golf caucus ruled again. They said they might have an exemption for us in the Senate bill to allow more golf gatherings to occur. That is the kind of reform we have been promised here.

Mr. Speaker, I would say that what we need is not more speeches, not more press releases, but a little more bipartisanship. Indeed, in the words of an old Texas song, what we need is a little less talk, and a lot more action. It is time to get down to the main attraction, which is not a matter of showmanship, but a matter of action on this bill.

Dr. King said it more eloquently, when he said that often wait means never. And that is exactly what it means. They have a plan to delay this bill and delay reform, to respond to the golf caucus, not to the needs of the American people.

It is time to clean up this House, and to do it today; not with a golf club, but with a broom. All we are asking is that bill that these very Members say they have sponsored, that they support, a bill that was approved in the U.S. Senate by a vote of 98 to 0, with Republicans and Democrats coming together, that that be made law today; not next week, not never.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The gentleman from Florida is recognized for 30 seconds.

Mr. DIAZ-BALART. Mr. Speaker, after 40 years of status quo, we have passed more reforms in this House than they have proposed in 40 years; and now we have a commitment by the leadership of this House to bring forth this legislation on gift and lobbying reform before November 16 to this House. That is after balancing the Federal budget, after 40 years of lack of action by the other side, and after saving Medicare.

I am proud of what this leadership has done. I am proud of the commitment to bring forth what they been posturing about, in reality and genuinely, before November 16.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DIAZ-BALART. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces he will reduce to minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 235, nays 184, not voting 13, as follows:

[Roll No. 746]

YEAS—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—184

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans

Farr	Lowey	Roemer
Fattah	Luther	Rose
Fazio	Maloney	Roybal-Allard
Filner	Manton	Rush
Flake	Markey	Sabo
Foglietta	Martinez	Sanders
Ford	Mascara	Sawyer
Frank (MA)	Matsui	Schroeder
Frost	McCarthy	Schumer
Furse	McDermott	Scott
Gejdenson	McHale	Serrano
Gephardt	McKinney	Sisisky
Geren	McNulty	Skaggs
Gibbons	Meehan	Skelton
Gonzalez	Meek	Slaughter
Gordon	Menendez	Spratt
Green	Miller (CA)	Stark
Gutierrez	Minge	Stenholm
Hall (OH)	Mink	Stokes
Hall (TX)	Mollohan	Studds
Hamilton	Montgomery	Stupak
Hastings (FL)	Moran	Tanner
Hefner	Murtha	Taylor (MS)
Hinchey	Nadler	Tejeda
Holden	Neal	Thompson
Hoyer	Oberstar	Thornton
Jackson-Lee	Obey	Thurman
Jacobs	Olver	Torres
Jefferson	Ortiz	Torricelli
Johnson (SD)	Orton	Towns
Johnson, E.B.	Owens	Velazquez
Johnston	Pallone	Vento
Kanjorski	Pastor	Visclosky
Kennedy (MA)	Payne (NJ)	Volkmer
Kennedy (RI)	Payne (VA)	Ward
Kennelly	Pelosi	Waters
Kildee	Peterson (FL)	Watt (NC)
Kleczka	Peterson (MN)	Waxman
Klink	Pickett	Williams
LaFalce	Pomeroy	Wise
Lantos	Poshard	Woolsey
Levin	Rahall	Wyden
Lewis (GA)	Rangel	Wynn
Lincoln	Reed	Yates
Lipinski	Richardson	
Lofgren	Rivers	

NOT VOTING—13

Andrews	Hilliard	Riggs
Collins (MI)	Kaptur	Tucker
Conyers	Mfume	Weldon (PA)
Fields (LA)	Moakley	
Harman	Oxley	

□ 1154

Messrs. SKELTON, MARTINEZ, and PETERSON of Florida changed their vote from "yea" to "nay."

Mr. DICKEY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. UPTON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2429, and that I may include tabular and extraneous material and charts.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. PACKARD. Mr. Speaker, pursuant to House Resolution 239, I call up the bill (H.R. 2492) making appropriations for the legislative branch for fiscal year ending September 30, 1996, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 2492 is as follows:

H.R. 2492

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

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,727,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $325,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,195,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $656,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $996,000 for each such committee; in all, $1,992,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $360,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $965,000 for each such committee, in all, $1,930,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $192,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $12,128,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $31,889,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,047,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $15,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,381,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $936,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $66,395,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $305,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,266,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $61,347,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,644,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $204,029,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $778,000.

SETTLEMENTS AND AWARDS RESERVE

For expenses for settlements and awards, $1,000,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $11,000,000.

RESCISSION

Of the funds previously appropriated under the heading "SENATE", $63,544,724.12 are rescinded.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) On and after October 1, 1995, no Senator shall receive mileage under section 17 of the Act of July 28, 1866 (2 U.S.C. 43).

(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).

SEC. 2. (a) There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund, to be known as the "Office of the Chaplain Expense Revolving Fund" (hereafter referred to as the "fund"). The fund shall consist of all moneys collected or received with respect to the Office of the Chaplain of the Senate.

(b) The fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate, not to exceed $10,000 in any fiscal year, for the payment of official expenses incurred by the Chaplain of the Senate. In addition, moneys in the fund may be used to purchase food or food related items. The fund shall not be available for the payment of salaries.

(c) All moneys (including donated moneys) received or collected with respect to the Office of the Chaplain of the Senate shall be deposited in the fund and shall be available for purposes of this section.

(d) Disbursements from the fund shall be made on vouchers approved by the Chaplain of the Senate.

SEC. 3. Funds appropriated under the heading, "Settlements and Awards Reserve" in Public Law 103-283 shall remain available until expended.

SEC. 4. Section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b-6) is amended by striking the second sentence and inserting the following: "The amounts so withheld shall be deposited in the revolving fund, within the contingent fund of the Senate, for the Daniel Webster Senate Page Residence, as established by section 4 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 88b-7).".

SEC. 5. (a) Any payment for local and long distance telecommunications service provided to any user by the Sergeant at Arms and Doorkeeper of the Senate shall cover the total invoiced amount, including any amount relating to separately identified toll calls, and shall be charged to the appropriation for the fiscal year in which the underlying base service period covered by the invoice ends.

(b) As used in subsection (a), the term "user" means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. Section 4(b) of Public Law 103-283 is amended by inserting before "collected" the following: "(including donated moneys)".

SEC. 7. Section 1 of Public Law 101-520 (2 U.S.C. 61g-6a) is amended to read as follows:

"SECTION 1. (a)(1) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Policy Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

"(2) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Policy Committees of the Senate, to the account from which salaries are payable for such committees.

"(b)(1) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Conference Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

"(2) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Conference Committees of the Senate, to the account from which salaries are payable for such committees.

"(c) Any funds transferred under this section shall be—

"(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

"(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

"(d) The Chairman of a committee transferring funds under this section shall notify the Committee on Appropriations of the Senate of the transfer.".

(b) The amendment made by this section shall take effect on October 1, 1995, and shall be effective with respect to fiscal years beginning on or after that date.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $671,561,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $11,271,000, including: Office of the Speaker, $1,478,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,470,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,480,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $928,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $918,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $376,000; Republican Steering Committee, $664,000; Republican Conference, $1,083,000; Democratic Steering and Policy Committee, $1,181,000; Democratic Caucus, $566,000; and nine minority employees, $1,127,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $360,503,000: *Provided*, That no such funds shall be used for the purposes of sending unsolicited mass mailings within 90 days before an election in which the Member is a candidate.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $78,629,000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $16,945,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $83,733,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $13,807,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not to exceed $750 for official representation and reception expenses, $3,410,000; for salaries and expenses of the Office of the Chief Administrative Officer, $53,556,000, including salaries, expenses and temporary personal services of House Information Resources, $27,500,000, of which $16,000,000 is provided herein: *Provided*, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,954,000; for salaries and expenses of the Office of Compliance, $858,000; Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,180,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,700,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,524,000; and other authorized employees, $618,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $120,480,000, including: supplies, materials, administrative costs and Federal tort claims, $1,213,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; reemployed annuitants reimbursements, $68,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $117,541,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $658,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective with respect to fiscal years beginning with fiscal year 1995, in the

case of mail from outside sources presented to the Chief Administrative Officer of the House of Representatives (other than mail through the Postal Service and mail with postage otherwise paid) for internal delivery in the House of Representatives, the Chief Administrative Officer is authorized to collect fees equal to the applicable postage. Amounts received by the Chief Administrative Officer as fees under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

SEC. 102. Effective with respect to fiscal years beginning with fiscal year 1995, amounts received by the Chief Administrative Officer of the House of Representatives from the Administrator of General Services for rebates under the Government Travel Charge Card Program shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. The provisions of section 223(b) of House Resolution 6, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, establishing the Speaker's Office for Legislative Floor Activities; House Resolution 7, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the designation of certain minority employees; House Resolution 9, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing amounts for the Republican Steering Committee and the Democratic Policy Committee; House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the transfer of two employee positions; and House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, providing for the transfer of certain employee positions shall each be the permanent law with respect thereto.

SEC. 104. (a) The five statutory positions specified in subsection (b), subsection (c), and subsection (d) are transferred from the House Republican Conference to the Republican Steering Committee.

(b) The first two of the five positions referred to in subsection (a) are—

(1) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3); and

(2) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, as enacted into permanent law by section 103 of this Act, and both of which positions were further transferred to the House Republican Conference by House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, as enacted into permanent law by section 103 of this Act.

(c) The second two of the five positions referred to in subsection (a) are the two positions established by section 103(a)(2) of the Legislative Branch Appropriations Act, 1986.

(d) The fifth of the five positions referred to in subsection (a) is the position for the House Republican Conference established by House Resolution 625, Eighty-ninth Congress, agreed to October 22, 1965, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

(e) The transfers under this section shall take effect on the date of the enactment of this Act.

SEC. 105. (a) Notwithstanding any other provision of law, or any rule, regulation, or other authority, travel for studies and examinations under section 202(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(b)) shall be governed by applicable laws or regulations of the House of Representatives or as promulgated from time to time by the Chairman of the Committee on Appropriations of the House of Representatives.

(b) Subsection (a) shall take effect on the date of the enactment of this Act and shall apply to travel performed on or after that date.

SEC. 106. (a) Notwithstanding the paragraph under the heading "GENERAL PROVISION" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a) or any other provision of law, effective on the date of the enactment of this section, unexpended balances in accounts described in subsection (b) are withdrawn, with unpaid obligations to be liquidated in the manner provided in the second sentence of that paragraph.

(b) The accounts referred to in subsection (a) are the House of Representatives legislative service organization revolving accounts under section 311 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 96a).

SEC. 107. (a) Each fund and account specified in subsection (b) shall be available only to the extent provided in appropriations Acts.

(b) The funds and accounts referred to in subsection (a) are—

(1) the revolving fund for the House Barber Shops, established by the paragraph under the heading "HOUSE BARBER SHOPS REVOLVING FUND" in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93-554; 88 Stat. 1776);

(2) the revolving fund for the House Beauty Shop, established by the matter under the heading "HOUSE BEAUTY SHOP" in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1970 (Public Law 91-145; 83 Stat. 347);

(3) the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note); and

(4) the revolving fund established for the House Recording Studio by section 105(g) of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b(g)).

(c) This section shall take effect on October 1, 1995, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 107A. For fiscal year 1996, subject to the direction of the Committee on House Oversight of the House of Representatives, of the total amount deposited in the account referred to in section 107(b)(3) of this Act from vending operations of the House of Representatives Restaurant System, the cost of goods sold shall be available to pay the cost of inventory for such operations.

SEC. 108. The House Employees Position Classification Act (2 U.S.C. 291, et seq.) is amended—

(1) in section 3(1), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General";

(2) in the first sentence of section 4(b), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General";

(3) in section 5(b)(1), by striking out "Doorkeeper, and the Postmaster" and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General"; and

(4) in the first sentence of section 5(c), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General".

SEC. 109. (a) Upon the approval of the appropriate employing authority, an employee of the House of Representatives who is separated from employment, may be paid a lump sum for the accrued annual leave of the employee. The lump sum—

(1) shall be paid in an amount not more than the lesser of—

(A) the amount of the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives; or

(B) the amount equal to the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives, divided by 30, and multiplied by the number of days of the accrued annual leave of the employee;

(2) shall be paid—

(A) for clerk hire employees, from the clerk hire allowance of the Member;

(B) for committee employees, from amounts appropriated for committees; and

(C) for other employees, from amounts appropriated to the employing authority; and

(3) shall be based on the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(b) The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) As used in this section, the term "employee of the House of Representatives" means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

SEC. 110. (a)(1) Effective on the date of the enactment of this Act, the allowances for office personnel and equipment for certain Members of the House of Representatives, as adjusted through the day before the date of the enactment of this Act, are further adjusted as specified in paragraph (2).

(2) The further adjustments referred to in paragraph (1) are as follows:

(A) The allowance for the majority leader is increased by $167,532.

(B) The allowance for the majority whip is decreased by $167,532.

(b)(1) Effective on the date of the enactment of this Act, the House of Representatives allowances referred to in paragraph (2), as adjusted through the day before the date of the enactment of this Act, are further adjusted, or are established, as the case may be, as specified in paragraph (2).

(2) The further adjustments and the establishment referred to in paragraph (1) are as follows:

(A) The allowance for the Republican Conference is increased by $134,491.

(B) The allowance for the Republican Steering Committee is established at $66,995.

(C) The allowance for the Democratic Steering and Policy Committee is increased by $201,430.

(D) The allowance for the Democratic Caucus is increased by $56.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $750,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,116,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $852,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,260,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, $70,132,000, of which $34,213,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $35,919,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $2,560,000, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1996 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 111. Amounts appropriated for fiscal year 1996 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ADMINISTRATIVE PROVISION

SEC. 112. Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e), is amended—

(1) by striking out "Clerk" and inserting in lieu thereof "Sergeant at Arms"; and

(2) by striking out "Librarian of Congress" and inserting in lieu thereof "Architect of the Capitol".

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104–1, the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,500,000, of which $500,000 shall be transferred from the amount provided for salaries and expenses of the Office of Compliance under the headings "HOUSE OF REPRESENTATIVES", "Salaries and Expenses", and "Salaries, Officers and Employees".

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the orderly closure of the Office of Technology Assessment, $3,615,000, of which $150,000 shall remain available until September 30, 1997. Upon enactment of this Act, $2,500,000 of the funds appropriated under this heading in Public Law 103–283 shall remain available until September 30, 1996: *Provided*, That none of the funds made available in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 17 employees except for severance pay purposes.

ADMINISTRATIVE PROVISIONS

SEC. 113. Upon enactment of this Act all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. Any day for which a former employee receives a payment under this section shall be counted as Federal service for purposes of determining entitlement to benefits, including retirement, annual and sick leave earnings, and health and life insurance. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of the Office (including the Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), shall be under the administrative control of the Architect of the Capitol. Not later than December 31, 1995, the Architect shall submit a proposal to transfer such records and property to appropriate support agencies of the Legislative Branch which request such transfer, and shall carry out such transfer subject to the approval of the Committees on Appropriations of the House of Representatives and the Senate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,288,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 232 full-time equivalent positions: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

ADMINISTRATIVE PROVISION

SEC. 115. Section 8402(c) of title 5, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

"(7) The Director of the Congressional Budget Office may exclude from the operation of this chapter an employee under the Congressional Budget Office whose employment is temporary or intermittent.".

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, $8,569,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $22,882,000, of which $2,950,000 shall remain available until expended: *Provided*, That hereafter expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,143,000, of which $25,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $41,757,000, of which $4,850,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $33,001,000, of which $5,261,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $31,518,000: *Provided*, That not to exceed $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1996.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $60,084,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $83,770,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1996".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,053,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking out "$6,000,000" each place it appears and inserting in lieu thereof "$10,000,000".

(b) Section 307E(a)(1) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(1)) is amended by striking out "plans" and inserting in lieu thereof "plants".

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $211,664,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $30,818,000, of which not more than $16,840,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under 17 U.S.C. 708(c), and not more than $2,990,000 shall be derived from collections during fiscal year 1996 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $19,830,000: *Provided further*, That up to $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,951,000, of which $11,694,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000, of which $943,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 202. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 203. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 204. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 205. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 206. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 207. Under the heading "Library of Congress" obligational authority shall be available, in an amount not to exceed $99,412,000 for reimbursable and revolving fund activities, and $6,812,000 for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

SEC. 208. Notwithstanding this or any other Act, obligational authority under the heading "Library of Congress" for activities in support of parliamentary development is prohibited, except for Russia, Ukraine, Albania, Slovakia, and Romania, for other than incidental purposes.

SEC. 209. (a) The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) As used in this section, the term "legislative information" means information, prepared within the legislative branch, consisting of the text of publicly available bills, amendments, committee hearings, and committee reports, the text of the Congressional Record, data relating to bill status, data relating to legislative activity, and other similar public information that is directly related to the legislative process.

(c) Pursuant to the plan approved under subsection (d) and consistent with the provisions of any other law, the Library of Congress or the entity designated by that plan shall develop and maintain, in coordination with other appropriate entities of the legislative branch, a single legislative information retrieval system to serve the entire Congress.

(d) The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study directed by House Report No. 103–517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Committee on Rules and Administration of the Senate, the Committee on House Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives. The Library shall provide these committees with regular status reports on the development of the plan.

(e) In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives as well as the Committee on Rules and Administration of the Senate, and the Committee on House Oversight of the House of Representatives for their consideration and possible action.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $12,428,000, of which $3,710,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $30,307,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1994 and 1995 to depository and other designated libraries.

ADMINISTRATIVE PROVISION

SEC. 210. The fiscal year 1997 budget submission of the Public Printer to the Congress for the Government Printing Office shall include appropriations requests and recommendations to the Congress that—

(1) are consistent with the strategic plan included in the technological study performed by the Public Printer pursuant to Senate Report 104–114;

(2) assure substantial progress toward maximum use of electronic information dissemination technologies by all departments, agencies, and other entities of the Government with respect to the Depository Library Program and information dissemination generally; and

(3) are formulated so as to require that any department, agency, or other entity of the Government that does not make such progress shall bear from its own resources the cost of its information dissemination by other than electronic means.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,800 workyears by the end of fiscal year 1996: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b));

$374,406,000: *Provided*, That not more than $400,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1996: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $8,000,000 of such funds shall be available for use in fiscal year 1996: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

ADMINISTRATIVE PROVISIONS

SEC. 211. (a) Effective June 30, 1996, the functions of the Comptroller General identified in subsection (b) are transferred to the Director of the Office of Management and Budget, contingent upon the additional transfer to the Office of Management and Budget of such personnel, budget authority, records, and property of the General Accounting Office relating to such functions as the Comptroller General and the Director jointly determine to be necessary. The Director may delegate any such function, in whole or in part, to any other agency or agencies if the Director determines that such delegation would be cost-effective or otherwise in the public interest, and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to the preceding sentence that relate to the delegated functions. Personnel transferred pursuant to this provision shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

(b) The following provisions of the United States Code contain the functions to be transferred pursuant to subsection (a): sections 5564 and 5583 of title 5; sections 2312, 2575, 2733, 2734, 2771, 4712, and 9712 of title 10; sections 1626 and 4195 of title 22; section 420 of title 24; sections 2414 and 2517 of title 28; sections 1304, 3702, 3726, and 3728 of title 31; sections 714 and 715 of title 32; section 554 of title 37; section 5122 of title 38; and section 256a of title 41.

SEC. 212. (a) Section 732 of title 31, United States Code, is amended by adding a new subsection (h) as follows:

"(h) Notwithstanding the provisions of subchapter I of chapter 35 of title 5, United States Code, the Comptroller General shall prescribe regulations for the release of officers and employees of the General Accounting Office in a reduction in force which give due effect to tenure of employment, military preference, performance and/or contributions to the agency's goals and objectives, and length of service. The regulations shall, to the extent deemed feasible by the Comptroller General, be designed to minimize disruption to the Office and to assist in promoting the efficiency of the Office.".

SEC. 213. Section 753 of title 31, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as (c), (d), and (e), respectively;

(2) by inserting after subsection (a) a new subsection (b) as follows:

"(b) The Board has no authority to issue a stay of any reduction in force action."; and

(3) in the second sentence of subsection (c), as redesignated, by striking "(c)" and inserting "(d)".

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 306. (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House parking activities and related funding shall be transferred from the appropriation "Architect of the Capitol, Capitol buildings and grounds, House office buildings" to the appropriation "House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms": *Provided*, That the position of Superintendent of Garages shall be subject to authorization in annual appropriations Acts.

(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

SEC. 307. None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

SEC. 308. (a)(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

(2) The unexpended balances referred to in paragraph (1) are—

(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading "CAPITOL BUILDINGS", under the general headings "JOINT ITEMS", "ARCHITECT OF THE CAPITOL", and "CAPITOL BUILDINGS AND GROUNDS" in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and

(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

(b) Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5). On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out

only with the approval of the Architect of the Capitol.

(c)(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the design or installation of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

SEC. 309. (a) Section 230(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(a)) is amended by striking out "Administrative Conference of the United States" and inserting in lieu thereof "Board".

(b) Section 230(d)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(d)(1)) is amended—

(1) by striking out "Administrative Conference of the United States" and inserting in lieu thereof "Board"; and

(2) by striking out "and shall submit the study and recommendations to the Board".

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

SEC. 310. Any amount appropriated in this Act for "HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances" shall be available only for fiscal year 1996. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

SEC. 311. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "1995" and inserting "1996".

SEC. 312. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 313. (a) The Sergeant at Arms of the House of Representatives shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant at Arms have the qualifications specified in subsection (b).

(b) The qualifications referred to in subsection (a) are the following:

(1) A minimum of five years of experience as a law enforcement officer before beginning service as the Sergeant at Arms.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

SEC. 314. Notwithstanding any other provision of law, effective September 1, 1995, the Committee on House Oversight of the House of Representatives shall have authority—

(1) to combine the House of Representatives Clerk Hire Allowance, Official Expenses Allowance, and Official Mail Allowance into a single allowance, to be known as the "Members' Representational Allowance"; and

(2) to prescribe regulations relating to allocations, expenditures, and other matters with respect to the Members' Representational Allowance.

This Act may be cited as the "Legislative Branch Appropriations Act, 1996".

The SPEAKER pro tempore. Pursuant to House Resolution 239, the gentleman from California [Mr. PACKARD] and the gentleman from California [Mr. Fazio] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

□ 1200

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

Mr. Speaker, I do not believe this bill will take very long, and I think that the gentleman from California [Mr. FAZIO] and I can move very quickly through this bill. We have done it before.

Mr. Speaker, the bill has been before the house and had the overwhelming support of the Members of the House. This is the legislative branch appropriations bill. It was passed 305 to 101. There have been no changes in the bill. It is the same bill that we have dealt with before.

The President did veto it, and in his message he said that, "It is, in fact, a disciplined bill . . . one that I would sign under different circumstances," and perhaps at a different time. So, Mr. Speaker, we are sending it back to him in the same form. We think he will sign it, along with other bills.

In fact, he has since signed two appropriations bills, the military construction appropriations bill, the agricultural appropriations bill. The transportation conference report has been passed by the House and is soon to be taken up by the Senate, and several others are pending that will pass that the President, I think, will sign. So, he should sign this bill, and it is really noncontroversial.

Mr. Speaker, let me summarize H.R. 2492 very briefly. It provides budget authority for $2.18 billion. That is $433 million below the President's request, a 16.5-percent reduction. It is $205.7 million below the 1995 level. That is an 8.6-percent reduction in funding from the 1995 levels.

It also reduces staff of the legislative branch by 9.5 percent. The House of Representatives is cut by $57.2 million. That is a cut below 1995 levels. The committee staff is cut by a third, 33 percent. The House administrative offices have been cut by $11.9 million and 313 FTE's below 1995 levels.

The joint committees, the printing and economic and taxation committees combined, are cut by 22.8 percent. We have eliminated the Office of Technology Assessment. I know that is controversial, but it does save the Congress and the Government $22 million. The work of OTA, we feel, is being duplicated by other agencies.

The Architect of the Capitol is cut by $16.8 million below 1995 levels. It ends the subsidies, the bill ends the subsidies on the flag office. It requests a proposal that will lead to the privatization of the custodial and maintenance work here on Capitol Hill. It creates a panel of outside experts to propose how to privatize the Capitol power plant.

The Government Printing Office is cut by $7.9 million below 1995 levels. The only increase in the bill is to provide for the digitalization of the collection for the National Digital Library at the Library of Congress.

In summary, it is an excellent bill, reduced significantly from last year's level, an 8.6-percent reduction; one that the President said that he will sign under the proper circumstances. We strongly urge the Members of the Congress, the House, to pass the bill overwhelmingly today.

Mr. Speaker, I submit the following for the RECORD.

The bill before you today, H.R. 2492, is a bill identical to the conference agreement on H.R. 1854, the 1996 legislative branch appropriations bill. The house adopted that conference report by a vote of 305 to 101 on September 6, 1995.

H.R. 1854 was returned by the President on October 3, 1995. The veto message of the President said:

(a) "H.R. 1854 is, in fact, a disciplined bill"

(b) "H.R. 1854 is ... one that I would sign under different circumstances."

The President had absolutely no substantive objections to the bill.

Since then, he has signed two appropriations bills, military construction and agriculture. The conference report on the Transportation has cleared the House and will be taken up soon by the Senate.

Several others are near completion, and we are proceeding in an effort to bring them to the House and to send them to the President in an expeditious manner.

The legislative bill for fiscal year 1996 will greatly reduce the size of our own branch of Government.

To summarize, H.R. 2492 provides budget authority of $2.18 billion. This is $433 million below the President's budget request, a 16.5 percent reduction. It is $205.7 million below fiscal year 1995; that's an 8.6 percent reduction in funding below the current year. It reduces legislative branch jobs [FTE's] by 2,614 under fiscal year 1995—Senate staffing excluded—that's a 9.5 percent reduction in jobs.

There are several provisions included, primarily to facilitate the operations of the House and Senate. The conference report on H.R. 1854 (House Report 104-212) has been available for several weeks and explains these provisions. In the joint explanatory statement,

contained in House Report 104–212, legislative agencies were given directives for carrying out the bill, and we expect that each agency and office covered by this bill will follow those directives. These directives will apply to H.R. 2492 as they did to H.R. 1854.

A few of the highlights of the bill include:

House of Representatives—has been cut $57.2 million below 1995. Included in this reduction, committee staff have been cut 33 percent; committee budgets have been reduced by $39.8 million; House administrative offices have been cut by $11.9 million below 1995; and administrative staff have been reduced by 313 FTE's.

Senate—has been cut $33.7 million below 1995.

Joint Items—Joint committees—printing, economic, taxation—have been cut by 22.8 percent overall.

Office of Technology Assessment—has been eliminated, an additional $22 million savings.

Congressional Budget Office—has been given $1.1 million and 13 more FTE's to perform unfunded mandates workload.

Architect of the Capitol—has been cut $16.8 million below 1995. The bill ends the taxpayer subsidy to the flag office. Flag prices have been raised to reimburse the cost of the flag raising operation. Requests for proposal will be issued to privatize custodial and maintenance work, and a panel of outside experts will propose how the power plant can be privatized.

Government Printing Office—has been cut $7.9 million below 1995. Congressional printing has been cut by $5.6 million, including the elimination of constituent copies of the Congressional Record for Members of the House. The number of daily records printed will be reduced from 16,935 to 10,615, and we have eliminated free copies of documents to judges, to former Members, to press and other media, and to executive agencies.

Library of Congress—Funding increased $1.5 million—only increase in bill. The national digital library program of the library is funded at $3 million, the amount requested.

General Accounting Office—cut $75 million below 1995. The report indicates our intent to reduce GAO by 25 percent over a 2-year period.

Summary

In summary, the bill is $205.7 million below fiscal year 1995. It effects a 2,614 reduction in full-time-equivalent jobs; that's a 9.5 percent cut, not including Senate jobs, in total, it is a $432.8 million reduction below the requests included in the president's budget, a 16.5 percent reduction.

Every member can justify an "aye" vote on passage.

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2492)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - CONGRESSIONAL OPERATIONS					
SENATE					
Mileage and Expense Allowances					
Mileage of the Vice President and Senators	60,000	60,000	.....	-60,000	-60,000
Expense allowances:					
Vice President	10,000	10,000	10,000	.....	.....
President Pro Tempore of the Senate	10,000	10,000	10,000	.....	.....
Majority Leader of the Senate	10,000	10,000	10,000	.....	.....
Minority Leader of the Senate	10,000	10,000	10,000	.....	.....
Majority Whip of the Senate	5,000	5,000	5,000	.....	.....
Minority Whip of the Senate	5,000	5,000	5,000	.....	.....
Chairman of the Majority Conference Committee	3,000	3,000	3,000	.....	.....
Chairman of the Minority Conference Committee	3,000	3,000	3,000	.....	.....
Subtotal, expense allowances	56,000	56,000	56,000	.....	.....
Representation allowances for the Majority and Minority Leaders	30,000	30,000	30,000	.....	.....
Total, Mileage and expenses allowances	146,000	146,000	86,000	-60,000	-60,000
Salaries, Officers and Employees					
Office of the Vice President	1,513,000	1,549,000	1,513,000	.....	-36,000
Office of the President Pro Tempore	457,000	469,000	325,000	-132,000	-144,000
Offices of the Majority and Minority Leaders	2,195,000	2,246,000	2,195,000	.....	-51,000
Offices of the Majority and Minority Whips	656,000	672,000	656,000	.....	-16,000
Conference committees	1,992,000	2,040,000	1,992,000	.....	-48,000
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	384,000	394,000	360,000	-24,000	-34,000
Policy Committees	.....	.....	1,930,000	+1,930,000	+1,930,000
Office of the Chaplain	192,000	201,000	192,000	.....	-9,000
Office of the Secretary	12,961,000	13,260,000	12,128,000	-833,000	-1,132,000
Office of the Sergeant at Arms and Doorkeeper	32,739,000	35,399,000	31,889,000	-850,000	-3,510,000
Offices of the Secretaries for the Majority and Minority	1,197,000	1,225,000	1,047,000	-150,000	-178,000
Agency contributions and related expenses	17,052,000	18,386,000	15,500,000	-1,552,000	-2,886,000
Total, salaries, officers and employees	71,338,000	75,841,000	69,727,000	-1,611,000	-6,114,000
Office of the Legislative Counsel of the Senate					
Salaries and expenses	3,381,000	3,543,500	3,381,000	.....	-162,500
Office of Senate Legal Counsel					
Salaries and expenses	936,000	985,000	936,000	.....	-49,000
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12,000	12,000	12,000	.....	.....
Contingent Expenses of the Senate					
Senate policy committees	2,574,000	2,672,000	.....	-2,574,000	-2,672,000
Inquiries and investigations	78,112,000	78,863,000	66,395,000	-11,717,000	-12,468,000
Expenses of United States Senate Caucus on International Narcotics Control	348,000	379,000	305,000	-43,000	-74,000
Secretary of the Senate	1,966,500	1,966,500	1,266,000	-700,500	-700,500
(By transfer)	(7,000,000)	.....	.....	(-7,000,000)	.....
Sergeant at Arms and Doorkeeper of the Senate	74,894,000	72,234,000	61,347,000	-13,547,000	-10,887,000
Miscellaneous items	7,429,000	7,429,000	6,644,000	-785,000	-785,000
Senators' Official Personnel and Office Expense Account	206,542,000	222,663,000	204,029,000	-2,513,000	-18,634,000
Office of Senate Fair Employment Practices	889,000	890,000	778,000	-111,000	-112,000
Settlements and Awards Reserve	1,000,000	1,000,000	1,000,000	.....	.....
Stationery (revolving fund)	13,000	13,000	13,000	.....	.....
Official Mail Costs					
Expenses	11,000,000	36,300,000	11,000,000	.....	-25,300,000
Total, contingent expenses of the Senate	384,767,500	424,409,500	352,777,000	-31,990,500	-71,632,500
Total, Senate	460,580,500	504,937,000	426,919,000	-33,661,500	-78,018,000
HOUSE OF REPRESENTATIVES 1/					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	267,200	.....	.....	-267,200	.....
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,444,000	1,600,000	1,478,000	+34,000	-122,000
Office of the Majority Floor Leader	1,220,764	1,114,000	1,470,000	+249,236	+356,000
Office of the Minority Floor Leader	1,445,413	1,525,000	1,480,000	+34,587	-45,000

1/ Enacted and request reflect current organization of House funding.

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2492)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of the Majority Whip	1,121,649	1,357,000	928,000	-193,649	-429,000
Office of the Minority Whip	897,000	946,000	918,000	+21,000	-28,000
Speaker's Office for Legislative Floor Activity	277,000	376,000	376,000	+99,000	.....
House Republican Conference	1,506,587	1,628,000	1,083,000	-423,587	-545,000
House Republican Steering Committee	200,000	205,000	664,000	+464,000	+459,000
Nine minority employees	1,024,000	1,144,000	1,127,000	+103,000	-17,000
House Democratic Steering and Policy Committee	1,153,587	1,226,000	1,181,000	+27,413	-45,000
House Democratic Caucus	553,000	607,000	566,000	+13,000	-41,000
Subtotal, House Leadership Offices	10,843,000	11,728,000	11,271,000	+428,000	-457,000
Members' Representational Allowances					
Expenses	351,217,000	389,100,000	360,503,000	+9,286,000	-28,597,000
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	112,805,000	125,749,000	78,629,000	-34,176,000	-47,120,000
Committee on Appropriations (including studies and investigations)	22,531,000	23,044,000	16,945,000	-5,586,000	-6,099,000
Subtotal, Committee employees	135,336,000	148,793,000	95,574,000	-39,762,000	-53,219,000
Salaries, Officers and Employees					
Office of the Clerk	15,270,000	16,811,000	13,807,000	-1,463,000	-3,004,000
Office of the Sergeant at Arms	2,736,000	3,049,000	3,410,000	+674,000	+361,000
Office of the Chief Administrative Officer	69,725,000	65,132,000	53,556,000	-16,169,000	-11,576,000
Office of Inspector General	295,000	7,125,000	3,954,000	+3,659,000	-3,171,000
Office of Compliance	.....	2,130,000	858,000	+858,000	-1,272,000
Transfer to Joint Items, Office of Compliance	.....	.....	(-500,000)	(-500,000)	(-500,000)
Office of the Chaplain	124,000	128,000	126,000	+2,000	-2,000
Office of the Parliamentarian	983,000	1,240,000	1,180,000	+197,000	-60,000
Office of the Parliamentarian	(669,000)	(835,000)	(775,000)	(+106,000)	(-60,000)
Compilation of precedents of the House of Representatives	(314,000)	(405,000)	(405,000)	(+91,000)	.....
Office of the Law Revision Counsel of the House	1,630,000	1,870,000	1,700,000	+70,000	-170,000
Office of the Legislative Counsel of the House	4,400,000	4,592,000	4,524,000	+124,000	-68,000
Other authorized employees	504,000	675,000	618,000	+114,000	-57,000
Former Speakers' staff	(290,000)	(447,000)	(447,000)	(+157,000)	.....
Technical assistant, Office of the Attending Physician	(161,000)	(171,000)	(171,000)	(+10,000)	.....
Drivers	(53,000)	(57,000)	.....	(-53,000)	(-57,000)
Subtotal, Salaries, Officers and Employees	95,667,000	102,752,000	83,733,000	-11,934,000	-19,019,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	3,453,000	2,695,000	1,213,000	-2,240,000	-1,482,000
Official mail (committees, leadership, administrative and legislative offices)	.....	.....	1,000,000	+1,000,000	+1,000,000
Reemployed annuitants reimbursements	1,279,000	2,451,000	68,000	-1,211,000	-2,383,000
Government contributions	129,895,000	138,698,000	117,541,000	-12,354,000	-21,157,000
Miscellaneous items	778,000	778,000	658,000	-120,000	-120,000
Subtotal, Allowances and expenses	135,405,000	144,622,000	120,480,000	-14,925,000	-24,142,000
Total, salaries and expenses	728,468,000	796,995,000	671,561,000	-56,907,000	-125,434,000
Total, House of Representatives	728,735,200	796,995,000	671,561,000	-57,174,200	-125,434,000
JOINT ITEMS					
Joint Economic Committee	4,090,000	4,265,000	3,000,000	-1,090,000	-1,265,000
Joint Committee on Printing	1,370,000	1,414,000	750,000	-620,000	-664,000
Joint Committee on Taxation	6,019,000	6,460,000	5,116,000	-903,000	-1,344,000
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	1,335,000	1,260,000	1,260,000	-75,000	.....
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	33,463,000	34,643,000	34,213,000	+750,000	-430,000
Sergeant at Arms and Doorkeeper of the Senate	35,919,000	37,381,000	35,919,000	.....	-1,462,000
Subtotal, salaries	69,382,000	72,024,000	70,132,000	+750,000	-1,892,000
General expenses	2,000,000	2,190,000	2,560,000	+560,000	+370,000
Subtotal, Capitol Police	71,382,000	74,214,000	72,692,000	+1,310,000	-1,522,000
Capitol Guide and Special Services Office	1,991,000	2,093,000	1,991,000	.....	-102,000
Statements of Appropriations	.....	.....	30,000	+30,000	+30,000
Office of Compliance	.....	.....	2,000,000	+2,000,000	+2,000,000
Transfer from House of Representatives, Office of Compliance	.....	.....	(500,000)	(+500,000)	(+500,000)
Total, Joint items	86,187,000	89,706,000	86,839,000	+652,000	-2,867,000

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2492)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	21,970,000	23,195,000	3,615,000	-18,355,000	-19,580,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	23,188,000	25,788,000	24,288,000	+1,100,000	-1,500,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	9,103,000	9,823,000	8,569,000	-534,000	-1,254,000
Travel (limitation on official travel expenses)	(20,000)	(20,000)	(20,000)		
Contingent expenses	100,000	100,000	100,000		
Subtotal, Office of the Architect of the Capitol	9,203,000	9,923,000	8,669,000	-534,000	-1,254,000
Capitol Buildings and Grounds					
Capitol buildings	22,797,000	28,085,000	22,882,000	+85,000	-5,203,000
Sec. 310 (purchasing x-ray & metal detectors)	(2,015,000)			(-2,015,000)	
Capitol grounds	5,270,000	6,084,000	5,143,000	-127,000	-941,000
Senate office buildings	47,619,000	52,537,000	41,757,000	-5,862,000	-10,780,000
House office buildings	41,364,000	46,054,000	33,001,000	-8,363,000	-13,053,000
Capitol Power Plant	36,637,000	41,062,000	35,518,000	-1,119,000	-5,544,000
Offsetting collections	-3,200,000	-3,200,000	-4,000,000	-800,000	-800,000
Net subtotal, Capitol Power Plant	33,437,000	37,862,000	31,518,000	-1,919,000	-6,344,000
Subtotal, Capitol buildings and grounds	150,487,000	170,622,000	134,301,000	-16,186,000	-36,321,000
Total, Architect of the Capitol	159,690,000	180,545,000	142,970,000	-16,720,000	-37,575,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	60,084,000	65,913,000	60,084,000		-5,829,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	89,724,000	91,624,000	83,770,000	-5,954,000	-7,854,000
Total, title I, Congressional Operations	1,630,158,700	1,778,703,000	1,500,046,000	-130,112,700	-278,657,000
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,230,000	10,370,000	3,053,000	-177,000	-7,317,000
(By transfer)	(4,000,000)			(-4,000,000)	
Subtotal	3,230,000	10,370,000	3,053,000	-177,000	-7,317,000
LIBRARY OF CONGRESS					
Salaries and expenses	210,164,000	231,580,000	211,664,000	+1,500,000	-19,916,000
Authority to spend receipts	-7,869,000	-7,869,000	-7,869,000		
Net subtotal, Salaries and expenses	202,295,000	223,711,000	203,795,000	+1,500,000	-19,916,000
Copyright Office, salaries and expenses	27,456,000	32,983,000	30,818,000	+3,362,000	-2,165,000
Authority to spend receipts	-17,411,000	-19,877,000	-19,830,000	-2,419,000	+47,000
Net subtotal, Copyright Office	10,045,000	13,106,000	10,988,000	+943,000	-2,118,000
Books for the blind and physically handicapped, salaries and expenses	44,951,000	47,583,000	44,951,000		-2,632,000
Furniture and furnishings	5,825,000	5,825,000	4,882,000	-943,000	-943,000
Total, Library of Congress (except CRS)	263,116,000	290,225,000	264,616,000	+1,500,000	-25,609,000
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	12,483,000	19,929,000	12,428,000	-55,000	-7,501,000
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	32,207,000	30,307,000	30,307,000	-1,900,000	
Revolving fund		15,420,000			-15,420,000
Subtotal, Office of Superintendent of Documents	32,207,000	45,727,000	30,307,000	-1,900,000	-15,420,000

FY 1996 LEGISLATIVE BRANCH APPROPRIATIONS BILL (H.R. 2492)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	450,360,000	481,060,000	382,806,000	-67,554,000	-98,254,000
Offsetting collections	-7,000,000	-8,400,000	-8,400,000	-1,400,000	
Subtotal	443,360,000	472,660,000	374,406,000	-68,954,000	-98,254,000
GAO use of collections (formerly receipts)	6,000,000			-6,000,000	
Total, General Accounting Office	449,360,000	472,660,000	374,406,000	-74,954,000	-98,254,000
Total, title II, Other agencies	760,396,000	838,911,000	684,810,000	-75,586,000	-154,101,000
Grand total	2,390,554,700	2,617,614,000	2,184,856,000	-205,698,700	-432,758,000
TITLE I - CONGRESSIONAL OPERATIONS					
Senate	460,580,500	504,937,000	426,919,000	-33,661,500	-78,018,000
House of Representatives	728,735,200	796,995,000	671,561,000	-57,174,200	-125,434,000
Joint Items	86,187,000	89,706,000	86,839,000	+652,000	-2,867,000
Office of Technology Assessment	21,970,000	23,195,000	3,615,000	-18,355,000	-19,580,000
Congressional Budget Office	23,188,000	25,788,000	24,288,000	+1,100,000	-1,500,000
Architect of the Capitol	159,690,000	180,545,000	142,970,000	-16,720,000	-37,575,000
Library of Congress: Congressional Research Service	60,084,000	65,913,000	60,084,000		-5,829,000
Congressional printing and binding, Government Printing Office	89,724,000	91,624,000	83,770,000	-5,954,000	-7,854,000
Total, title I, Congressional operations	1,630,158,700	1,778,703,000	1,500,046,000	-130,112,700	-278,657,000
TITLE II - OTHER AGENCIES					
Botanic Garden	3,230,000	10,370,000	3,053,000	-177,000	-7,317,000
Library of Congress (except CRS)	263,116,000	290,225,000	264,616,000	+1,500,000	-25,609,000
Architect of the Capitol (Library buildings and grounds)	12,483,000	19,929,000	12,428,000	-55,000	-7,501,000
Government Printing Office (except congressional printing and binding)	32,207,000	45,727,000	30,307,000	-1,900,000	-15,420,000
General Accounting Office	449,360,000	472,660,000	374,406,000	-74,954,000	-98,254,000
Total, title II, Other agencies	760,396,000	838,911,000	684,810,000	-75,586,000	-154,101,000
Grand total	2,390,554,700	2,617,614,000	2,184,856,000	-205,698,700	-432,758,000
Scorekeeping adjustments	52,448,000	92,300,000	32,755,277	-19,692,723	-59,544,723
Total mandatory and discretionary	2,443,002,700	2,709,914,000	2,217,611,277	-225,391,423	-492,302,723
Mandatory	92,217,200	92,300,000	92,300,000	+82,800	
Discretionary	2,350,785,500	2,617,614,000	2,125,311,277	-225,474,223	-492,302,723

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

Mr. FAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. MORAN], a former member of this subcommittee.

Mr. MORAN. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO], my friend and the ranking Democrat on this subcommittee, for whom I was very proud to serve when he was chairman of the subcommittee.

Mr. Speaker, I have some things that I think need to be said and they need to be said to the Members. I am going to ask the Members that are present to listen to this for a few minutes, because I want to talk about people whose jobs and whose lives are completely, exclusively dependent upon the decisions that we make; not that the Senate and not that the President or anyone else makes. These are people whose jobs and lives are completely dependent upon us.

Mr. Speaker, we are holding hearings over in the Government Operations Committee about a handful of people that served at the pleasure of the President and that the President fired who worked in the travel office. But we have ignored how we have treated our own employees, which in many cases is far worse than anything that the President did to people who worked in the travel office.

One of the first acts that this Congress did was to issue pink slips to all of the nonpartisan employees who work here. These are not people with a legislative or a political agenda. These are the people that deliver our mail and who clean our offices. These are the people who have dedicated their lives to making this great institution and all that it is today.

Mr. Speaker, we have inherited this legacy that they have very carefully and conscientiously established and provided a continuity for the greatness of this institution. They are aware of it; I am not sure how well we are aware of it.

Mr. Speaker, 2 weeks before Christmas, we told these nonpartisan employees that we would not need their services anymore. Since then, the leadership has worked hard to fire as many people as possible.

Mr. Speaker, when this new Congress took over, they hired three dozen people whose principal purpose was to fire as many of our nonpartisan employees as possible, and this bill continues this trend.

The first thing this bill does is to privatize everything it can. And privatization may sound good, Mr. Speaker, but not when it is taken to this extreme. When this bill first came before us, I pointed out how ludicrous it was to privatize the flag office. It was simple to make the flag office self-funding, and thankfully the Senate fixed that part of the bill. Our constituents can still have a flag flown over the Capitol and it does not cost the taxpayers one dime, and it is a great service and one that they appreciate, oftentimes more than we appreciate it.

Unfortunately, there are many parts of this bill that were not looked at so rationally. First, there is the folding room. The folding room was established because all 435 of our offices need help with their mail. We placed impossible deadlines on these people, and they would often work 12-hour shifts without overtime. Think about that, to serve our needs they worked 12-hour shifts without getting overtime.

Mr. Speaker, we asked them to work in the bowels of our office buildings. No windows, no frills. Ninety percent of these people who served us are minorities and, boy, they worked hard and were dedicated to their job.

Now, we fire them. We eliminated it. And what we have done is to place two big photos and I am sure all of my colleagues have seen it. Apparently, it points up the difference between modernization and the way that things used to be done. It is a before-and-after shot. It shows how nice the office is now. How nice and clean and it is all organized. The before shot shows how messy it was when all these working class people were working every day for our benefit.

Mr. Speaker, the trend continues. The people that work the night shift to clean our offices and enable us to take for granted that the office is going to be clean when we come in the morning, the people that deliver all the mail without fail conscientiously, they all fear the same thing will happen to them and they will.

Mr. Speaker, they are all working people with families. They want to be able to plan for their future, yet their supervisors cannot tell them today if they will have a job next week or if they will be out on the street without health insurance. And even if they are lucky enough to stay on after we privatize them, they will lose their benefits that they have today. They will be given an hourly wage and that is it.

These dedicated employees will be told that we no longer can afford to care if their child is sick or if they have a preexisting medical condition. They are going to be on their own, after spending their lives serving us.

Mr. Speaker, in just another minute I want to tell my colleagues some specifics about what these lives are like. It is important to anybody that is listening to this to focus on it for just a minute.

Mary Ann Wise started off working for our institution as a teenager right after high school. She worked hard. She was promoted. After more than 20 years of dedicated service, she was finally promoted to the chief of office systems management, because no one else in this institution better understood office systems management.

I do not know if she is a Republican or Democrat. I do not know. I do not think she knows either, but I know she did her job very well. As a reward, my colleagues, we fired her. We just fired her.

Mike Heny's story is much the same. Mike began working here as a junior accountant. He worked hard and a few years ago the Clerk promoted him to chief of finance. Nonpartisan, just doing his job day in and day out. We fired him, too.

John Kostelnick was in charge of property. Things like the desks and the file cabinets in our offices. I want you to listen to this, please. The leadership gave him a quota. They gave John a quota. They told him to put together a list of people to fire. The leadership did not care how good a job his employees did. They just wanted to fire them. Mr. Speaker, John Kostelnick took the high road and he refused, so he had to resign.

For several years now, the voters have been frustrated with the Congress. I would suggest to my colleagues that it is not right that we take this frustration out on the people who have served this institution for most of their adult lives.

I do not think that frustration carries over to those people. People still want to come up and see the Capitol. They want it to be clean and they want it to be well-maintained. They want their Congressperson's office to be well-served, well-outfitted. These are the people that enabled us to be proud of the office that we work in and the institution that we are a part of.

Mr. Speaker, this is the greatest legislative body in the world. It takes more than politicians to make this institution the great symbol of democracy that it is. It takes the dedication and the hard work of ordinary, nonpartisan people. People with families, with working-class incomes, and with a lot of responsibility that they take very seriously for this institution.

Mr. Speaker, we ought not forget what they do for us, what they have done for us throughout their lives, or what they do for our constituents.

Mr. Speaker, I oppose this bill today.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, the reason that I would like to follow up on the remarks of the gentleman from Virginia [Mr. MORAN] is that many of my colleagues here may live closer. They may not have the same situation that I do, where my constituents have a 6-hour time difference.

Mr. Speaker, I am here in the evenings that the gentleman from Virginia is referring to when the people are at work in these buildings. Some of my colleagues may be out of here.

Maybe they are at the receptions. Maybe they are out with their lobbyist friends. I do not know.

But, Mr. Speaker, I spend a good deal of my time here. I just want to point out before, my Republican colleagues take revenge on us, if they think they are taking revenge on us as politicians when they are firing people who have given their loyalty to this institution, there is a veritable army of people working here all night. They are here all night working. I ask my Republican colleagues, please, do not take out the revenge that they want to have on the Congress or on politicians by firing working people who do their jobs; who have been nothing but loyal to this institution; who are here every night; who do the job every day, the working people that keep the institution going.

Mr. PACKARD. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we are as sensitive and concerned about the employees of the House and of the agencies of government as anyone. We have got a mandate to downsize government. Every agency of government is being asked to downsize. We cannot downsize government if we do not downsize the number of employees of government.

That is what we are trying to do. We are trying to do it in a sensitive, fair way.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER], a man who supported the bill last time.

□ 1215

Mr. ROEMER. I thank the gentleman from California for yielding me the time.

Mr. Speaker, I took office here in the U.S. Congress in 1991. I have not voted for a legislative appropriations bill until this one. I rise in support, in bipartisan support, with common sense toward supporting this bill, Mr. Speaker.

I think this is a good bill for a number of reasons. There are cuts in this bill, but we can spread the cuts in a fair manner. There are cuts to congressional mail accounts, up to 33 percent of our frank mail account. I believe that that is fair. I think Congress should take the first step in helping us balance the budget.

There are ways by which we can privatize here and some other agencies on the Hill, here in the Washington, DC, area. I think we should be taking those steps as well.

In a bill that I have worked on since I came to Congress in 1991, where I had about 120 Democrats and Republicans cosponsor my legislation, we passed this year, with the support of the gentleman from New Jersey [Mr. ZIMMER], and that was to encourage Members of Congress to save money in their accounts. When we do that, that money can be returned directly to the U.S. Treasury to help reduce the deficit.

I think these are measures we are supporting. I think it is high time that the U.S. Congress does take the first steps toward helping to balance the budget with fair, reasonable, commonsense cuts up here on the Hill.

I support the gentleman's bill in a bipartisan way.

Mr. FAZIO of California. Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I know it is overwhelmingly politically popular today to talk about downsizing Government and cutting our own employees. I have supported some of the downsizing efforts, including in the legislative branch; and those downsizing efforts have been going on for the past several Congresses, not just in this one. But today I want to talk about something different.

Back in 1992, Montana went from two Members of Congress down to one, me. I am honored to hold that seat.

My colleagues, my staff is not paid enough. My staff is overworked, my staff is overburdened and there are not enough of them; and it is past time that people in a similar situation to mine stand on this floor and say that.

My staff works 9 to 12 hours a day trying to keep up with a quarter of a million more constituents than has the average Member of Congress. A lot of my staff do what I do. They work weekends. My average salary in the staff is $26,000. In this, one of the highest cost-of-living cities in America, it is not right. It is not fair. They are underpaid, and they are overworked. Like me, they are doing their best to serve Montanans; and they are finding it very difficult because we keep cutting them.

I went from representing 450,000 people to now representing 860,000 people, and my postage account has been cut 40 percent from what it was when I represented half as many people as I do today. It is simply not fair to Montanans.

By the way, this is not just true of my office. All Members who look closely at their staff will find that they are underpaid, that there is great tension, and that there are long hours; and it is not fair.

By the way, it is becoming true not just in our offices but throughout America. Today, an announcement will be made by the Federal Government about the condition of wages, salaries, and benefits of the American worker. The increases in wages, salaries, and benefits last year, the year just concluded, the fiscal year, for the American worker, the increases have never been less since America has been keeping records than they are this year.

Inflation, as low as it is, less than 3 percent, has outstripped wages, salaries, and benefits combined. This cheapening down of the American work force is lowering the standard of living for the American people, and it is just simply wrong.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first comment on the comments of my colleague from Montana. It may well be that the Committee on House Oversight should consider the problem of those few States where the reapportionment brings about an anomaly where one or two or three States perhaps may have populations and one single representative that far exceed the average. It may be that we need to take a tip from the Senate, which does apportion staff related to population, and see how we might accommodate the concerns of the gentleman.

I would be happy to yield to him at this time if he would want to respond.

Mr. WILLIAMS. I appreciate the generosity of the gentleman in following up my remarks with the indication that perhaps the committee should take a close look at it.

I know that my colleagues on the other side also have Members who represent a good many more people than the average Member of Congress. I would like to yield to the Chairman to see if he could address this anomaly.

Mr. PACKARD. Mr. Speaker, there is no question that some States are more difficult to administer and to represent. Certainly Alaska is one of them, where they have to have more local congressional offices. The distance, the travel, the ability to service that size of State is a lot different than it is in my district or in many of the districts of the Congress. We are looking at that. I think it is a function of the oversight committee more than it is of the Appropriations Subcommittee, but we think that it must be addressed. We have made a commitment to ourselves to look at this in the coming year so that we can better address the needs of each individual district. But we are still in the mode of downsizing and that means we have to also participate in that process.

Mr. WILLIAMS. I thank the chairman and the ranking member for their comments.

Mr. FAZIO of California. Mr. Speaker, concluding on this point, I may just point out that in many cases during a decade, I think the district of the gentleman from California [Mr. PACKARD] and mine were both typical of this, our population would almost double just given normal growth rates in certain States. As a result, problems occur in that regard as well.

Mr. PACKARD. If the gentleman will yield further, a few years ago. I had the largest district in population in the Congress, well over 1 million. Now I am down to 500,000. Of course the gentleman from Montana [Mr. WILLIAMS]

has just the opposite. He represented a 500,000 population or less district and now he has moved up because of reapportionment. These are often problems that are difficult to solve on a permanent basis because circumstances change.

Mr. WILLIAMS. If the gentleman would continue to yield, an important point that I think we are all addressing is this: We are not talking about these funds for ourselves. We are talking about them because they will better serve our constituencies. When you represent close to 900,000 people and take a 40 percent cut in postage and a cut in travel and a cut in personal office expenses, you cannot properly serve your constituents. That is what it is about.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I believe we could consider both the population shifts and the differing geography of larger States when we take up the budget in the formal course of events in the House Oversight Committee and I certainly will bring it to the attention of the gentleman from California [Mr. THOMAS]. Those who may wish to introduce a rule change or legislation should do so and we could use that as the basis upon which we should deliberate.

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

Mr. PACKARD. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. I thank the gentleman from California for yielding me the time.

Mr. Speaker, I had not planned to insert my oars into these waters until I heard the gentleman from Montana speaking. I want to get in on this.

Sure, we work on weekends. We work hard. And many of our people are underpaid. But, Mr. Speaker, that problem exists from boundary to boundary, from border to border, from blue sea to blue sea.

I know many people in my district, and I am sure you all do, too, Republican and Democrat alike, they go to work early in the morning, and they go back home late of a night, as my grandma used to say, 12, 14 hours a day.

I do not want anyone listening to our dialog today to believe that we in the Congress have a corner on the market of hard work, or have a corner on the market of working on weekends. We do work hard, and we work harder than most people realize. But so do the people we represent, Mr. Speaker. That is the point I want to drive home and drive it home firmly.

I am afraid that many of us in this body, guilty by association if for no other reason, but this Congress, my friends of the House, has conducted business for the past several years in a reckless, imprudent manner. We have collected $5 million on the one hand, spent $10 million on the other, and then we incredulously wonder why we have problems fiscally and otherwise. It must be corrected. To correct it, I will admit, Mr. Speaker, will impose some pain. But the fiddler must be paid and we have been too lavish and too irresponsible in days gone by. The time to pay that fiddler, I fear, has come now, and we are going to have to do it and we are going to have to recognize others out there share our concern.

Mr. PACKARD. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. RIGGS], a member of the committee.

Mr. RIGGS. Mr. Speaker, I thank the gentleman, the distinguished subcommittee chairman, for yielding me the time. I simply wanted to alert him, the distinguished ranking member, and my other colleagues, that at the appropriate time I intend to push for full disclosure of the names of Members of Congress, past and present, as well as House officers, who may have violated House rules or the laws of the United States of America as revealed during the course of the ongoing audit of congressional finances.

As the distinguished subcommittee chairman knows as well as the ranking member, we are now in a second phase of that audit which commenced really at the beginning of this Congress and is being conducted by the House inspector general, John Lainhart, in conjunction with the Price Waterhouse accounting firm. That second phase is designed to report to the House, specifically the House Oversight and Ethics Committees, again the names of those abusers and suspected wrongdoers.

But at this juncture, I would like to ask the subcommittee chairman and the distinguished ranking member to make certain, as I am sure they are, but to make certain that they are aware of some of the irregularities and management problems that have been exposed during the course of that audit and to receive their assurance that they are in fact taking steps to rectify these problems. Specifically the Price Waterhouse audit report listed millions of dollars in waste, fraud and abuse. I am quoting from a Washington Times article last week, October 23, entitled Audit of the House May Lead to Prosecutions.

The audit found that Members of Congress overspent their allowances by $14 million in fiscal 1994 but covered the excess by reprogramming money from other accounts. Five unnamed lawmakers were singled out for excessive overspending for employee salaries, office expenses and franked mail. Further, lawmakers violated payroll deadline rules by writing 3,400 supplemental paychecks worth $1.8 million for selected House aides. Another 700 retroactive salary increases worth $530,000 were made after pay periods ended.

□ 1230

Five million dollars was wasted by the House Information Systems, HIS, to develop an upgraded House financial management system which the auditors and Inspector General Lainhart now say was unsuitable for the House purposes and ineffective, and now which will effectively be junked at a cost of $5 million.

The auditors went on to find $900,000 worth of questionable travel reimbursement, where receipts were not provided or other violations of expense rules occurred.

Last, the auditors found 2,200 possibly duplicative travel payments to lawmakers and House aides, 43 cases were double reimbursements were made but no funds returned, resulting in losses of about $10,000.

So I call the distinguished subcommittee chairman's attention to these abuses, ask him what steps he will be taking.

Mr. PACKARD. If the gentleman will yield, we are aware of the audit. It is an ongoing audit. It has revealed some very interesting and important things for us to take action on. I think the Committee on House Oversight has much more to do with this than the Subcommittee on Appropriations. However, we did appoint, this year our leadership appointed, a House administrative officer. Part of his role is to oversee this activity and make certain the situation is being corrected. Plus over our rules have been improved so this is not happening now, even though it has happened in the past.

Much of the abuse is being corrected through additional rules, and even steps we have taken in our bill.

Mr. RIGGS. Reclaiming my time, I say I appreciate the subcommittee chairman's recognition of these grave irregularities, and I hope he and the ranking member and others will join with me in my effort to require full disclosure.

Mr. FAZIO of California. Mr. Speaker, I yield myself such time as I may consume.

Let me assure my colleague, the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. THOMAS] that my office is working diligently on a regular basis to provide oversight to the auditor general and to Price Waterhouse in the conduct of the second phase of the work that they had embarked on. The period of the audit, of course, was during the period when we had a nonlegislative services director responsible for the administration of the House, part of the reforms we had engaged in in the last Congress.

But I think most importantly I can report that the Washington Times article was really a rehash of what had been in the first series of articles when we brought the raw data to the attention of our colleagues. Subsequently in the further work that Price

Waterhouse has done under Mr. Lainhart's direction, many of the very real concerns that we all shared have been dealt with to the increasing confidence, I think it would be fair to say, of the gentleman from California [Mr. THOMAS] and myself.

Problems that were more systematic than individual have been identified largely, and while it is not possible for me to comment in any detail now, I certainly look forward to the completion of the second phase so that we can then assure our colleagues, first, of the degree to which there were problems; second, of the steps that we are going to take to help resolve them, and those are mostly systematic changes; and third, that the individuals who remain culpable, who remain, we believe, responsible for some of their actions, who perhaps will need to be dealt with in the Committee on Standards of Official Conduct, will be properly handled.

There will be no effort on the part of anyone on either side of the aisle to cover up or in any way deny the public the information that is appropriate where we determine, where the auditor general determines, that there have been miscues or malfeasance. There is going to be, I think, however, a great deal of relief on the part of my colleagues and both sides of the aisle, once again, because we will determine, I think, quite properly that the degree to which this sounded like a major scandal in the offering has been vastly overstated.

I am rather optimistic that there will be few individuals who are called before the Committee on Standards of Official Conduct. But I do think it is an important study of this institution, one that we agreed to do, not just at the beginning of this Congress but in the last Congress when we created the office of auditor itself, and I am looking forward to the improvements that this institution, again in a bipartisan manner, can engage in because it is the only way we can learn from the problems of the past.

Mr. RIGGS. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. RIGGS. I would like to just engage the gentleman in a brief colloquy, because I find one of the more egregious abuses identified in the audit report to be the $5 million, give or take, that was spent attempting to create a management information service, of the House Information Systems [HIS], and I am particularly disturbed by the comment attributed to one of our colleagues, the gentleman from North Carolina [Mr. ROSE], in the Washington Times article when he is quoted as saying, "Ours was not to reason why. Ours was to get the job done."

But I want to find out, because I genuinely do not know. Apparently the gentleman from North Carolina [Mr. ROSE] is quoted as saying the House Finance Office was a separate entity, and it directed the computer upgrade as a customer of House Information Systems.

I would like to know exactly where responsibility for making that decision, the House Finance Office does not mean anything to me, where does responsibility lie in making the decision to spend $5 million on a management information system that was apparently not suited to our needs?

Mr. ROSE. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Speaker, have you ever heard of Gen. Len Wishart? General Wishart was appointed as the bipartisan administrator of the nonlegislative services of the House. Mr. Michel, you have heard of him, Bob Michel, picked him with Foley. The first thing we assigned to General Wishart was the Finance Office.

The audit that you are talking about covers only the period of time when General Wishart, the bipartisan administrator of nonlegislative services, was in charge of the Finance Office. You all have somehow forgotten that in your rewrite of history.

General Wishart made the decision that the Finance Office should proceed with the development of a new financial management system alongside the one that was already in place. You do not go out and buy pocket Quicken like you guys are talking about doing now to run the finances of this place, you understand. He spent $5 million developing the system. You boys take over and throw it in the street.

Now, I have about had it with using a story about an audit report during a period when your man was in charge of the running of the Finance Office and most of the Clerk's Office.

Mr. FAZIO of California. Mr. Speaker, at this point I would like to conclude my remarks on the purpose we are here for today, and that is the enactment of this legislation.

First of all, let me say that it is a rather unprecedented occurrence that we are participating in. In my view, the President's veto was inappropriate, not because I do not share concerns with some of my colleagues about the final conference report that we adopted on this legislation. As the gentleman from California [Mr. PACKARD] knows, while I did support his bill on passage in the House, I was disappointed at the elimination of OTA and the reductions in the GAO's budget and, therefore, voted against the conference report. But I could not, and did not, counsel the President to veto the legislative branch bill.

In my view, comity between the two branches of government is exceedingly important, and it ought never to be the propensity of the executive branch to in any sense try to affect the legislative branch budget, whether it be on introduction, as part of the unified budget, or whether it be at the point where we adopt what is in the best interests of both parties and both Houses and send the product on to the President for his signature. I must add parenthetically that it is equally inappropriate to micromanage the budget of the executive office of the President.

Let me simply say I regret the President's action. On the other hand, I must say I wish we had not set it up for him quite so dramatically by sending him only 2 of the 13 regular appropriation bills prior to the beginning of the fiscal year and followed it up in the last month or so with only 1 more, the ag appropriations bill.

We will, I believe, end up with 8 or 9 of the legislative budget products of the Congress, the appropriations bills, signed into law. I hope we will not have a difficult time with a second CR. Hopefully we will sometime be able to agree on all 13 of them and have our budget in place, and when we send this bill down as part of a package, I hope it will be signed, even though I may personally disagree with some of the decisions we have made in this conference report.

I want to congratulate the gentleman from California [Mr. PACKARD] for a very difficult task well done. This bill is never easy for anyone, and as I have said several times, I simply wanted to be as good a ranking member for the gentleman from California [Mr. PACKARD] as the gentleman from California [Mr. LEWIS] and the gentleman from Florida [Mr. YOUNG] were for me during the years I chaired this committee.

But there are problems that need to be addressed, and I hope we will continue to address them both in the Committee on House Oversight and in the appropriations bill for the next fiscal year, as relates to a number of activities that we are engaged in here in the House of Representatives.

Mr. Speaker, at this point I will place the remainder of my remarks in the RECORD.

Mr. Speaker, the legislative situation for this bill—the legislative branch appropriations bill for fiscal year 1996—has changed considerably since we passed the conference report on September 6.

A veto by the President was an unprecedented occurrence during my tenure in Congress.

So we are blazing new trails here in considering this bill for a second time.

President Clinton said he'd veto the bill for congressional operations if we sent it to him as one of the first appropriations bills. We did—and he did.

It is not advice I gave him. As the Members of the House know, vetoing the legislative branch bill was a historic first. It was never done during my 14-year tenure as chairman of this appropriations subcommittee.

I'm troubled that the time-honored tradition that Congress governs its own affairs without

interference from the Executive has been breached.

I believe there is also a solid separation of powers argument against the President's veto as well.

But Congress also has a responsibility to make progress on appropriations bills.

The President is likely to sign most of the 13 regular appropriations bills.

But the President received only 2 of our regular 13 appropriations bills prior to the beginning of the fiscal year on October 1.

The Agriculture appropriations bill is the only appropriations bill we have sent to the President since September 26—over 4 weeks.

By not getting our work on the appropriations bills done, we've left ourselves vulnerable to the President's argument that we shouldn't be taking care of ourselves first.

So I'm pleased to see the ambitious House schedule for consideration of appropriations bills this week, and I hope we can show the President that we will do the people's business as well as our own.

I understand that H.R. 2492—with the exception of several technical corrections—is identical to the provisions of the House- and Senate-passed conference report for H.R. 1854, the bill vetoed by the President.

I signed the conference report on H.R. 1854 as a courtesy to Chairman PACKARD. RON PACKARD has done a good job under difficult circumstances during his maiden voyage as chairman.

But I opposed the conference report on the House floor for two major reasons: the elimination of the Office of Technology Assessment—which the House had voted to continue—and the cuts to the General Accounting Office of greater than 15 percent, far greater than the reductions in the House-passed bill.

I intend to oppose H.R. 2492 today because these provisions remain the same. I am also disappointed because—once more—we have missed a golden opportunity to enact lobby and gift reform.

In other ways, the conference report was an improvement upon the original House-passed bill: $1.1 million was added for the Congressional Budget Office over the House committee recommendation—more important, we added 13 positions at CBO to cope with their new duties relative to analyzing unfunded mandates.

We restored cuts made to personnel at the Government Printing Office—we brought FTE's to 3,800, an additional 250 over the House level.

We restored funds for the depository library program. It's a good idea to move into the electronic age but the House bill attempted to force everyone to do it overnight.

We restored the Joint Committee on Printing. The Joint Committee has been an efficient method of overseeing printing operations; a divided operation between the House Oversight and Senate Rules Committees would have been a major change with unknown results.

We restored the Folklife Center at the Library and restored funding at the Library of Congress which had been temporarily earmarked for OTA. Neither was a real target for cuts, and the conference demonstrated that by restoring funds to both.

We kept the Flag Office alive; however, the cost of flags will rise to cover the costs of operating the Flag Office.

So there were some improvements to the House version of the bill. However, the shutdown of the Office of Technology Assessment [OTA] was particularly thoughtless. That action has been criticized around the country and in the international community.

But I'm reluctant to open the OTA issue at this late date.

OTA is resigned to their fate. Under the circumstances, the conference committee made generous provisions for OTA's closeout, and as a result, their closeout has been a model of professionalism.

OTA's many specialists have been finalizing reports at breakneck speed and a skeleton staff will be available until early next year to complete reports and provide for orderly closedown and orderly disposition of equipment and records.

OTA's professional closeout is just one more example of the caliber of the agency we are abolishing and the big mistake we are making.

In short, this bill is an improvement upon the original House-passed bill, but I will oppose it for the reasons I've outlined.

Mr. Speaker, I yield back the balance of my time.

Mr. PACKARD. Mr. Speaker, I yield myself such time as I may consume. I will just make a conclusion remark.

I want to take this time to thank the gentleman from California [Mr. FAZIO] for the gentle way in which he operates here. I truly enjoy working with him. All of the members of the subcommittee I have appreciated working with. They have all been very helpful in crafting this bill.

It is a good bill. Three hundred and five Members voted for it last time. I fully expect that more will vote for it this time. It is a good bill. It needs to go to the President and be signed.

If the entire Federal budget followed the model of our bill, we would balance the budget in 1 year and still have a small surplus left over. That is the model we have given to the Members of this body, and we hope that they will accept it as a good model, one that they can support and vote for, and I want to again thank the gentleman from California [Mr. FAZIO] for the privilege of working with him on this issue in this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 239, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7, rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 315, nays 106, not voting 11, as follows:

[Roll No. 747]

YEAS—315

Ackerman	Fields (TX)	Manton
Allard	Flanagan	Manzullo
Archer	Foley	Martini
Armey	Forbes	Mascara
Bachus	Fowler	McCarthy
Baesler	Fox	McCollum
Baker (CA)	Franks (CT)	McCrery
Baker (LA)	Franks (NJ)	McDade
Baldacci	Frelinghuysen	McDermott
Ballenger	Frisa	McHale
Barcia	Frost	McHugh
Barr	Funderburk	McInnis
Barrett (NE)	Furse	McIntosh
Barrett (WI)	Gallegly	McKeon
Bartlett	Ganske	McNulty
Barton	Gekas	Meehan
Bass	Geren	Metcalf
Bateman	Gilchrest	Meyers
Bentsen	Gillmor	Mica
Bereuter	Gilman	Miller (CA)
Bilbray	Gonzalez	Miller (FL)
Bilirakis	Goodlatte	Molinari
Bishop	Goodling	Mollohan
Bliley	Gordon	Montgomery
Blute	Goss	Moorhead
Boehlert	Graham	Morella
Bonilla	Greenwood	Murtha
Bono	Gunderson	Myers
Borski	Gutknecht	Myrick
Boucher	Hall (OH)	Nethercutt
Brewster	Hall (TX)	Neumann
Brown (FL)	Hamilton	Ney
Brown (OH)	Hancock	Norwood
Brownback	Hansen	Nussle
Bryant (TN)	Hastert	Obey
Bunn	Hastings (WA)	Ortiz
Bunning	Hayes	Orton
Burr	Hayworth	Oxley
Burton	Hefley	Packard
Buyer	Heineman	Parker
Callahan	Herger	Paxon
Calvert	Hilleary	Payne (VA)
Camp	Hobson	Peterson (FL)
Canady	Hoekstra	Petri
Cardin	Hoke	Pickett
Castle	Holden	Pombo
Chabot	Horn	Pomeroy
Chambliss	Hostettler	Porter
Chapman	Houghton	Portman
Chenoweth	Hunter	Poshard
Christensen	Hutchinson	Pryce
Chrysler	Hyde	Quillen
Clayton	Inglis	Quinn
Clement	Istook	Radanovich
Clinger	Jackson-Lee	Ramstad
Coble	Jefferson	Reed
Coburn	Johnson (CT)	Regula
Collins (GA)	Johnson, E. B.	Richardson
Combest	Johnson, Sam	Riggs
Cooley	Jones	Rivers
Costello	Kanjorski	Roberts
Cox	Kasich	Roemer
Cramer	Kelly	Rogers
Crane	Kennedy (RI)	Rohrabacher
Crapo	Kildee	Ros-Lehtinen
Cremeans	Kim	Roth
Cubin	King	Roukema
Cunningham	Kingston	Royce
Danner	Kleczka	Sabo
Davis	Klug	Salmon
Deal	Knollenberg	Sawyer
DeFazio	Kolbe	Saxton
DeLay	LaHood	Scarborough
Deutsch	Lantos	Schaefer
Diaz-Balart	Largent	Schiff
Dickey	Latham	Schumer
Dixon	LaTourette	Scott
Dooley	Laughlin	Seastrand
Doolittle	Lazio	Sensenbrenner
Dornan	Leach	Shadegg
Doyle	Lewis (CA)	Shaw
Dreier	Lewis (KY)	Shays
Duncan	Lightfoot	Shuster
Dunn	Lincoln	Skeen
Edwards	Linder	Skelton
Ehlers	Lipinski	Smith (MI)
Ehrlich	Livingston	Smith (NJ)
Emerson	LoBiondo	Smith (TX)
English	Lofgren	Smith (WA)
Ensign	Longley	Solomon
Everett	Lucas	Souder
Ewing	Luther	Spence
Fawell	Maloney	Spratt

Stark	Thornberry	Whitfield
Stearns	Torkildsen	Wicker
Stockman	Traficant	Williams
Stump	Upton	Wilson
Stupak	Visclosky	Wise
Talent	Vucanovich	Wolf
Tanner	Walker	Woolsey
Tate	Walsh	Wynn
Taylor (MS)	Wamp	Young (AK)
Taylor (NC)	Watts (OK)	Young (FL)
Tejeda	Weldon (FL)	Zeliff
Thomas	Weller	Zimmer

NAYS—106

Abercrombie	Gejdenson	Pallone
Andrews	Gephardt	Pastor
Becerra	Gibbons	Payne (NJ)
Beilenson	Green	Pelosi
Berman	Gutierrez	Peterson (MN)
Bevill	Harman	Rahall
Bonior	Hastings (FL)	Rangel
Browder	Hefner	Rose
Brown (CA)	Hilliard	Roybal-Allard
Bryant (TX)	Hinchey	Rush
Clay	Hoyer	Sanders
Clyburn	Jacobs	Sanford
Coleman	Johnson (SD)	Schroeder
Collins (IL)	Johnston	Serrano
Collins (MI)	Kaptur	Skaggs
Condit	Kennedy (MA)	Slaughter
Conyers	Kennelly	Stenholm
Coyne	Klink	Stokes
de la Garza	LaFalce	Studds
DeLauro	Levin	Thompson
Dellums	Lewis (GA)	Thornton
Dicks	Lowey	Thurman
Dingell	Markey	Torres
Doggett	Martinez	Torricelli
Durbin	Matsui	Towns
Engel	McKinney	Velazquez
Eshoo	Meek	Vento
Evans	Menendez	Volkmer
Farr	Minge	Ward
Fattah	Mink	Waters
Fazio	Moran	Watt (NC)
Filner	Nadler	Waxman
Flake	Neal	Wyden
Foglietta	Oberstar	Yates
Ford	Olver	
Frank (MA)	Owens	

NOT VOTING—11

Boehner	Sisisky	Waldholtz
Fields (LA)	Tauzin	Weldon (PA)
Mfume	Tiahrt	White
Moakley	Tucker	

□ 1303

Ms. KAPTUR, Mrs. MINK of Hawaii, Mr. BEILENSON, and Mr. CONYERS changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1905, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 248

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose 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 the purpose of debate only.

Mr. Speaker, House Resolution 248 waives all points of order against the conference report to accompany H.R. 1905, the Energy and Water Appropriations Act for Fiscal Year 1996 and its consideration.

Mr. Speaker, only 2 of the 13 appropriations bills have been signed into law, and we need to expedite consideration of these measures as they are reported from conference.

Chairman JOHN MYERS and ranking member TOM BEVILL and the rest of the conferees did an excellent job, as always. They worked closely with the authorizing committees, and have brought forth a balanced bill which is $707 million below the fiscal year 1995 level.

I'm particularly pleased that sufficient funds were made available for the Tennessee Valley Authority, which provides important services for the 7-State region which makes up the Tennessee Valley area. These TVA functions would otherwise have to be provided by the Corps of Engineers or some other Federal agency, which would be more costly in my opinion.

Mr. Speaker, this is one of only a few appropriations bills that the President is expected to sign rather than veto, so I urge my colleagues to adopt this rule and pass this conference report without delay.

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

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary one-half hour of debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, we do not oppose this rule. The majority seems now to have accepted as standard practice, rules such as this one waiving all points of order against conference reports for appropriations bills, and against their consideration.

The conferees' resolution of the disagreements in this legislation were made in such a manner that we understand the President is almost certain to sign the bill into law. That is good news for this appropriations bill, at least.

Mr. Speaker, this bill deals with some major environmental, energy and natural resource issues, and many Members are especially concerned about the clear shift in direction that is reflected in the funding priorities in these areas.

For example, the bill makes deep cuts in research and development budgets for solar and other renewable energy sources. Those accounts would be cut by 29 percent from the current level.

These energy sources are essential to helping our Nation reach several very important goals, including reducing the trade deficit, curbing gas emissions and air pollution from energy use, and reducing our Nation's dependence on imported oil—much of which comes from the politically volatile Middle East. The large cut in spending for development of these resources will mean a greatly reduced commitment to achieving these goals, which is troubling, to be frank about it, Mr. Speaker, to many of us.

Meanwhile, funding for Army Corps of Engineers' water projects is reduced by only 6 percent. Not only is that a relatively small cut compared to that provided for renewable energy resources, it is very small compared to the reductions that are being applied this year to many other valuable domestic programs—for example, the one-third reduction in spending that would be applied to the Environmental Protection Agency under the House-passed VA-HUD appropriations bill. If this appropriations bill is viewed in the context of all the other budget decisions the House is making this year, the high priority that the majority has placed on protecting water projects really ought to be questioned.

Mr. Speaker, to repeat, we do not oppose this rule, and we urge our colleagues to approve it so that we may proceed to consideration of the conference report for the energy and water appropriations bill.

Mr. Speaker, I advise my friend and colleague from Tennessee that we have no requests for time on our side and, pending his ending on his side, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. MCINNIS], a valuable member of the House Committee on Rules.

Mr. MCINNIS. Mr. Speaker, first of all I appreciate the gentleman from Tennessee Yielding me time.

Mr. Speaker, I rise in support of House Resolution 248, a rule which waives all points of order against the conference report to accompany H.R. 1905, the energy and water development appropriations for fiscal year 1996. I urge my colleagues to support the adoption of this rule, and I want to briefly discuss section 507 of the conference report.

Section 507 provides that "[i]n order to ensure the timely implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988, the Secretary of the Interior is directed to

proceed without delay with construction of those facilities in conformance with the final Biological Opinion for the Animas-La Plata project, Colorado and New Mexico, dated October 25, 1991." This language does not seek to waive environmental requirements. However, the conference came to the judgment that this project has already more than satisfied environmental requirements. For example, two separate biological opinions under the Endangered Species Act have been completed. One section 404(r) permit exemption under the Clean Water Act was granted. Furthermore, an environmental impact statement and supplemental draft environmental impact statement under NEPA have occurred, and there are still more reviews currently underway.

This project has been the subject of lengthy environmental consideration, and we are simply saying, Enough is enough. It is time to move forward.

The simple fact is that the construction of the Animas-La Plata project must begin immediately in order to possibly meet the terms of the 1986 settlement agreement between two tribes of native Americans, the United States, and other parties. If the two Ute tribes do not begin receiving water by January 1, 2001, then they have an option until January 1, 2005, to reject water from the Animas-La Plata Project and to institute litigation to obtain direct flow rights to the water with a 100-year-old priority date. That litigation will have a severe economic impact on the rural and urban economies of Colorado and New Mexico, jeopardize the water rights of countless of people throughout the Four Corners region, and cost the U.S. taxpayers millions of dollars. This Congress cannot want to see further litigation and we do not want to break our word to these native Americans. That is why section 507 was included.

Second, a question may arise as to what the conferees meant by the words "timely implementation" and "without delay" is simple. Timely implementation means, right now. That is why they choose the words, "without delay." They could have said, without one year's delay. They could have said, without undue delay. Instead, they chose the unambiguous, without delay. The Secretary should have no trouble interpreting this unambiguous language.

I reiterate that this is primarily an issue of fair dealing with native Americans. Nearly 125 years ago the United States promised these two tribes water to make their reservations a homeland. In 1988 Congress reaffirmed that promise and, in return for this promise, the tribes set aside their most valuable tribal asset—their senior water rights in exchange for the promised project. They in good faith agreed not to seek to take water away from their non-Indian neighbors, but instead to share water with them. Congress now must ensure that the United States lives up to its end of the deal.

The Secretary of Interior has the responsibility under the 1988 legislation to build the Animas-La Plata project. In hearings on the fiscal year 1994 Energy and water development appropriations bill, Secretary Babbitt stated: "I understand that Congress has mandated that this project get going, and I will comply with that mandate."

The Secretary now has yet another mandate from the Congress. Section 507 provides him with the necessary tools to move forward and build this project in accordance with obvious congressional intent. I urge Secretary Babbitt to move forward and build the Animas-La Plata project immediately so that the United States may preserve the integrity of the water rights settlement.

I urge my colleagues to support the adoption of this rule.

Mr. Speaker, I include for the RECORD the following:

A-LP FOES ARE ALL WET

It's been suggested in some quarters of late that supporters of the Animas-La Plata water project near Durango are trying to slip something past the public and the Congress.

What hogwash.

In reality, the efforts under way this month are aimed at keeping on track a project that was long-ago approved—and has subsequently been re-approved—by Congress, by the states of Colorado and New Mexico, by voters in the local water district and by two Ute Indian tribes.

Environmental groups, led by the Sierra Club Legal Defense Fund, continue to work behind the scenes and in court to halt a project that has been legitimately approved by both houses of Congress and signed into law as a treaty obligation to Colorado's long-suffering native Indian tribes.

The current debate, like much that has surrounded the Animas-La Plata since it was authorized by Congress in 1968, is filled with misinformation and half-truths.

For example, one Front Range newspaper said that before Congress approves the project it must be certain that it isn't adding to the list of broken promises to the Indians.

There are several things wrong with that. First is the fact that Congress has already approved the project, initially when it was authorized in 1968; later, through annual appropriations bills; and most importantly, when it adopted the 1988 Indian Water Rights Settlement Act.

Secondly, the 1988 act wasn't approved only by Congress, but by the states of Colorado and New Mexico, and by the Ute Mountain Utes and Southern Ute Indian Tribes. Essential to that act is the construction of the Animas-La Plata to provide water to the Indian tribes, a provision the Indians accepted in return for dropping their long-standing claims under the Winters Doctrine to water in rivers of the region.

If Animas-La Plata isn't built by the deadlines set in that agreement, the Indians are free to go back to court and win a much more costly settlement from the U.S. government. But the Indians have said repeatedly that they want the water the project will provide, not a prolonged court battle.

Much is also made of the fact the Animas-La Plata will be built in two phases, and there is no guarantee the second phase, which won't have federal involvement, will ever be constructed. Therefore, critics charge, there is no guarantee the Indians will get the water due them from the project.

But the Indians will receive 60,000 acre feet of water from Phase 1 of the Animas-La Plata project, no small amount of water currency. (It's instructive to note that when critics talk about the cost of the Animas-La Plata, they use the most recent figures for both Phase 1 and Phase 2, approximately $710 million, not the roughly $525 million for Phase 1. But when they talk about the benefits of the project, they only mention Phase 1.)

In 1991, the U.S. Fish and Wildlife Service acknowledged that the primary features of the project could be constructed with no threat to the endangered Colorado squawfish and issued a final biological opinion stating as much. The sufficiency language now proposed in Congress would simply require construction of what was allowed under that opinion.

However, the 1991 opinion was a disappointment to Sierra Club officials, who have vowed to keep the project tied up in litigation for 40 years. They immediately filed a lawsuit claiming the project violated the National Environmental Policy Act on the grounds that "all reasonable and prudent alternatives" to the project were not adequately examined. Unfortunately, the Sierra Club got a federal judge to agree, forcing the U.S. Bureau of Reclamation to halt its construction plans and file a supplemental Environmental Impact Statement. That supplement is expected to be completed later this year.

This project has had agonizing environmental examination, as well as broad-based official approval. Congress should adopt the language in the appropriations bill and allow the project to proceed.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this rule, which I support, gives evidence of how well our conference system works. Many times, as in this case in title IV, the House which provided no moneys, shall we say, for the Delaware River Basin Commission or the Susquehanna River Basin Commission, an ongoing independent agency, in both cases the Senate, in its wisdom, did something different. Then the conference, in its own type of wisdom, was able to strike a compromise and bring in amounts of money that reflect the desire of the Congress to continue the operation of some of these independent agencies, albeit with a warning that in years to come more and more responsibility for their activities will have to be placed within their own bailiwicks in their local governments.

□ 1315

In the compact types of commissions like the Susquehanna River Basin Commission, New York, Pennsylvania, and Maryland, they will, in due time, be able to reconstruct their funding streams in such a way that they will be

able to continue their activities well. They could not do it, though, with a zeroing out of their funding for this particular year.

Hence, the conference saved the ongoing stream of funding for the Susquehanna River Basin Commission, but at a lower level. The conference has worked. The people's will has been met through the work of the House and the Senate.

Mr. Speaker, I urge adoption of the rule.

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 1905, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

Mr. MYERS of Indiana. Mr. Speaker, pursuant to the provisions of House Resolution 248, I call up the conference report on the bill (H.R. 1905), making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to rule XXVIII, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of October 26, 1995, at page H10913.)

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 12 of this year, the House passed H.R. 1905, and on August 1, the Senate passed similar legislation.

Mr. Speaker, after the August recess, our conferees, from both the House and Senate, started working through September and most of October trying to work out the differences in the bills between the two bodies.

The major difference was that the Senate had about a billion and a half more 602(b) allocation than the House had to work with. We had a reallocation, but we still had some problems about the priorities of what programs we would fund and at what figure.

So, Mr. Speaker, we have worked diligently, and for this I thank the members of the conference and the staff who have been working almost daily since the middle of September trying to resolve the differences. We thank all of them and, again, I thank particularly the gentleman from Alabama [Mr. BEVILL]. The gentleman and I have worked together for almost 30 years now, most of which have been on this subcommittee and under the chairmanship of the gentleman. More recently, under my chairmanship, we have continued to work together closely.

Mr. Speaker, the conference report is $19.3 billion, which is $654 million more than the House-passed version; however, it is $833 million less than the Senate. The important thing is that the bill is $707 million below the level appropriated for 1995.

Mr. Speaker, we have moved in the right direction. The conference report is $1.23 billion less than the President requested. This is the lowest appropriations for energy and water since 1990. We are heading in the right direction.

We have downsized Government. We have made some significant reductions. We have 35 programs that we have terminated. As has been mentioned by the gentleman from Pennsylvania [Mr. GEKAS], we have a few other programs that we intend to terminate next year, but we are giving warning that we just cannot continue to fund some of the responsibilities that rightfully could be the States', and should be the States', or that should not be funded at all.

Mr. Speaker, in no instance did an agency or department funded by this energy and water bill receive appropriations exceeding last year's level. The one exception is in defense. The nondefense discretionary amount is $8.7 billion, which is a 13 percent reduction from last year.

In those reductions, we reduced the Corps of Engineers by $138 million from last year's level. The Bureau of Reclamation has been reduced by $31 million from last year's level. The Department of Energy, including defense, has been reduced by $173 million. ARC, the Appalachian Regional Commission, has been reduced by $102 million.

The gentleman from Tennessee [Mr. QUILLEN] mentioned the Tennessee Valley Authority. We reduced that by $29 million. The Federal Energy Regulatory Commission is reduced by $35 million. The Nuclear Regulatory Commission was reduced by $52 million. This is to mention just a few of the significant reductions that we did make.

However, we did increase defense spending. A lot of my colleagues do not realize that a large amount of our funding is in defense. Nearly 60 percent of our bill is defense. Most of it, of course, is in the nuclear side of defense.

Mr. Speaker, we have a 16-percent cut in DOE administrative costs with the exception of defense. We require the Department of Energy to reduce its support contracts by 50 percent. It is shocking to see how many employees they have. DOE has many more contract employees doing various types of work than they have of their own departmental employees.

Defense spending is $10.6 billion. That is a $550 million increase from last year, all in defense. We have increased defense cleanup, environmental restoration and waste management. Last year we appropriated $4.9 billion, and this year we have included $5.556 billion, which is an increase of 13.5 percent.

Mr. Speaker, this is the only dramatic increase that we have in our bill. It is the one area where we were probably a little bit more generous than we should have been. We recognize that there are some defense production sites in this country where there is a cleanup job to be done. But DOE has done a miserable job of cleaning up most of these sites.

Mr. Speaker, they have been wasting money. More people and more money is just not the answer. We have somewhat of an agreement with the Senate that we are going to manage this a little bit better. We will have to help the DOE with some changes in legislation to help them do a better job, because there is an enormous job to be done here.

We recognize that this bill is larger than the House passed bill. We have made some significant reductions that I have not mentioned. Reductions in fusion are larger than some people would have liked. I am sure we are going to hear about the reduction we made in solar. But we have no choice but to make these reductions.

Mr. Speaker, this is a good bill. It is not the bill that many of us would have liked to have seen, but it is a bill that I think we all can live with. I urge that all my colleagues support the conference report.

Again, I thank those staff and members of the conference who struggled since August to get to this point today.

Mr. Speaker, I rise today in support of the conference report on H.R. 1905, a bill making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

Mr. Speaker, the conference report on H.R. 1905 is in my judgment, balanced and fair. It

FY 1996 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL (H.R. 1905)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF DEFENSE - CIVIL						
DEPARTMENT OF THE ARMY						
Corps of Engineers - Civil						
General investigations	171,199,000	155,625,000	129,906,000	126,323,000	121,767,000	-49,432,000
Construction, general	923,668,000	785,125,000	807,846,000	778,456,000	804,573,000	-119,095,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	328,138,000	319,250,000	307,885,000	307,885,000	307,885,000	-20,253,000
Operation and maintenance, general	1,646,535,000	1,749,875,000	1,712,123,000	1,696,998,000	1,703,697,000	+57,162,000
Regulatory program	101,000,000	112,000,000	101,000,000	101,000,000	101,000,000	.....
Flood control and coastal emergencies	14,979,000	20,000,000	10,000,000	10,000,000	10,000,000	-4,979,000
General expenses	152,500,000	164,725,000	150,000,000	153,000,000	151,500,000	-1,000,000
Oil spill research	900,000	850,000	850,000	850,000	850,000	-50,000
Total, title I, Department of Defense - Civil	3,338,919,000	3,307,450,000	3,219,610,000	3,174,512,000	3,201,272,000	-137,647,000
TITLE II - DEPARTMENT OF THE INTERIOR						
Central Utah Project Completion Account						
Central Utah project construction	22,839,000	18,905,000	18,905,000	18,905,000	18,905,000	-3,934,000
Fish, wildlife, and recreation mitigation and conservation	11,133,000	18,503,000	18,503,000	18,503,000	18,503,000	+7,370,000
Utah reclamation mitigation and conservation account	5,000,000	5,485,000	5,485,000	5,485,000	5,485,000	+485,000
Program oversight and administration	1,191,000	1,246,000	1,246,000	1,246,000	1,246,000	+55,000
Total, Central Utah project completion account	40,163,000	44,139,000	44,139,000	44,139,000	44,139,000	+3,976,000
Bureau of Reclamation						
General investigations	14,190,000	13,602,000	13,114,000	11,234,000	12,684,000	-1,506,000
Construction program	432,727,000	375,943,000	417,301,000	390,461,000	411,046,000	-21,681,000
Operation and maintenance	274,300,000	288,759,000	278,759,000	267,393,000	273,076,000	-1,224,000
Loan program	9,600,000	16,668,000	11,668,000	11,668,000	11,668,000	+2,068,000
(Limitation on direct loans)	(23,000,000)	(37,000,000)	(37,000,000)	(37,000,000)	(37,000,000)	(+14,000,000)
General administrative expenses	54,034,000	50,327,000	48,150,000	48,150,000	48,150,000	-5,884,000
Emergency fund	1,000,000	.....	.....	.....	.....	-1,000,000
Colorado River Dam fund (by transfer, permanent authority)	(-7,472,000)	(-4,556,000)	(-4,556,000)	(-4,556,000)	(-4,556,000)	(+2,916,000)
Central Valley project restoration fund	45,385,000	43,579,000	43,579,000	43,579,000	43,579,000	-1,806,000
Total, Bureau of Reclamation	831,236,000	788,878,000	812,571,000	772,485,000	800,203,000	-31,033,000
Total, title II, Department of the Interior	871,399,000	833,017,000	856,710,000	816,624,000	844,342,000	-27,057,000
(By transfer)	(-7,472,000)	(-4,556,000)	(-4,556,000)	(-4,556,000)	(-4,556,000)	(+2,916,000)
TITLE III - DEPARTMENT OF ENERGY						
Energy Supply, Research and Development Activities	3,240,548,000	3,355,521,000	2,575,700,000	2,830,324,000	2,727,407,000	-513,141,000
Uranium Supply and Enrichment Activities	73,210,000	75,441,000	64,197,000	64,197,000	64,197,000	-9,013,000
Gross revenues	-9,900,000	-34,903,000	-34,903,000	-34,903,000	-34,903,000	-25,003,000
Net appropriation	63,310,000	40,538,000	29,294,000	29,294,000	29,294,000	-34,016,000
Uranium enrichment decontamination and decommissioning fund	301,327,000	288,807,000	278,807,000	278,807,000	278,807,000	-22,520,000
General Science and Research Activities	984,031,000	1,011,699,000	991,000,000	971,000,000	981,000,000	-3,031,000
Nuclear Waste Disposal Fund	392,800,000	.....	226,599,000	151,600,000	151,600,000	-241,200,000
Environmental Restoration and Waste Management:						
Defense function	(4,892,691,000)	(5,986,736,000)	(5,265,478,000)	(5,989,750,000)	(5,557,532,000)	(+664,841,000)
Non-defense function	(1,045,368,000)	(991,063,000)	(905,348,000)	(906,413,000)	(900,348,000)	(-145,020,000)
Total	(5,938,059,000)	(6,977,799,000)	(6,170,826,000)	(6,896,163,000)	(6,457,880,000)	(+519,821,000)
Atomic Energy Defense Activities						
Weapons Activities	3,229,069,000	3,489,367,000	3,273,014,000	3,751,719,000	3,460,314,000	+231,245,000
Defense Environmental Restoration and Waste Management	4,892,691,000	5,986,736,000	5,265,478,000	5,989,750,000	5,557,532,000	+664,841,000
Other Defense Activities	1,834,657,000	1,423,127,000	1,323,841,000	1,439,112,000	1,373,212,000	-461,445,000
Defense Nuclear Waste Disposal	129,430,000	198,053,000	198,400,000	248,400,000	248,400,000	+118,970,000
Total, Atomic Energy Defense Activities	10,085,847,000	11,097,283,000	10,060,733,000	11,428,981,000	10,639,458,000	+553,611,000
Departmental Administration	387,312,000	423,135,000	362,250,000	352,126,000	366,697,000	-20,615,000
Miscellaneous revenues	-161,490,000	-137,306,000	-122,306,000	-137,306,000	-122,306,000	+39,184,000
Net appropriation	225,822,000	285,829,000	239,944,000	214,820,000	244,391,000	+18,569,000
Office of the Inspector General	26,465,000	30,696,000	26,000,000	25,000,000	25,000,000	-1,465,000
Power Marketing Administrations						
Operation and maintenance, Alaska Power Administration	6,494,000	4,260,000	4,260,000	4,260,000	4,260,000	-2,234,000
Operation and maintenance, Southeastern Power Administration	22,431,000	19,829,000	19,843,000	19,843,000	19,843,000	-2,588,000
Operation and maintenance, Southwestern Power Administration	21,316,000	29,636,000	29,778,000	29,778,000	29,778,000	+8,462,000

FY 1996 ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL (H.R. 1905) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Construction, rehabilitation, operation and maintenance,						
Western Area Power Administration	192,285,000	282,759,000	257,652,000	257,652,000	257,652,000	+65,367,000
(By transfer, permanent authority)	(7,472,000)	(4,556,000)	(4,556,000)	(4,556,000)	(4,556,000)	(-2,916,000)
Falcon and Amistad operating and maintenance fund	.....	1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
Total, Power Marketing Administrations	242,526,000	337,484,000	312,533,000	312,533,000	312,533,000	+70,007,000
Federal Energy Regulatory Commission						
Salaries and expenses	166,173,000	136,567,000	132,290,000	131,290,000	131,290,000	-34,883,000
Revenues Applied	-166,173,000	-136,567,000	-132,290,000	-131,290,000	-131,290,000	+34,883,000
Total, title III, Department of Energy	15,562,676,000	16,447,857,000	14,740,610,000	16,242,359,000	15,389,490,000	-173,186,000
(By transfer)	(7,472,000)	(4,556,000)	(4,556,000)	(4,556,000)	(4,556,000)	(-2,916,000)
TITLE IV - INDEPENDENT AGENCIES						
Appalachian Regional Commission	272,000,000	183,000,000	142,000,000	182,000,000	170,000,000	-102,000,000
Defense Nuclear Facilities Safety Board	17,933,000	18,500,000	17,000,000	17,000,000	17,000,000	-933,000
Delaware River Basin Commission:						
Salaries and expenses	343,000	353,000	.....	440,000	343,000	.....
Contribution to Delaware River Basin Commission	478,000	551,000	.....	478,000	428,000	-50,000
Total	821,000	904,000	.....	918,000	771,000	-50,000
Interstate Commission on the Potomac River Basin:						
Contribution to Interstate Commission on the Potomac River Basin	511,000	524,000	.....	511,000	511,000	.....
Nuclear Regulatory Commission:						
Salaries and expenses	520,501,000	520,300,000	468,300,000	474,300,000	468,300,000	-52,201,000
Revenues	-498,501,000	-498,300,000	-457,300,000	-457,300,000	-457,300,000	+41,201,000
Subtotal	22,000,000	22,000,000	11,000,000	17,000,000	11,000,000	-11,000,000
Office of Inspector General	5,080,000	5,500,000	5,000,000	5,000,000	5,000,000	-80,000
Revenues	-5,080,000	-5,500,000	-5,000,000	-5,000,000	-5,000,000	+80,000
Subtotal	.....	.....	.....	.....	.....	.....
Total	22,000,000	22,000,000	11,000,000	17,000,000	11,000,000	-11,000,000
Nuclear Waste Technical Review Board	2,664,000	2,970,000	2,531,000	2,664,000	2,531,000	-133,000
Susquehanna River Basin Commission:						
Salaries and expenses	318,000	332,000	.....	280,000	318,000	.....
Contribution to Susquehanna River Basin Commission	288,000	360,000	.....	288,000	250,000	-38,000
Total	606,000	692,000	.....	568,000	568,000	-38,000
Tennessee Valley Authority: Tennessee Valley Authority Fund	137,873,000	140,473,000	103,339,000	110,339,000	109,169,000	-28,704,000
Office of the Nuclear Waste Negotiator	1,000,000	.....	.....	.....	.....	-1,000,000
Total, title IV, Independent agencies	455,408,000	369,063,000	275,870,000	331,000,000	311,550,000	-143,858,000
Scorekeeping adjustments	-185,403,000	-395,343,000	-410,343,000	-395,343,000	-410,343,000	-224,940,000
Grand total:						
New budget (obligational) authority	20,042,999,000	20,562,044,000	18,682,457,000	20,169,152,000	19,336,311,000	-706,688,000
(By transfer)	.....	.....	.....	.....	.....	.....

Mr. MYERS of Indiana. Mr. Speaker, I would be remiss if I did not pay a special tribute to the ranking minority member of the subcommittee, the Honorable TOM BEVILL. Mr. BEVILL is one of the true gentlemen of the House who enjoys the respect and admiration of all his colleagues. I am particularly grateful that I had the opportunity to benefit from his counsel, his wisdom, and his friendship.

Mr. Speaker, I urge all Members of the House to vote "aye" on the conference report on H.R. 1905.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama [Mr. BEVILL] for 30 minutes.

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

Mr. Speaker, I rise in support of this bill today, and I recommend the approval of this bill.

This bill, when it passed the House, received the biggest vote that this particular bill has ever received in its history. And the vote was 400 to something like 23, I believe. I want to certainly commend the gentleman from Indiana [Mr. MYERS], my colleague of many years and my friend. We have worked together for many years on this particular committee. This is the gentleman's first time to present this bill as chairman. I want to commend the gentleman. He has done a great job. He has been great to work with. We both recommend this bill.

Mr. Speaker, this bill is really a nonpartisan bill. We are in agreement that we have to cut the size of our Federal Government. We are in agreement that we have to cut the spending and get our country back on a sound financial basis.

With that in mind, 2 years ago this bill contained $22 billion. This year, it is $19.3 billion. So, the difference there is more than a $2 billion difference.

Mr. Speaker, I present this bill to you, with the reduction that has been made. As a matter of fact, since the 1994 bill, that amounts to 13-percent below the 1994 appropriation bill. It is 6-percent less than what the President requested.

Mr. Speaker, we have had to make some tough choices, but I want to say we recommend this bill to our colleagues as certainly reasonable under

no science or no research to be found in that $40 million.

That is how we are saving money in order to make sure we balance the budget while at the same time preserving the basic scientific research programs on which this country depends.

The priorities in this bill are the priorities that the House endorsed in passing both the authorization and appropriation bills. Should we be completely satisfied? No, we should not be completely satisfied. Of course not. A conference report is, by definition, a compromise.

But this bill is a down payment on a balanced budget that we will have in 7 years. Basically, we are keeping our promises to the American people. We accomplish this without sacrificing our core scientific programs by cutting out the frills and the nonessentials.

I urge my colleagues to support this bill.

Again, I congratulate the ranking member as well as the chairman of this committee for the hard work and good work they have done and the leadership they have provided.

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Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I wish to thank the ranking member for the time and Chairman MYERS for entering into this colloquy. I would also commend the chairman and ranking member for reporting a balanced bill, particularly in support of the biofuels research development program within the Department of Energy. And I would like to clarify the intent of the conference committee with regard to this program. Am I correct in understanding that nothing in the conference report prohibits continuing research, development, and demonstration on energy crops for fuels and electricity or in any way discourages a continuation of the ongoing biomass electric program in all States in parallel to the ongoing biomass fuels research, development and demonstration program, on the understanding that the expenditures for the biomass electric program do not reduce the conferees' allocations to other biofuels programs?

Mr. MYERS of Indiana. Mr. Speaker, if the gentleman will yield, your assessment is correct here. There are some great programs here, some very impressive programs being demonstrated.

Mr. MINGE. I thank the gentleman very much. I appreciate your confirming the intent of the conference committee in this regard.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the Committee on Appropriations and one who has worked very closely with this subcommittee.

Mr. NETHERCUTT. Mr. Speaker, I thank the chairman. I would like to engage in a colloquy with the chairman of the subcommittee.

Mr. Speaker, we have before us a provision of this conference report which raises the concern of the conferees that the comprehensive management of our valuable salmon resources should be undertaken by the administration in the form of a memorandum of agreement. It is my understanding that the conference strongly encourages the administration to work with the Congress and interested parties in the development of the MOA. I, on behalf of my constituents in Washington's fifth district, want the opportunity to review and comment prior to its adoption, and I presume the administration will work with me and my other Northwest colleagues to that end. To the maximum extent practicable, this MOA should not result in increased electric or fish and wildlife costs in the region. Is that understanding correct?

Mr. MYERS of Indiana. If the gentleman will yield, the gentleman from Washington is correct. The committee is very concerned about ensuring we do provide for the salmon problem and also about being careful as to who pays for it.

Mr. NETHERCUTT. Subsection 508(b)(1) of the conference report provides for the sale of excess Federal power outside the region. This section requires that the power be offered on the same essential rates, terms and conditions to customers outside the region as is offered to Northwest customers. I understand this language to require BPA to offer the terms and conditions to Northwest customers first. So that if BPA intends to offer contracts of certain terms outside the region, it must offer the same terms to customers inside the region. The intent is to give customers inside the region a right of first refusal on all of the essential rates, terms and conditions in any contract, before BPA offers for sale energy outside the region. Is this correct?

Mr. MYERS of Indiana. If the gentleman will yield, the gentleman is correct. Your conferees grappled with this and tried to work out problems among parties from the region. We had some issues we had to work out with the Committee on Commerce and the Committee on Resources.

Mr. NETHERCUTT. I thank the chairman very much for his hard work and certainly urge adoption of the conference report.

Mr. MYERS of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. MCINNIS], with whom we have worked very hard trying to work out language on a problem.

Mr. MCINNIS. Mr. Speaker, I also would like to thank the gentleman from Alabama [Mr. BEVILL]. Both of these gentlemen have worked extensively with myself and my staff as well as the staff of our Senators and other members of the Colorado delegation, to come to some type of compromise. I would also like to thank the gentleman from California [Mr. FAZIO] for his cooperation.

Mr. Speaker, I would rise to commend the remaining conferees on the energy and water appropriations bill for the action on the Animas-La Plata water project. The conference committee, led by the able gentleman from Indiana, Mr. MYERS and the gentleman from Alabama, Mr. BEVILL, Senators DOMENICI and JOHNSTON, have taken a decisive step toward expedient completion of the Animas-La Plata water project.

The United States has an 1868, 1868 treaty obligation to provide water to the Ute Mountain, Ute Tribe, and the Southern Ute Tribe. In the Ute Indian Water Rights Settlement Act of 1988, the U.S. Congress reaffirmed this obligation and determined the Animas-La Plata project was the only viable alternative to providing water to the Ute Tribes and directed the Secretary of Interior to begin construction of the Animas-La Plata project.

Today, 7 years after Congress directed the project be built and over a century after the original treaty was signed, the tribes are still waiting to receive their water. In fact, they are still waiting for construction to begin.

It is that failure to execute the terms of the 1988 act in a timely fashion which led the conferees to include section 507 in the appropriations bill. This section provides, in order to ensure the timely implementation of the Colorado Ute Indian Water Rights Act of 1988, the Secretary of the Interior is directed to proceed without delay with construction of those facilities in conformance with the final biological opinion for the Animas-La Plata project in Colorado, and New Mexico, dated October 25, 1991.

I would at this time, Mr. Speaker, like to engage in a very brief colloquy with the chairman about the intent of this language. First of all, does the chairman agree if the construction does not begin in fiscal year 1996 that the water rights settlement is in jeopardy?

Mr. MYERS of Indiana. If the gentleman will yield, this is correct. I have been on this committee for more than 25 years. Animas-La Plata, has been on our platter all that time. We have tried to resolve it. We have tried to work out differences with the environmentalists. It has been through frequent litigation. It is in jeopardy unless we get it moving right now. The committee recognizes that.

Mr. MCINNIS. What would the conferees expect from the Secretary of the Interior with respect to the section 507?

Mr. MYERS of Indiana. It is the intent of this committee to direct the

Secretary to start construction immediately or as soon as possible, so we will fulfill the obligation we have to the Ute Indian Tribes who have given up their water rights through the years.

Mr. MCINNIS. I thank the chairman. I would again like to acknowledge the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS], not only on the merits of what you have said but on the importance that you have placed on the word that we gave to the native American tribes.

Mr. BEVILL. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to emphasize the words of our chairman on this matter, and he has stated the case well, and I concur with his interpretation of the language we adopted in the conference report.

Mr. MCINNIS. Mr. Speaker, I am including at this point in the RECORD a letter dated September 27, 1995, from the Southern Ute Indiana Tribal Council, as follows:

SOUTHERN UTE INDIAN
TRIBAL COUNCIL,
Ignacio, CO, September 27, 1995.

Representative SCOTT MCINNIS,
Cannon House Office Building, Washington, DC.

Re HR-1905, 1996 energy and water development appropriations bill.

DEAR SCOTT: In the very near future, the United States Congress will be considering HR-1905, the 1996 Energy and Water Development Appropriations Bill. Sufficiency Language may be included in that legislation which will, at long last, enable the United States government to fulfill a trust responsibility to the Colorado Ute Indian Tribes by allowing the Animas-La Plata Water Resources Development Project to move forward, as promised by the Congress under the provisions of the 1988 Colorado Ute Indian Water Rights Settlement Act.

When you served in the Colorado legislature in the 1980's, you were an important part of the Settlement Agreement. With your assistance, the Colorado legislature appropriated almost $60 million as the State's share of cost sharing with the federal government for construction of the Animas-La Plata Project. $42 million of those funds still remain in escrow, ready to be spent to fulfill the State of Colorado's commitment to the settlement of the Colorado Ute Indian water claims.

Now that you are in Congress, we are again seeking your assistance to encourage your fellow congressmen to support fulfillment of the 1988 Colorado Ute Indian Water Rights Settlement Act. I know how my ancestors must have felt when the United States government repeatedly broke treaties with the Colorado Ute Indians. First in 1863, then in 1868, 1873, and finally in 1880. With each treaty the homelands of the Utes were reduced in size. Finally, in 1880, Congress confiscated all of the Ute lands in Colorado—over one-third of the State of Colorado. In the 1930's a small remnant of our aboriginal homelands in Southwestern Colorado were restored to tribal ownership.

Now the national environmental groups would have the United States government breach the agreement that was entered into in 1988. At that time, the Colorado Utes chose to negotiate rather than litigate and entered into another treaty, or contract with America, in return for deferring the Colorado Ute senior *Winters* water rights on rivers in Southwestern Colorado that cross the reservation. Congress and then President Reagan said, "We will build the Animas-La Plata Project. The Utes will have wet water—not paper water rights." Upon passage of the Colorado Ute Indian Water Rights Settlement Act, the legislation was hailed as a model for all tribes to follow—negotiate, do not litigate. Since passage, the states of Colorado, New Mexico, the water districts, the municipalities, and the Indian tribes, have been strangled in a swamp of red tape and bureaucratic backpeddling.

Now comes the Sierra Club Legal Defense Fund, not unlike the Indian givers of the last century. Do not honor our commitment to the Indians. Ignore the trust responsibility the United States government has under the Constitution of the United States. Sacrifice the Indian water claims on the alter of economics. It is too expensive to build the Animas-La Plata. Let's give the Indians "wampum" instead of water. My ancestors were all too familiar with the "beads for Manhattan" mentality of the early Indian traders. Colorado Ute Indian tribes honorably negotiated the Colorado Ute Indian Water Rights Settlement Act, which mandates construction of the Animas-La Plata Project. In his inaugural message to the Congress, President Bush said "Great men, like great nations, must keep their promises. The Colorado Ute Indian tribes expect this great nation to keep its promise and construct the Animas-La Plata Project."

Sincerely,

LEONARD C. BURCH, *Chairman,*
Southern Ute Indian Tribe.

Mr. BEVILL. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I want to take this opportunity to thank the chairman and also the gentleman from Alabama [Mr. BEVILL] for their support in this legislation, and urge support of the conference report.

Let me say first of all that the conferees and certainly the House bill originally rejected the administration's proposed new role, limited role, I would say, for the Army Corps of Engineers in terms of flood control, shore protection, and also small navigation dredging projects. I am very pleased to see the conference adopted this approach and essentially rejected what the administration had proposed for the corps, because what it would have meant is that only projects that were nationally significant would have moved into subsequent phases and actually have been accomplished. Smaller projects would not have been done, whether they were flood control, shore protection, or dredging, and that would have meant essentially the States would have been left on their own to come up with funding and to provide the engineering for these kinds of projects.

I said all along the States do not have the resources or ability to do that, and so effectively what the administration proposed would have meant these projects would not have been done.

I think that the chairman and the ranking member understood this and that is why the policy is not articulated in this legislation. It would have also been particularly detrimental to coastal States, one of which I represent.

I also wanted to praise the conferees for continued support for the continuing authorities program. They have instructed the Secretary to continue with all projects that are currently being conducted under the continuing authorities program, regardless of what stages they are in. This is again particularly beneficial to smaller communities like I represent. For relatively modest cost, the Federal Government puts money into these projects and lets a lot of the smaller towns do the projects, and they are very cost-effective. I have one in my district that I share actually with myself and the gentleman from New Jersey [Mr. ZIMMER] on Poplar Brook. Again, a small amount of Federal dollars is used very cost effectively to achieve a good result.

I just wanted to put in a word of praise to my colleague, the gentleman from New Jersey [Mr. FRELINGHUYSEN], who spoke earlier. He really did an excellent job in supporting the projects in New Jersey, some of which, of course, are in my district. There has been a lot of support for the shore protection project along the Atlantic Coast which has been continuing for a number of years, has been very helpful to us, the tourism industry. We also were successful in getting the House version of funding on a lot of projects in New Jersey, some of which were not in the Senate bill, particularly the South River Dam, a flood control project, a very important project to me. I appreciate that.

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this conference report. I believe it represents a thoughtful approach to the difficult task of balancing our Nation's energy and water priorities in an era of fiscal restraint.

I commend the chairman and the conferees for coming up with a great product.

Included in this bill is a $5.5 billion appropriation for the Department of Energy's environmental restoration and waste management budget—this part of the bill is actually an increase in spending over last year's funding level and it represents an acknowledgment on the part of the Federal Government that it indeed, does have a responsibility to clean up hazardous

stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

The conference report also provides $200,000 for operation and maintenance and $20,000 for construction of the Missouri national recreation river project. This project addresses a serious problem in protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

Finally, Mr. Speaker, this Member recognizes that the conference report also provides funding for a Bureau of Reclamation assessment of Nebraska's water supply—$75,000—as well as funding for Army Corps projects in Nebraska at the following sites: Wood River; Papillion Creek and tributaries; Gavins Point Dam, Lewis and Clark Lake; Harlan County Lake; and Salt Creek and tributaries.

Again, Mr. Speaker, this Member commends the distinguished gentleman from Indiana [Mr. MYERS], the chairman of the subcommittee, and the distinguished gentleman from Alabama [Mr. BEVILL], the ranking member of the subcommittee for their continued support of these projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River Basin.

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

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

The SPEAKER pro tempore (Mr. UPTON). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 24, not voting 6, as follows:

[Roll No. 748]

YEAS—402

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
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
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
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
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—24

Andrews
Baesler
Barrett (WI)
Beilenson
Clement
Filner
Ford
Gordon
Hefley
Jacobs
Mica
Nadler
Rangel
Reed
Roemer
Royce
Salmon
Scarborough
Sensenbrenner
Stearns
Tanner
Velazquez
Vento
Ward

NOT VOTING—6

Bereuter
Fields (LA)
Moakley
Roth
Tucker
Weldon (PA)

□ 1423

Mr. WARD and Mr. ROYCE changed their vote from "yea" to "nay."

Mr. DINGELL changed his vote from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, it was this Member's intent to vote "aye" on October 31, 1995, on H.R. 1905, the fiscal year 1996 Energy and Water Appropriation Conference Report. This Member was present and attempted to vote in favor of the conference report, but apparently for some technical reason the vote was not recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Mr. POSHARD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 359.

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

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREE ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

The SPEAKER pro tempore (Mr. UPTON). Without objection, under the authority granted in clause 6 of rule X, the Speaker appoints Mr. BROWN of California as an additional conferee from the Committee on Agriculture for consideration of title I of the House bill, and subtitles A–C of title I of the

Senate amendment, and modifications committed to conference.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

WAVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 249 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived. The motion printed in the report of the Committee on Rules accompanying this resolution to dispose of the amendment of the Senate numbered 115 may be offered only by Representative Callahan of Alabama or his designee. That motion shall be considered as read and shall be debatable for one hour equally divided and controlled by the proponent and an opponent. All points of order against that motion are waived. The previous question shall be considered as ordered on that motion to final adoption without intervening motion or demand for division of the question.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I am pleased to bring to the floor this rule to provide for consideration of the conference report for H.R. 1868, the foreign operations appropriations bill for fiscal year 1996. This is a simple, fair rule that will allow the House to vote on the conference report, and then on a separate motion dealing with the controversial issue of the restrictions on aid money for abortion. Specifically, as provided under House rules, we will have 1 hour of debate on the conference report itself—including the traditional right of the minority to offer a motion to recommit with or without instructions. Immediately following the consideration of the conference report, the rule provides for a motion to dispose of Senate amendment 115—to be offered by the chairman of the Foreign Operations Subcommittee, the gentleman from Alabama [Mr. CALLAHAN], or his designee. This motion is debatable for a full hour, and the House will be able to cast an up or down vote following that debate. While the Callahan motion might sound complex, it can be summed up as follows: For years, under Presidents Reagan and Bush, there were sensible—in my view—restrictions on the use of foreign aid funds for abortion purposes; this policy is known as the Mexico City policy. However, during consideration of this bill, the House voted in favor of stricter standards, and the Senate voted for more lenient standards. To arrive at an acceptable solution to this dilemma, the conferees have decided to—no surprises here—go with the Mexico City policy. We are facilitating this agreement, by allowing Chairman CALLAHAN to offer his motion following debate on the conference report.

Mr. Speaker, I am especially pleased that this conference report contains the original Goss amendment language on Haiti that the House adopted 252 to 164 on the 28th of June. This language provides a measure of accountability for the billions of taxpayers' dollars that have been spent in Haiti—and continue to be spent today. This measure was important in June, and it remains important today—we are still not sure exactly how much money has been used to restore President Aristide and maintain the peace in Haiti. But we do know that Haiti's fledgling democracy is facing some immediate challenges, including: Presidential elections, scheduled for the end of this year, but that date is rapidly slipping; reform of the justice system; and privatization of the economy which has suffered some setbacks recently.

Mr. Speaker, I look forward to the responsible use of the review mechanism provided under the Goss amendment with regard to Haiti, and I know other Members have other areas of concern in foreign ops as well, and there will be plenty of opportunity to debate them under the provisions of this fair and simple rule. I urge my colleagues to support the rule in the bill.

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

□ 1430

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from Florida, Mr. GOSS, as well as my colleagues on the other side of the aisle for bringing this rule to the floor.

House Resolution 249 makes it in order to consider the conference report on H.R. 1868, the foreign operations appropriation bill for fiscal year 1996, and waives all points of order against the conference report. The Rules Committee reported the rule without opposition by voice vote.

The joint statement of managers of the conference included $108 million for basic education. This was a result of an amendment Mr. HOUGHTON and I offered on the House floor that received 263 votes.

During a hearing of the Rules Committee yesterday, Mr. BEILENSON asked Mr. CALLAHAN, chairman of the Foreign Operations Subcommittee, about the support of the conferees for the funding level of basic education. In response to the question, Mr. CALLAHAN replied that the conferees would strongly insist on that funding level. I hope that AID follows this direction.

I am disappointed with the large cuts in development assistance contained in this bill. However, I am glad that the conference committee earmarked $300 million for child survival and ensured that UNICEF would receive $100 million, and it contained a recommendation that basic education will receive $108 million.

Mr. Speaker, I urge the adoption of the rule.

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

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

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I take the well to urge Members to vote against the previous question on the rule when we have the opportunity.

Mr. Speaker, under the rule, the gentleman from Alabama [Mr. CALLAHAN], or his designee, will be permitted to offer an amendment related to amendment No. 115, which has language concerning abortion and the United Nations Population Agency.

However, under the rule, Members are prohibited from offering amendments to that amendment. The White House has stated that if the language contained in the amendment by the gentleman from Alabama [Mr. CALLAHAN] is included in the foreign operations bill, the President will veto the bill. Under those circumstances, I would like to be able to try to offer compromise language that I believe would make real our apparent passage of the conference report on foreign operations today.

My amendment, which I ask unanimous consent to be printed in the RECORD, would take out the so-called Mexico City language, which the administration opposes, leaving in a prohibition on lobbying for or against abortion, and prohibits funds to the United Nations Population Fund, unless UNFPA has terminated its program in China by May 1, 1996.

Mr. Speaker, permanent law already requires that none of the funds in this

their way but they are not quite held in December, they are obviously in substantial compliance and trying to do the job. I look forward to a peaceful turnover and a new President of Haiti and successful growth of democracy.

As to the gentlewoman from California, I have been invited by President Aristide for the succession. I have accepted his invitation. He said it would be February. If it is a little later than that, that is OK. I prefer to be in Haiti during the winter season than the summer season.

Ms. WATERS. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman. I think that takes care of my concern.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, on June 29, this institution in a sense of moral outrage voted for an amendment offered by the gentleman from Indiana [Mr. VISCLOSKY] to deny assistance to Azerbaijan in reaction, in outrage to the fact that it continues an illegal and immoral blockade against the people of Armenia.

Our sense of outrage is understandable. Armenia is a landlocked country. Eighty-five percent of everything it needs to feed and to clothe and to warm its people comes through Azerbaijan. Five years since the United States originally took this position, the blockade being in place, they have done nothing, nothing to lift the blockade and stop the suffering of the Armenian people.

Indeed, today 95 percent of the people of Armenia are living on an income of less than $1 a day in a harsh environment. So this House, knowing these facts, cast a vote insisting that the blockade be lifted. The other body, in debating foreign assistance as well, offered no contradictory provisions. There seemed to be no objections here or there. Yet, in the rule before us today, the Committee on Rules, having waived all points of order, we find that this provision is removed, and the Members of this House, if they approve the rule, are without recourse.

We are without recourse despite the fact that the rules of this House specifically state that there is an action of this House, there being nothing contradictory in the other body; therefore the conference would have no contradictory provisions, that an unrelated contradictory provision should not be in the bill. But it is.

We are without the ability to raise a point of order if the rule is enacted. Sadly, therefore, Mr. Speaker, I rise in opposition to the rule and remind the Members that, if they feel this continuing outrage in the same vote they cast in June, that this embargo is wrong. It should stop, consistent with our ability to deliver humanitarian assistance to Azerbaijan, because it is not covered but that no American assistance otherwise will continue unless and until the blockade is lifted. If Members continue to feel that view, there is one way to express themselves. That is to oppose the rule.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, the conference took up and considered a matter that had already been dealt with on the floor of the House. A vote was taken, and no similar provision was included in the Senate bill regarding humanitarian aid through the Government of Azerbaijan upon a finding that humanitarian assistance through nongovernmental organizations would be insufficient. It needs to be stressed, Mr. Speaker, that this language only permits humanitarian aid and does not require the President to provide any such aid in any event. Nonetheless, this provision is a grave error and should not have been included in the conference.

Azerbaijan itself holds the key to providing itself with United States assistance, because under section 907 of the Freedom Support Act, they may receive assistance if they take demonstrable steps, Mr. Speaker, to cease their blockading of and warring with Armenia and Karabakh. This is the correct approach.

The House had already considered and rejected amending section 907 through this bill, but provisions to resume aid to Azerbaijan that were struck on the floor of the House during consideration of the bill in June were reraised in the conference. I believe that as a matter of procedure and as a matter of respect for the will of this body, when no Senate bill contained a similar provision, there should be no provision providing for aid to Azerbaijan other than pursuant to section 907 before us today.

I am sorry the rule that we are considering does not allow this matter to be treated under the normal procedures for items in technical disagreement so that this decision could be reconsidered. While I understand the need to move the bill forward, I would hope that, when ultimately it undoubtedly will go back to the conference committee, that this matter can be corrected.

We should give assistance to Azerbaijan, particularly humanitarian assistance, but they should be forthcoming and lift their blockade on Armenia and Karabakh before we do so. That is exactly what the Freedom Support Act provides in section 907. It ought to be observed.

I might say also, Mr. Speaker, that the conference did, in regard to this area, two very find things. They provided that the Humanitarian Corridor Act should be a part of this bill. That sends a message particularly to Turkey that, if they disrupt humanitarian assistance, they will not be entitled to any assistance from the United States; and that is as it should be.

In addition, we sent a very specific message to Turkey regarding their treatment of their Kurdish minority, their oppression of their Kurdish minority, their genocide against their Kurdish minority that has to be heard. It has now taken the place of repressing of expressions of disagreement with Government policy, and people get sent to jail.

□ 1500

It is time that we sent that message. The bill does so. I commend the conferees in approving both of those sections and commend the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I rise this afternoon in opposition to the rule.

Mr. Speaker, I would like to acknowledge the work that was done on a bipartisan basis many, many weeks ago. It was the very late evening of June 29. I believe it was an all-night session. I remember speaking on the floor, and I think it was about 2:30 in the morning when we debated this, and I think that it was one of the prouder moments for Members of this House as they recognized that Azerbaijan should not be rewarded for blockading Armenia. That blockade has imposed enormous, enormous human suffering on the Armenian people, and so together, from both sides of the aisle, we underscored that suffering, and we said that the House of Representatives was going to take the necessary, and important, and critical steps not to reward Azerbaijan for that, and so we went forward, and the language went forward, and it was unanimous. It was a voice vote of this House.

Now in another late night, when the conference met, it was misrepresented that what we had sent to the conference had somehow changed. It has not changed, and so that is why I rise in opposition to the rule and all of the Members of this House should vote against this rule, so that we can bring back the language that we so in unified fashion passed that late night, and we thought then that we were victorious for human rights, decency. The right thing to do is that that language would be appropriately restored.

I want to commend my colleagues that have worked so hard on this from both sides of the aisle, and this correction really does need to be made. We were misrepresented. The other body did not even speak on this; they saw that what we had done in the House that night, the night of June 29, should be retained, and for that reason I rise

in opposition to the rule and ask Members to join me in voting against it.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I am in a dilemma because I both support the words of the gentleman from New Jersey [Mr. TORRICELLI] and the words of the gentleman from Illinois [Mr. PORTER]. I think that the issue of Azerbaijan and Armenia needs to be addressed. The gentleman from Illinois [Mr. PORTER] tells me that it will go back to conference and it will be looked at. I hope that is the case.

On the second point, this Member personally believes that this body in Congress has no reason to get involved in family planning of other countries. As a matter of fact, I feel, no matter what side of the issue one is on, it should stay out of the bedrooms of American citizens, and I do not think it should be funded abroad or here in Congress, either way, and basically stay out of it. As my colleagues know, it is established under Roe versus Wade, and I think this body ought to stay the hell out of it.

Insofar as this bill, I would ask support of the rule, and I will work with the gentlemen on the other side to make sure that the Azerbaijan-Armenia issue is included.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise also in opposition to the rule because it waives all points of order. Yesterday I went before the Committee on Rules and urged that the point of order not be waived with respect to my opposition to language that essentially repeals section 907 of the Free Support Act relating to aid to Azerbaijan. Let me explain why I believe that this is a very serious procedural breach, if I can.

As was mentioned by some of the previous speakers, we had an extensive debate, 2½ hours, on the night of June 29 on the issue of section 907. Under current law section 907 prohibits direct United States aid to the Government of Azerbaijan because of their blockade of Armenia and Karabakh. What happened in the subcommittee was that language was added that essentially repealed section 907 and said that direct government aid could be sent to Azerbaijan for humanitarian purposes assuming that the President decided that that was appropriate. We had extensive debate on the House floor on the issue, and we voted by voice vote overwhelmingly, to take that language out that repeals section 907, and during the debate on the House floor it was abundantly clear that we were talking about humanitarian assistance, that we were talking about the discretion of the President of the United States to grant that humanitarian assistance, and that we were talking about assistance that was going to go to refugees.

Now when the conference met, new language, which is essentially the same as the old language, was put into the conference bill contrary to the vote on the floor of this House that says the same thing, that says that it is OK to give humanitarian assistance to refugees in Azerbaijan if the President decides that that is what he wants to do. There is no difference between this new language and the old language that was deleted by the House of Representatives. Substantively it is the same, and the way I understand it, that means that we should be able to raise the point of order today and take that language out of the conference bill because it is substantially the same.

All we are asking for today, and the reason we are opposed to the rule, is because we are not given the opportunity to reiterate our opposition to this language and to reiterate what the House has already said. I certainly hope there will be an opportunity, if this bill is vetoed or if it is not passed in the Senate, to reopen the conference and that we will have that opportunity in some future weeks to deal with this again, but the bottom line is that this rule is inappropriate because we have the same substantive language here, and do not let anybody say that it is not the same. There is no question that the debate was complete for 2½ hours and this was understood by everyone.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I join in this protest against the disregard of the will of this House by the conference committee. I was a participant in the debate in the wee small hours of the morning of June 29, and I do believe that, if for no other reason than out of a regard for the will of the Members of this House, this conference report is out of line.

I protest on another ground as well, and that is that the nation of Azerbaijan has used the revolving-door style of lobbying to accomplish its legislative objectives. There have been press reports about Azerbaijan hiring for millions of dollars a firm headed by a former Member of this body, a convicted felon, who led the lobbying campaign to remove the provision barring aid to Azerbaijan unless it lifted the blockade of Armenia.

Finally, of course, there is the substance of this matter. Azerbaijan has been acting in a heartless, cruel, ruthless way to try to strangle and destroy its neighbor. It is appropriate that the United States, in a demonstration of our humanitarian values, use the power and the leverage that we have to change the policy of Azerbaijan.

Mr. Speaker, I believe that we got it right the first time on June 29, and I believe it was wrong for the conference committee to disregard the will of this House and the will of the other body.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding this time to me, and I rise in strong opposition to this rule. This rule does not allow a point of order to be raised against the language that would now allow direct payments to be made to the Government of Azerbaijan that continues to create a blockade against the country of Armenia. Section 907 that has been mentioned before is a provision that was signed into law by President George Bush, indicates that, as soon as that blockade is lifted, direct payments can be made to the government. So, as the gentleman from Illinois [Mr. PORTER] mentioned earlier in his remarks, the key to this issue lies with the actions of the Government of Azerbaijan.

Originally the House bill contained language that overrode 907 and would allow those direct payments to this government that continues the blockade of the Armenian people. That was stripped by this House by voice vote on the evening of June 29. The House has spoken on this issue, the Senate did not take this issue up, and there was no contention in conference, although language clearly has now been added back in that would allow these payments to be make directly to the Government of Azerbaijan without them having to lift the blockade.

There is a lot of talk and discussion about the plight of the refugees. We all share that concern. But in their heart of hearts, if that Government of Azerbaijan was so concerned, they can lift the blockade, and that is the point of 907 that today, by passing this bill and being prohibited from raising a point of order, we are now in a moment going to overturn.

I again emphasize my strong opposition to this rule because we are not provided an opportunity to strike the provision.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise in opposition to the rule, and I encourage our colleagues to vote against it for two reasons at least.

One reason has been discussed by our colleagues on both sides of the aisle—the rule does not allow the language that is contained in the legislation about Azerbaijan to be considered. As our colleague from New Jersey [Mr. PALLONE] has said, this rule waives all points of order.

Our colleague, the gentleman from Texas [Mr. WILSON], made a good-faith effort, I believe, in our conference to moderate the language that he was suggesting for the bill. Nonetheless, all of his good intentions notwithstanding,

The SPEAKER pro tempore (Mr. COMBEST). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DURBIN. Mr. Speaker, on that I demand the yeas and nays.

The ayes and noes were ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 165, not voting 10, as follows:

[Roll No. 750]

AYES—257

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Yates
Young (AK)
Young (FL)
Zeliff

NOES—165

Abercrombie
Ackerman
Andrews
Baesler
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frelinghuysen
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Minge
Mink
Moorhead
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Radanovich
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—10

Fields (LA)
Gephardt
Moakley
Norwood
Portman
Ros-Lehtinen
Tejeda
Tucker
Volkmer
Weldon (PA)

□ 1556

Mr. FRELINGHUYSEN changed his vote from "aye" to "no."

Mr. DE LA GARZA and Mr. OBERSTAR changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall vote No. 750 on H.R. 2492, I mistakenly recorded my vote as "yes" when I should have voted "no."

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–130)

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 International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond November 14, 1995, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on November 1, 1994.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against Iran and of the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. Indeed, on March 15 of this year, I declared a separate national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act and imposed separate sanctions. By Executive Order 12959, these sanctions were significantly augmented. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the November 14, 1979, declaration of emergency, including the authority to block certain property of the Government of Iran, and which are needed in the process of implementing the January 1981 agreements with Iran.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 31, 1995.*

CONFERENCE REPORT ON H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. CALLAHAN. Mr. Speaker, pursuant to the rule, I call up the conference report on the bill (H.R. 1868), making appropriations for foreign operations,

export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 26, 1995, at page H10974.)

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CALLAHAN] will be recognized for 30 minutes, and the gentleman from Texas [Mr. WILSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 1868, now under consideration, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I am very pleased to bring back to the House the conference report on H.R. 1868, the fiscal year 1996 appropriations for Foreign Operations, Export Financing, and Related Programs.

The conference agreement represents a reduction of approximately $1.5 billion, or 11 percent, below the 1995 enacted level. It is also a cut of almost $2.7 billion, or 18 percent, below the President's request.

In addition, we are below the budget allocation for this bill by $156 million in discretionary budget authority.

The agreement protects important child survival and disease programs, as we had proposed in the House bill. The Senate bill contained no protections whatsoever for these programs. The conferees also direct that $100 million be provided for UNICEF, instead of a cut as assumed in the Senate bill.

In general, the House bill did not include authorization provisions that were not cleared by the relevant authorization committees. I can honestly say that I did not want authorization language on our appropriation bill. I have great respect for Chairman GILMAN and his colleagues on the International Relations Committee and I did my utmost to eliminate objectionable authorization language when the House considered H.R. 1868. However, the Senate included dozens of legislative provisions in the 193 amendments it made to the House bill. We were successful in deleting many of these in conference.

We also worked with the authorization committee to modify or retain those provisions of most interest to them. In particular, we worked closely with them on the Middle East Peace Facilitation Act and the NATO Participation Act amendments.

As I stated earlier, we had 193 Senate amendments to contend with in conference, and we were able to reach an agreement on all but one. The Senate conferees refused to accept the will of the House of Representatives on population funding and abortion.

Once the House has acted on the conference report, under the rule, I will ask the House to send back to the Senate the substance of a compromise amendment I offered in conference on the Mexico City abortion policy. This compromise has the support of the author of the amendment that was approved by the House, Mr. SMITH of New Jersey.

There are several matters in the conference agreement that merit further comment and clarification today.

With regard to concerns about conference report language on Azerbaijan, I want to repeat the statement I made before the Rules Committee: As chairman of the Foreign Operations Subcommittee, I expect to be consulted in advance and notified in writing on a case by case basis each time the President uses the limited waiver provided by the Wilson amendment.

Until the parties involved meet and agree to reduce the tension in the Caucasus region and terminate all blockades, which I believe is possible in coming months, this provision is a temporary, highly conditional waiver of aid to refugees and displaced persons only in Azerbaijan. It in no way overturns the much more extensive limitations on aid under current law, all of which are currently subject to a Presidential waiver.

Once Armenia, Azerbaijan, and Georgia agree to open railroads, pipelines, and other communications in the region, the President will be in a position to make the determination required under section 907 of the Freedom Support Act, and the Wilson provision will no longer be relevant.

With regard to language prohibiting the Agency for International Development's move to the elaborate and expensive new Federal Triangle Building, the language means just what it says. Before the Administrator of AID undertakes any other move that may be required, I expect him to fully consult with the Foreign Operations Subcommittee and make the reports requested by the conferees.

No funds are provided in this conference agreement for AID's move to the Federal Triangle. No other funds should be used for a move to the Federal Triangle. As far as this committee is concerned, that proposal is denied.

In conclusion, I'd like to thank my ranking minority member, Mr. WILSON, for his invaluable assistance in reaching a conference agreement on this bill. I'd also like to pay tribute to Mr. OBEY, the ranking Democrat on the full committee, for his assistance and advice throughout this process. I'm happy to say that they and all the other House and Senate members of the conference have signed the conference report.

In closing, I would remind the House that other members and the administration are ready and willing to add millions to this bill. Defeating this conference agreement would leave the door open for another bill that would cut less than this one.

Mr. Speaker, I include for the RECORD the following material:

FY 1996 FOREIGN OPERATIONS APPROPRIATIONS BILL (H.R. 1868) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Contribution to the Inter-American Development Bank:						
Inter-regional paid-in capital	28,111,959	25,952,110	25,950,000	25,952,110	25,952,110	-2,159,849
(Limitation on callable capital)	(1,594,568,180)	(1,523,767,142)	(1,523,000,000)	(1,523,767,142)	(1,523,767,142)	(-70,801,038)
Fund for special operations	21,338,000	20,835,000	.....	20,000,000	10,000,000	-11,338,000
Enterprise for the Americas Multilateral Investment Fund	75,000,000	100,000,000	70,000,000	115,000,000	53,750,000	-21,250,000
Inter-American Investment Corporation	190,000	.....	.....	.....	.....	-190,000
Total, contribution to the Inter-American Development Bank	(1,719,208,139)	(1,670,554,252)	(1,618,950,000)	(1,684,719,252)	(1,613,469,252)	(-105,738,887)
Contribution to the Asian Development Bank:						
Paid-in capital	.....	13,221,596	13,200,000	13,221,596	13,221,596	+13,221,596
(Limitation on callable capital)	.....	(647,858,204)	(647,000,000)	(647,858,204)	(647,858,204)	(+647,858,204)
Development fund	167,960,000	304,528,525	100,000,000	110,000,000	100,000,000	-67,960,000
Total, contribution to the Asian Development Bank	(167,960,000)	(965,608,325)	(760,200,000)	(771,079,800)	(761,079,800)	(+593,119,800)
Contribution to the African Development Fund	62,215,309	127,247,025	.....	.....	.....	-62,215,309
Contribution to the African Development Bank:						
Paid-in capital	133,000	.....	.....	.....	.....	-133,000
(Limitation on callable capital)	(2,002,540)	.....	.....	.....	.....	(-2,002,540)
Total, contribution to the African Development Bank	(2,135,540)	.....	.....	.....	.....	(-2,135,540)
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	69,180,353	81,916,447	69,180,000	70,000,000	70,000,000	+819,647
(Limitation on callable capital)	(161,420,824)	(191,138,376)	(161,400,000)	(163,333,333)	(163,333,333)	(+1,912,509)
Total, contribution to the European Bank for Reconstruction and Development	(230,601,177)	(273,054,823)	(230,580,000)	(233,333,333)	(233,333,333)	(+2,732,156)
North American Development Bank:						
Paid-in capital	.....	56,250,000	56,250,000	25,000,000	56,250,000	+56,250,000
(Limitation on callable capital)	.....	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	(+318,750,000)
International Monetary Fund						
Contribution to the enhanced structural adjustment facility	25,000,000	25,000,000	.....	.....	.....	-25,000,000
Total, contribution to International Financial Institutions	(4,307,796,208)	(5,921,853,401)	(4,424,189,000)	(4,865,097,361)	(4,718,447,361)	(+410,651,153)
Budget authority	1,805,880,750	2,328,864,666	1,030,139,000	1,299,913,669	1,153,263,669	-652,617,081
(Limitation on callable capital)	(2,501,915,458)	(3,592,988,735)	(3,394,050,000)	(3,565,183,692)	(3,565,183,692)	(+1,063,268,234)
International Organizations and Programs						
International organizations and programs	359,000,000	425,000,000	155,000,000	260,000,000	285,000,000	-74,000,000
(By transfer)	.....	.....	(15,000,000)	(30,000,000)	(30,000,000)	(+30,000,000)
Total, title IV, contribution for Multilateral Economic Assistance	(4,666,796,208)	(6,346,853,401)	(4,579,189,000)	(5,125,097,361)	(5,003,447,361)	(+336,651,153)
Budget authority	2,164,880,750	2,753,864,666	1,185,139,000	1,559,913,669	1,438,263,669	-726,617,081
(By transfer)	.....	.....	(15,000,000)	(30,000,000)	(30,000,000)	(+30,000,000)
(Limitation on callable capital)	(2,501,915,458)	(3,592,988,735)	(3,394,050,000)	(3,565,183,692)	(3,565,183,692)	(+1,063,268,234)
Grand total, all titles:						
New budget (obligational) authority	13,654,521,750	14,773,904,666	11,901,375,000	12,413,914,000	12,103,536,669	-1,550,985,081
(By transfer)	(850,000)	.....	(15,000,000)	(50,000,000)	(50,000,000)	(+49,150,000)
(Limitation on administrative expenses)	(22,150,000)	(24,020,000)	(24,000,000)	(22,500,000)	(23,250,000)	(+1,100,000)
(Limitation on callable capital)	(2,501,915,458)	(3,592,988,735)	(3,394,050,000)	(3,565,183,692)	(3,565,183,692)	(+1,063,268,234)
(Loan authorizations)	(1,278,496,000)	(2,619,883,000)	(1,943,658,000)	(2,200,112,000)	(2,027,258,000)	(+748,762,000)
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
Export Assistance Appropriations	931,031,000	1,043,000,000	967,779,000	986,000,000	970,165,000	+39,134,000
Negative Subsidies and Offsetting Collections	-201,276,000	-292,146,000	-292,146,000	-292,146,000	-292,146,000	-90,870,000
Total, Export Assistance	729,755,000	750,854,000	675,633,000	693,854,000	678,019,000	-51,736,000
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
Bilateral Development Assistance	3,939,688,000	4,235,197,000	3,654,024,000	3,962,213,331	3,500,864,000	-438,824,000
Other Bilateral Economic Assistance	3,793,502,000	3,762,300,000	3,223,600,000	3,055,000,000	3,324,600,000	-468,902,000
Total, Bilateral Economic Assistance	7,733,190,000	7,997,497,000	6,877,624,000	7,017,213,331	6,825,464,000	-907,726,000
TITLE III - MILITARY ASSISTANCE						
Foreign Military Financing Program:						
Grants	3,151,279,000	3,262,020,000	3,211,279,000	3,207,500,000	3,208,390,000	+57,111,000
Direct loans, subsidy costs	47,917,000	89,888,000	64,400,000	64,400,000	64,400,000	+16,483,000
(Estimated level of direct loans)	(619,650,000)	(765,000,000)	(544,000,000)	(544,000,000)	(544,000,000)	(-75,650,000)
Subtotal, Foreign Military Financing Program:						
Budget authority	3,199,196,000	3,351,908,000	3,275,679,000	3,271,900,000	3,272,790,000	+73,594,000
(Program level)	(3,770,929,000)	(4,027,020,000)	(3,755,279,000)	(3,751,500,000)	(3,752,390,000)	(-18,539,000)

FY 1996 FOREIGN OPERATIONS APPROPRIATIONS BILL (H.R. 1868) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Other, Military	109,500,000	139,781,000	107,300,000	91,033,000	109,000,000	-500,000
Special Defense Acquisition Fund	-282,000,000	-220,000,000	-220,000,000	-220,000,000	-220,000,000	+62,000,000
Total, Military Assistance Programs	3,026,696,000	3,271,689,000	3,162,979,000	3,142,933,000	3,161,790,000	+135,094,000
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
Contributions to International Financial Institutions	1,780,880,750	2,303,864,666	1,030,139,000	1,299,913,669	1,153,263,669	-627,617,081
International Monetary Fund (IMF)	25,000,000	25,000,000	.....	.....	.....	-25,000,000
International organizations and programs	359,000,000	425,000,000	155,000,000	260,000,000	285,000,000	-74,000,000
Total, contribution for Multilateral Economic Assistance	2,164,880,750	2,753,864,666	1,185,139,000	1,559,913,669	1,438,263,669	-726,617,081
Grand total, all titles	13,654,521,750	14,773,904,666	11,901,375,000	12,413,914,000	12,103,536,669	-1,550,985,081

□ 1600

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

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

Mr. Speaker, I rise with a mixed recommendation on the foreign operations appropriations for fiscal year 1996.

On one hand I support passage of the conference report on the bill. Although I am not fully happy with every aspect of the conference report—especially with the large number of earmarks included under the account funding the former Soviet Union—based on the funding available it is as good as we can do. The $12.1 billion bill is $2.7 billion below the President's request, $1.6 billion below last year, $202 million above the House-passed bill and $310 million below the Senate bill.

Therefore I urge Members to support the conference report.

On the other hand, the conference was not able to come to an agreement on how to handle language in the bill concerning the so-called Mexico City policy language that Representative SMITH had added on the floor. The administration has informed me that if this language remains in the bill, the President will veto the bill.

In addition to the Presidential veto that would be created by this language, the Senate appears totally unwilling to accept this language—therefore we can't even get a bill to the President with this language included in the bill.

Mr. Speaker, if Congress is serious about sending a signal to the President for fiscal year 1996 foreign operations, then I urge Members to reject the amendment by Mr. CALLAHAN adding the Mexico City language back into the bill.

Finally, I want to thank Chairman CALLAHAN for his cooperation and manner in handling the conference on the bill. I believe we have been able to come up with a bipartisan agreement on foreign assistance for fiscal year 1996, and therefore one that is in the best interest of the country.

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

Mr. CALLAHAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding me this time. I commend both he and the ranking minority member, the gentleman from Texas [Mr. WILSON] for their splendid work.

Mr. Speaker, I rise in support of the fiscal year 1996 Foreign Operations Appropriations Conference report. We are continuing the downward trend in foreign aid spending that has occurred over the last decade.

We spent $18.3 billion on foreign operations in fiscal year 1985, which is $25 billion in today's dollars. This bill is $12.1 billion. We have cut foreign aid in half over 11 years.

Mr. CALLAHAN worked with members of the subcommittee, the authorizing committee, the administration, and our Senate counterparts to allocate the shrinking foreign assistance dollars in the fairest manner possible. The conference report was signed by every member of the conference committee. This bipartisan support is a great tribute to the spirit of compromise exhibited by the subcommittee chairman and the members of the committee.

This bill cuts $1.5 billion from last year's level, and $2.8 billion from the President's request. We are 11 percent below last year and 18 percent below the President. Despite the cuts, we have protected the most vulnerable—the world's children.

The conference report provides $300 million for child survival programs, which is $25 million more than current year funding.

This bill reduces old-style government-to-government foreign aid. Instead, we invest in programs that allow private companies to expand exports and foreign investment to make broad-based economic growth a reality in developing free markets.

We have avoided the temptation to score political potshots with this bill. We vastly curtailed the numerous Senate earmarks which would have interfered with our Nation's foreign policy. We cut spending, but we provide the President with the resources to conduct a global foreign policy.

We have accepted the reorganization savings made by the authorizing committee, and kept the funding levels in line with the levels provided in H.R. 1561, the American Overseas Interests Act.

We have maintained the funding levels to meet our Camp David commitments for Egypt and Israel.

And, we've made children a priority.

This is a responsible and balanced bill and I urge your support for Mr. CALLAHAN's good work.

I also want to address a few of the important foreign policy issues which were included in this appropriations bill.

Brown amendment:

The conferees agreed to the Brown amendment which brings some fairness to our relations with Pakistan.

Because of the Pressler amendment, the United States currently holds F–16's and other military equipment that was purchased by Pakistan in the 1980's, and we hold the money Pakistan paid for the equipment.

President Clinton stated that it is "unfair to keep both Pakistan's money and its equipment."

Under the Brown amendment, we will sell the F–16's to a third country and reimburse Pakistan's investment, and we will deliver the 5-year-old equipment that Pakistan purchased before the Pressler sanction took effect.

This is an important compromise which keeps in place the Pressler amendment restrictions against military assistance and military sales, but allows assistance for counternarcotics control, humanitarian assistance, and antiterrorism.

The Brown amendment will go a long way to repair relations with Pakistan which has a long history of support for United States, especially during cold war:

Pakistan signed Mutual Defense Treaty with the United States and allowed United States bases to conduct reconnaissance flights over the Soviet Union during cold war.

Pakistan joined anti-Communist alliances such as CENTO and SEATO which were designed to contain Soviet Union.

Pakistan joined the United States in to rolling-back Soviet invasion of Afghanistan.

Pakistan supported the United States in Persian Gulf.

Pakistan contributes U.N. troops to Bosnia, Haiti, Somalia, and others.

Pakistan is a moderate, Islamic ally.

The Brown amendment doesn't resume military assistance to Pakistan, it merely allows return of military equipment which had been purchased more than 5 years ago.

KEDO;

We have also reached a compromise with the administration over promises the administration made to encourage North Korea to discontinue its dangerous nuclear program.

The conference report provides that the United States may contribute funds to the Korean Peninsula Energy Development Organization [KEDO] for administrative expenses and heavy fuel oil costs associated with the agreed framework. However, none of the funds in the bill may be used to contribute to the lightwater nuclear reactors being provided to North Korea under the terms of the agreed framework.

Turkey:

I would also like to note that the conference committee limited economic support funds to Turkey in recognition of the strong concerns over Turkey's human rights record. However, we avoided more onerous language which would have damaged our important bilateral relationship with Turkey.

I want to bring my colleagues attention to an important article in yesterday's Washington Times. As the article indicates, Turkey is at a crossroads. Turkey's leaders are trying to direct Turkey to align with the western nations, but Islamic fundamentalists are working to push Turkey away from the European Union and NATO, and associate more closely with Islamic nations in the Arab world and central Asia.

We must be careful to urge Turkey to adopt basic human rights in their counterterrorism efforts against the PKK, but we must not push so hard that we drive Turkey into the Islamic fundamentalist fold.

Turkey is making efforts to improve its record. The State Department report on the situation in Turkey contends that Turkey has started human rights training for military, made public the Code of Conduct for the military, and it has passed democracy-expanding proposals in the parliament. The State Department stated in July, "We can and should expect progress."

Just this week, Turkey adopted amendments to Article 8 of the controversial antiterrorism law. The State Department spokesman Nicholas Burns stated:

> The United States is pleased to note that on October 27, Turkey's Parliament approved legislation amending Article 8 of the Anti-Terror Law. We congratulate the Turkish Government, Parliament, and people on this important and positive step forward for democracy and human rights.

I think this Congress should recognize Turkey's positive steps to reform their human rights policies.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. PORTER]. Mr. Speaker, the gentleman from Illinois is rock rib in his perseverance of his ideals and philosophies. The gentleman is a valuable member of our subcommittee. I do not know what we would do without the gentleman.

Mr. PORTER. Mr. Speaker, I rise in support of this conference report.

I commend the gentleman from Alabama [Mr. CALLAHAN] and his capable subcommittee staff for their hard work on this conference report—it represents the product of thousands of hours of work and 10 hour conference with the other body.

And I would note, in light of the bill totals that we today consider, that foreign aid spending has clearly made its contribution to deficit reduction.

I also want to particularly note a number of matters addressed in this conference report:

First, I am pleased that we have maintained our commitment to the Camp David peace partners, and also to the ongoing peace process while, at the same time, including reasonable accountability requirements on recipients of peace process assistance. These provisions represent a sensible approach to accountability and one that will not impede the peace process.

Second, I am also pleased that we have maintained our commitment to the reunification of Cyprus with a continuation of $15 million in support for bicommunal efforts on the island.

Third, similarly, I rise in strong support of the full funding for Armenia that we have included. Armenia is proving itself to be a model for other Newly Independent States in developing democratic institutions and practices and resisting extremist views. The $85 million in humanitarian assistance, together with the other funds for Armenia requested by the administration are included in this conference report. These funds are vitally important and I am pleased that they are included.

Fourth, unfortunately, the levels of support for some activities in this bill are not what they should be.

First, I note that the conference report contains $35 million toward the global environment facility, a project initiated by President Bush. While I am glad that we are maintaining support of this activity, I think all members should note that the GEF has done more than its share toward deficit reduction.

Second, I am pleased that we were able to somewhat restore the reductions in assistance to international organizations, with language allowing administrative flexibility in this account. I encourage the President to maintain a strong level of commitment to the United Nations Development Program, as the resources to do so are available. The UNDP is headed by a very capable American, Mr. Gus Speth, and we should give him our strong support. Similarly, the President must also maintain support for the U.N.'s fund for victims of torture.

I also am pleased that we have included language to reauthorize the Au Pair Program for 1 year to end the crisis that ensured on October 1 when this program expired. This program never should have been allowed to expire. I plead with the authorizing committees to move forward on a longer term reauthorization of this activity so that this sort of crisis can be avoided in the future.

This report also contains certain important policy decisions, including those respecting Turkey that I have already discussed.

In particular, I believe that the landmine moratorium provisions that we have included will prove exceptionally valuable in controlling the indiscriminate violence perpetrated by these weapons.

I am also pleased that we have expanded sanctions against the Thai military to force them to stop their cross border mahogany trade with the Khmer Rouge. Not only does this trade bolster one of the most genocidal groups to ever terrorize the planet, but it does so at an immense price to our environment—the Khmer Rouge are destroying ancient rainforests with the same disregard for nature that they have shown for human life. For reasons of foreign policy and environmental protection, these sanctions are badly needed.

In addition, I am pleased that we have stepped up the pressure on Guatemala to bring to justice those who are covering up gross human rights violations and continuing to perpetrate new violations to this day. This month's massacre of Mayan civilians by the Army make clear that the Guatemalan military is not reforming itself and is not respecting human rights. The recent beating of American Sky Callahan shows that the Guatemalan military retains no respect for standards of human rights. We should not support these butchers with U.S. assistance and we should not allow them to enter our country. In this regard, I call on the Judiciary Committee to move swiftly on legislation to rescind visas for members of the Guatemalan military who have been complicit in gross human rights abuses.

Finally, I want to mention the issue of satisfaction of certain obligations to Pakistan. I support the action of the conferees, although I would personally prefer to provide nonlethal aid to Pakistan. I would, however, caution the Government of Pakistan and its lobbyists here in town not to read too much into the conferees' action. This does not represent a retrenchment of our concerns about nuclear proliferation in Pakistan and it does not represent our picking sides in the tensions between Pakistan and India.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COMBEST). The gentleman yields back 1½ minutes.

Mr. WILSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this bill continues a 10-year downward trend in financing for foreign aid, and that downward trend is unavoidable, given the existing budget crunch that we face. I think the gentleman from Alabama [Mr. CALLAHAN] has done a fine job under the circumstances, as has the gentleman from Texas [Mr. WILSON], and I salute them both.

Mr. Speaker, I think there are some mistakes in this bill. I, for instance, do not believe that we should earmark funds for any country. I think that the Congress, unless we are facing extraordinary circumstances, should not be in a position to require the President to spend money on any country. I certainly do not oppose where these earmarks go. Israel, for instance, deserves great credit for steadfastly trying to move toward a resolution of the turmoil which we have seen in the Middle East for many, many years. I think that Egypt has cooperated fully in that process. I recognize in the past we have earmarked those Middle Eastern countries because we have not wanted to undermine the peace process, and I have no objection to that.

But I do question the wisdom of earmarking over 50 percent of the funds that go to countries that were within the former Soviet Union, even though, again, I have no objection if the President wants to support those initiatives to those countries, because I think we need to be engaged in that region. I would simply say that I have defended Republican Presidents for 8 years against earmarks by the Congress, and I feel obligated to do the same for a Democratic President of my own party.

There are some other problems I have with the bill, as anyone might, but, overall, I think that the bill is not a bad bill, and I intend to vote for it.

Mr. Speaker, there is a problem: The bill as structured, provides for a return to the Mexico City language, which the administration strenuously objects to, and the administration has indicated that the President will veto the bill. I would not personally veto the bill over that item, but the administration intends to do so. So I will simply be offering a motion to recommit to try to find a middle ground.

The gentleman from Alabama [Mr. CALLAHAN] will be providing an amendment, the language of which would cut

off family planning funds to organizations with which the committee disagrees with respect to abortion. It would also cut off aid to the UN Population Agency because they have a program in China who the committee feels is conducting forced abortions.

My amendment would contrast with that amendment in this way: First of all, and I will simply read this language, it provides that none of the funds made available under this act may be used to lobby for or against abortion. I think everyone agrees with that.

Second, it would drop the language on the cutoff of family planning assistance, because I believe that we ought to keep a very firm line between the issue of abortion and the issue of family planning.

Third, it would provide the same cutoff that the Callahan amendment would provide in China, except for changing the date. It would read as follows:

Notwithstanding any other provision of this act or other law, none of the funds appropriated by this act may be made available for the United Nations Population Fund unless the President certifies to the appropriate Congressional committees that, (1), the United Nations Population Fund will terminate all family planning activities in the People's Republic of China no later than May 1, 1996; or, (2), during the 12 months preceding such certification there have been no abortions as a result of coercion associated with family planning activities of the national government or other governmental entities within the People's Republic of China.

As used in this section, the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressures.

I think it is important for us on both sides of the aisle to send a signal to the United Nations population program that we are firmly convinced that the so-called population program in China is in fact coerced abortion, or at least it is facilitating coerced abortion. Anyone who takes a look at the record understands that is exactly what is going on in China.

□ 1615

So all my amendment would do is give the agency 2 additional months to end their involvement in China or else face a total cutoff of funds. I think that is more realistic administratively and it would remain identical with respect to the rest of the gentleman's amendment.

Mr. CALLAHAN. Mr. Speaker, I yield myself 2 minutes to respond to my friend, the gentleman from Wisconsin [Mr. OBEY].

No one agrees with him more than I do about earmarking funds. The gentleman taught me well when I served in the minority and he was chairman of this committee, or this subcommittee. I agree with the gentleman wholeheartedly that we make big mistakes, and when this bill left the House there was no earmarking in our bill. So we both share philosophically the same idea with respect to earmarking.

Mr. Speaker, I am sorry that we had to agree to any, but this is a body of compromise and in this compromise we had with the Senate we had to agree to some things, but then they had to agree to some things. They wanted to come back and increase the amount of money, and I felt by earmarking some of the money for some of the countries that they insisted upon that the American people were better served by the reductions that we were able to save in spending in foreign countries.

With respect to the Mexico City language, this language that I intend to introduce is modified to meet some of the demands of the administration. I think we are at a point that the President must recognize that if he vetoes this bill because of the Mexico City language that is going to be therein that he will have to veto the CR, which will contain this language. So he will have to face it one way or the other.

Mr. Speaker, we have compromised with the President. We have given him every latitude. We have preserved for him the ability to have an effective foreign policy. But the President must recognize and live with the fact that the Smith language no doubt is going to be in whatever foreign operations bill we pass this year.

Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. LIGHTFOOT], my friend and former freshman Member 11 years ago in this House, a member of this subcommittee and certainly a good friend and big contributor to our efforts on foreign operations.

Mr. LIGHTFOOT. Mr. Speaker, I appreciate the gentleman yielding me time. It is nice to be an 11 year old freshman, I guess.

Mr. Speaker, I rise in support of the conference report. Let me commend Chairman CALLAHAN and our ranking Member CHARLIE WILSON, for a job well done. The conference report we are presenting to the House today demonstrates that we can produce a foreign aid bill which advances the foreign policy interests of the United States and plays a role in our Nation's highest national interest—balancing the Federal budget.

The conference report reflects a dramatic 11-percent reduction from the previous year spending in foreign aid. Despite this reduction we maintain our commitment to the Middle East peace process by fully funding the Camp David Accord countries. In addition, the conferees have added language which updates and strengthens funding to the P.L.O. and demonstrates our desire that the P.L.O. continue to be engaged constructively and responsibly in the peace process.

House conferees also accepted language which allows for a one time lifting of the prohibition against military aid to Pakistan. I voted in favor of this language because it has been demonstrated to me that the weapons in question will not alter the military balance in the region. In addition, the administration believes this language will facilitate an improvement in United States-Pakistan relations.

However, I believe the spread of nuclear weapons, particularly in regions of heightened ethnic tensions, represents the post-cold-war world's most profound security concern. I want to make quite clear that I will not support any future arms sales or arms transfers to Pakistan. And I am pleased the managers added, at my request, a reporting requirement on nonproliferation and conventional force reduction in all of south Asia. I think this kind of report will aid us in making future policy decisions about the area.

In order to meet the 7-year commitment to a balanced budget, it is clear that we will have to continue to reduce the size of this bill. We must resist the temptation to try and fund all programs at diminished levels and continue the process begun in this bill, to prioritize and fund what works and zero out what does not work, no matter how well meaning or high sounding the program may be.

In closing, Mr. Speaker, let me just say to the House that we are well represented in conference by Chairman CALLAHAN and Mr. WILSON. They pressed hard to maintain House positions. Most importantly, Mr. CALLAHAN fought hard to keep this bill's spending as low as possible. They and the subcommittee staff; Charlie Flickner, Bill Inglee, John Shank, Nancy Tippins, Kathleen Murphy, and Terry Peel, did an excellent job in getting us to this point.

Foreign aid is not something for which you look forward to voting. But this is a good responsible bill and I urge the House to accept it and then to reaffirm its commitment to banning the use of taxpayer dollars to fund worldwide abortion.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I rise today in support of the conference report on the fiscal year 1996 foreign operations appropriations bill and urge its approval. I want to commend Chairman CALLAHAN and the distinguished ranking member, Mr. WILSON, for their diligent work in crafting a very responsible bill within tight budgetary constraints.

I am pleased to note that the conferees have provided the full funding level of $56,250,000 for the U.S. contribution to the North American Development Bank created under the NAFTA agreement. Because the NADBank is a new player in the international capital markets, obtaining

full funding was critical to ensuring the Bank's financial strength and ultimately, its success. I want to point out that it is the one development bank that will directly assist U.S. citizens.

While the NADBank's primary focus will be on financing environmental infrastructure projects along the United States-Mexico border, it will also help individuals and businesses throughout the United States make adjustments to ever-changing global trade realities. The Bank's Community Adjustment and Investment Program [CAIP] is designed to address NAFTA related trade dislocation issues.

To that degree, Mr. Speaker, I believe that this will enhance the ability of workers, whether they are in Kenosha or somewhere in Seattle or Texas or California, to adjust to any job losses that are brought about by the NAFTA process.

In conference, I recommended that additional statutory and report language be included to limit and further define the direction of the CAIP. The language adopted by the conferees was intended to ensure that the implementation of the CAIP closely adheres to legislative intent. It was further intended to address a number of concerns that were raised by the conferees regarding eligibility criteria, personnel and operating expenses, and administrative accountability.

Specifically, the language regarding personnel and operating expenses was intended to ensure that the NADBank serve not simply as a pass-through for existing Federal programs, but that it fully utilize its authority to make loans and loan guarantees directly. The use of such authority by the Bank is clearly conveyed in both the implementing legislation and statement of administrative intent. The language adopted by the conferees acknowledges the authority of the Bank to utilize existing Federal loan and loan guarantee programs to implement the CAIP. However, failure by the Bank to utilize its direct lending authority would constitute noncompliance with congressional intent.

The language was further intended to ensure that the agencies involved in implementing the CAIP only assess the Bank reasonable and minimal administrative fees directly associated with processing of the loans or guarantees. Nor should a disproportionate amount of the Bank's budget for direct loans be used for administrative expenses. The Bank was never intended to supplement existing Federal credit programs and should itself be frugal in setting overhead costs.

The language adopted by the conferees regarding accountability was intended to ensure that the NADBank make the final determination regarding both CAIP eligibility and endorsement of projects for financing. It further recommends that each project should be endorsed for financing on a case-by-case basis. The language was intended to prevent Federal agencies from leveraging CAIP funds through credit programs that are not specifically tailored through guidelines developed by the NADBank to assist communities with foreign trade-induced economic impact. Finally, by recommending that projects be endorsed for financing on a case-by-case basis, the conferees wish to prevent any blanket endorsement of loans or loan guarantees made by participating agencies. Instead, it expects each loan or loan guarantee recommended for financing to be carefully evaluated by the NADBank to ensure compliance with its eligibility criteria.

Mr. CALLAHAN. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG] who is a member of our committee, and who is quiet but he is strong in his convictions and he is a tremendous complement to our effort.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me time and thank him for those kind comments. I will pay back by saying that I think the gentleman from Alabama [Mr. CALLAHAN] has done an outstanding and remarkable job at being the compromiser in the final minutes and all the way through, but especially in the final moments.

I also want to pay tribute to the ranking member, the gentleman from Texas, [Mr. WILSON], because I truly think this committee has done a great deal to work together.

Mr. Speaker, I rise to express my strong support for this conference report which reflects the careful crafting by the House and Senate conferees. Balancing fiscal restraint and the needs of foreign policy, H.R. 1868 reflects the reasoned compromise and considerable cooperation that took place between the two bodies. It deserves bipartisan support. H.R. 1868 recognizes the fiscal situation we face and reduces the amount of money we spend on foreign assistance. But H.R. 1868 also reflects our continued belief in the importance of maintaining our role as a leader in global events.

This bill does not blindly slash foreign aid. We make serious cuts that reflect careful consideration and the review of every program. We have eliminated and reduced funding to those programs that have failed to justify continued support. This conference report is below the Foreign Operations Subcommittee 602(b) allocation. This bill will help us move towards a balanced budget.

Foreign aid is a crucial component of our foreign policy. The United States has a direct interest in promoting the expansion of capitalism and democracy throughout the world. Accordingly, I feel it is beneficial to American interests to aid countries which have shown a commitment to the ideals of free enterprise and individual freedom.

With the end of the cold war, there exists a sentiment in our country to place foreign affairs on the back burner and focus on domestic problems. We cannot ignore the domestic problems of crime, health care, education, and the economy, but I believe that recent events in the former Soviet Union, North Korea, and Bosnia illustrate that America must not insulate itself from the international community.

Faced with a national debt that is strangling our economy, Congress is operating under severe pressure to reduce spending and rightfully so. I am very committed to reducing the deficit, lowering taxes, and empowering individuals and business by reducing the size and scope of our Federal Government. But we must work toward these goals as the world's only superpower and the greatest proprietor of democracy. We have reduced foreign aid in this bill but we have not eliminated our ability to participate in the world.

Foreign aid which makes up less than 1 percent of our Federal budget is a good investment and has benefited our interests around the globe by furthering the development of economic and political stability in the international community.

H.R. 1868 allows us to continue to remain active in world events while it reflects our budgetary constraints. This conference report reflects the joint work of the House and Senate. I support this conference report very strongly and urge my colleagues to do likewise.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to place a statement in the RECORD concerning administration policy.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The information referred to follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 31, 1995.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1868—foreign operations, export financing and related programs appropriations bill, fiscal year 1996—Sponsors: Livingston, Louisiana; Callahan, Alabama)

This Statement of Administration Policy provides the Administration's views on the item reported in disagreement by the conference on H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Bill, FY 1996. Your consideration of the Administration's views would be appreciated.

The conferees have reported in disagreement provisions related to population assistance to non-governmental organizations. This is an issue of the highest importance to the Administration.

The Administration opposes coercion in family planning practices, and no U.S. assistance is used to pay for abortion as a method of family planning. The House provision, however, would prohibit any assistance from being provided to entities that fund abortions or lobby for abortions with private funds, thus ending U.S. support for many qualified and experienced non-governmental organizations providing vital voluntary family planning information and services. The provision would also end U.S. support for the United Nations Population Fund (UNFPA). This would sharply limit the availability of effective voluntary family planning programs abroad that are designed to reduce the incidence of unwanted pregnancy and thereby decrease the need for abortion. The Administration also has serious concerns about the constitutionality of the House provision.

If the House language were included in the bill presented to the President, the Secretary of State would recommend to the President that he veto the bill.

Mr. WILSON. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I add my congratulations to the gentleman from Alabama [Mr. CALLAHAN] as well as the gentleman from Texas [Mr. WILSON] for crafting what I think is a good bill under very difficult circumstances.

However, I rise to continue to express my sharp opposition to a provision in the conference report that would rewrite current United States law by severely weakening section 907 of the Freedom Support Act, which prohibits direct United States Government assistance to the Government of Azerbaijan until that country lifts its blockade of Armenia.

Mr. Speaker, I successfully offered an amendment on this issue on June 29, and the House approved it after 2½ hours of debate. The Senate also refused to include any language on section 907. Unfortunately, the conference committee, acting without a mandate by either the House or the Senate, decided to reinsert this provision into the bill; and I am strongly opposed to their actions in this matter.

The gentleman from Texas [Mr. WILSON] has suggested, correctly, that his language is different, correctly, as a matter of form, not of substance. The substance of the issue is to prohibit direct payments to the Government of Azerbaijan until they remove the blockade. That is the essence of the issue.

Mr. Speaker, the sanctions on Azerbaijan were imposed because of that country's ongoing blockade. When the Azerbaijan blockade is lifted, the United States prohibition on direct Government assistance can also be lifted. Countries that violate the conditions that Congress attaches for receiving U.S. assistance should not be rewarded.

□ 1630

Any attempt to remove section 907 must be viewed as support for Azerbaijan's blockade of Armenia as a legitimate weapon of war as well as support for their hostile position in the ongoing peace negotiations.

In closing, if we allow American dollars to flow to the Government of Azerbaijan, we will be turning our backs on the people of Armenia at a time when they desperately need and deserve our support. The true facts of this case are simple. The Government of Azerbaijan should act in peace, lift the blockade, and everyone can be made whole.

Mr. CALLAHAN. Mr. Speaker, seldom is a freshman Member appointed to the Committee on Appropriations, but even more seldom is it possible for a freshman Member of Congress to grasp the complexity of the appropriations procedure. But, the gentleman from Long Island, NY [Mr. FORBES] is one who has done both. His insistence as a promoter of the Middle East peace process, his concern about Mr. Arafat and the distribution of the moneys to Mr. Arafat, I think, is a very strong compliment to his efforts.

Mr. Speaker, I yield 3½ minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I rise today out of respect, obviously, for the finished product, but also I must express a grave reservation and concern that I have.

Mr. Speaker, I rise in memory of Leon Klinghoffer, and the events of the *Achille Lauro*. I rise in memory of the young woman from New Jersey and the young woman from Connecticut and so many Americans and Israelis who died at the hands, at the bloody hands of Chairman Arafat.

Mr. Speaker, I must tell my colleagues that I rise today because I am extremely concerned. I am concerned because the taxpayers of the United States of America are going to be asked over the next 5 years to spend $500 million to help Chairman Arafat build infrastructure in accord with the Oslo Agreement for Peace in the Middle East.

I am concerned, Mr. Speaker, because I believe that Mr. Arafat, through noncompliance, systematic noncompliance, through a lack of accountability and because of his transparency in perhaps trying to talk the talk, but not walk the walk of the Middle East peace accord, is really disingenuous in this process.

I am concerned that the taxpayers of this Nation are going to be asked to funnel $500 million to Chairman Arafat when, in fact, the PLO has not amended provisions of its charter which declare Israel to be illegitimate and calls for its elimination through armed struggle. The PLO has not legally banned terrorist organizations such as Hamas and the Islamic Jihad, and has done very little to discipline them.

Mr. Speaker, the PLO has failed to prevent incitement to violence and, in fact, PLO officials continue to advocate holy war against Israel. These are not the activities of a peacemaker. I must rise in strong concern for funneling of this taxpayer money, this U.S. taxpayer money to Chairman Arafat and the PLO.

In addition, Mr. Speaker, the State Department made a backdoor deal in extending the Middle East Peace Facilities Act 18 months. So we are now pushing accountability 18 months out so that the Middle East peace accord could perhaps move forward. But some of us believe so that for political considerations, we can move this whole issue beyond the next Presidential election. I find that abhorrent. I find the fact that we are now going to say they must be accountable in 18 months, as opposed to 12 months, wrong.

Moving this accountability from 12 to 18 months is wrong, as it is wrong not to require Chairman Arafat to live up to the Oslo accords before he gets one thin dime from the United States taxpayers.

Mr. WILSON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, it is important to be able to discuss this appropriations bill with an eye toward appreciating some of the very hard work that went into the ultimate bill that we now have before us. I do want to thank the gentleman from Texas [Mr. WILSON] and I want to thank the chairman, the gentleman from Alabama [Mr. CALLAHAN], and the gentleman from New York [Mr. GILMAN] and the gentleman from Florida [Mr. JOHNSTON] for working with me on some very important crucial issues.

Mr. Speaker, let me view the cup as being at least half full, inasmuch as we were gratified that in this bill that has cut foreign appropriations to the bone, almost, to be able to support a valuable program, the African Development Foundation, with my amendment on the floor of $11.5 million.

This, to the American people, I would say, is a constructive utilization of our dollars, because it relates to the grassroots that would be working with grassroots in Africa, teaching them and teaching the various nations and instructing them in how to produce, how to create jobs, and how to create income.

So, Mr. Speaker, I am gratified that that support was given, and I think the American people will find that though they have concerns about foreign appropriations, that this is well and a good investment.

Mr. Speaker, I do have, however, extreme concern about another bipartisan effort that I can proudly say was supported by the gentleman from Texas [Mr. WILSON], the gentleman from Alabama [Mr. CALLAHAN], the gentleman from New York [Mr. GILMAN], and the gentleman from Florida [Mr. JOHNSTON].

I think it was supported in that context because they recognized that the American people say other things as well. They do understand that as moneys are appropriated for foreign aid, it is important that the values of this Nation, though we do not handicap our international friends, that we, in fact, do not abandon them and leave missing our values; our values of justice, social justice and human rights.

Mr. Speaker, we attempted to respond to those concerns expressed by many Ethiopian citizens in this Nation. Ethiopia is a great nation with a great history going through periods of great turmoil. Rather than to strap that leadership, we applauded what

progress has been made, but we also acknowledged that human rights should be respected and that there should be a practice that would exclude or ensure the stopping of firing university professors because of their beliefs; that we should stop imprisoning journalists and magazine editors; that we should release Dr. Asrat Woldeyes, a surgeon, a champion of human rights; that officials of the previous Government should not be sitting in prison; and that the military must be integrated to include all the people of Ethiopia.

Mr. Speaker, my good friend, the gentleman from Florida [Mr. JOHNSTON] had the opportunity to visit Ethiopia and remarked that there were great concerns that he saw that needed to be addressed. It is unfortunate that the very moderate language that we had included to save lives and to enhance the efforts already being made in Ethiopia, that someone and somehow in this conference saw fit to make many steps backward for human rights and not allow that language to go forward as it relates to Ethiopia.

Mr. Speaker, I might add that I am very pleased with the assistance and the recognition of this issue by both the gentleman from Texas [Mr. WILSON] and the gentleman from Alabama [Mr. CALLAHAN], recognizing that it is important that the State Department be forever vigilant on these issues and that the American people would not want us to abandon our dollars and not provide our values.

Mr. Speaker, I would like to yield just a moment to the gentleman from Alabama to engage in a colloquy on this issue. I appreciate the work of the gentleman.

I note in the conference report that it says the managers expect the Department of State to continue to be attentive to this important issue as it relates to the monitoring of Ethiopia's human rights progress. Mr. Speaker, I would ask the gentleman if he could help me to understand that we are going to view this in a very serious manner, recognizing that there are some great needs of improvement in Ethiopia and also acknowledging their progress.

Mr. CALLAHAN. Mr. Speaker, if the gentlewoman would yield, I agree with her. And in deference to her concern about Ethiopia, I offered the amendment, along with the gentlewoman, to include it in the House bill. But, when it got to the Senate, they had 192 changes and in this compromise they requested, as did the administration, it be taken out.

So, in a spirit of compromise we took it out. But to ensure and to protect the views of the gentlewoman, we did insert the strongest protection we could put in there saying that the managers expect the Department of State to continue to be attentive to this important issue and we as managers of this bill will certainly express to the administration our continued support accordingly.

Ms. JACKSON-LEE. Mr. Speaker, reclaiming my time, I thank the gentleman for that and I take from the gentleman's statement that that will mean a continuing monitoring by the State Department of Ethiopia. I request that the State Department provide us with continuous reports. It is an important issue, although we encourage the progress that may have been made in Ethiopia we should never abandon the human rights issue.

Mr. Speaker, I do understand the spirit of compromise. I would have hoped that we would not have compromised on the back of human rights causes, but I thank the gentleman from Texas as well for his help and I look forward to the monitoring of human rights in Ethiopia on behalf of the American people.

Mr. Speaker, I submit the following for the RECORD:

Mr. Speaker, I must rise to express my concern about this foreign operations appropriations conference committee report. I am concerned that the conferees decided to strike an amendment to the House version that would require the State Department "to closely monitor and take into account human rights progress in Ethiopia as it obligates funds for fiscal year 1996."

FURTHER HUMAN RIGHTS ABUSES IN ETHIOPIA

Mr. Speaker, Ethiopia is a great nation with a rich history. Recently, it has gone through periods of turmoil and unrest. It should be U.S. policy to bolster this nation and to monitor the actions of the new government.

We should all be pleased that there have been elections in Ethiopia. However, we must be diligent in ensuring that the new government does not follow the same path of the many governments that have preceded it.

Human rights must be respected.

Stop the practice of firing university professors because of their beliefs. Many of these professors have been educated in the United States and have strong ties to this country.

Stop imprisoning journalists and magazine editors.

Release Dr. Asrat Woldeyes. He is a surgeon in who has championed human rights and is a prisoner of conscience. The people of Ethiopia are suffering because he cannot provide health care services while he is detained.

Officials of the previous government are still sitting in prison and have not yet been charged.

The military must be integrated. Right now, the military is comprised of primarily only one minority ethnic group. It is a military of elites.

This issue will not die. If it is not contained in this bill, we will have to insert this language in future bills.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, as a member of the Committee on International Relations, I had an opportunity to read recent statements by Yasser Arafat regarding Israel and the peace process. Some of the statements that I read were hair raising, to say the least.

He talked about things that fly in the face of the peace accords. He talked about war and torture and retribution. All of these things are not harmonious with the peace accords that we are talking about in the Middle East.

We extended in this legislation the accountability factor by 18 months. There really is no more accountability for Yasser Arafat to contend with for the next 18 months, and yet we are going to give him $500 million of American taxpayers' money—$500 million.

Mr. Speaker, while we are giving him this money we realize or know or believe from British intelligence that the PLO has between $8 and $12 billion in Swiss bank accounts and other bank accounts around the world. Eight billion dollars to twelve billion dollars, and we are giving them $500 million for infrastructure.

Mr. Speaker, while we are doing this, there was a murder committed. The security forces for the PLO in Jericho took an American citizen, 52-year-old Azem Musllh, an American citizen. They took him out of a restaurant and took him to a jail. His wife went to get him out of jail and they said he was not there. She came back a second time and they said she would have to come back the next day.

Mr. Speaker, when she came back, he was dead. They said he died of a heart attack. When they saw the body, his jaw was broken. He had lacerations on his face. He had burns on the bottoms of his feet that looked like cigarette burns. The man had been literally tortured to death.

Mr. Speaker, this is an American citizen of Palestinian descent. Yet, we are going ahead and giving Yasser Arafat, even though he has talked against the peace process in some of his speeches, we are giving him an 18-month extension, $500 million, and there has been no accountability as far as this man's life has been concerned.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, I believe this bill provides $75 million; not $500 million.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, the $500 million is the long-term agreement.

Mr. BERMAN. Mr. Speaker, if the gentleman would continue to yield, but this bill is $75 million.

Mr. BURTON of Indiana. Mr. Speaker, again reclaiming my time, $75 million is the first tranche. Does the gentleman disagree that he is going to get $500 million?

Mr. BERMAN. I think it should depend on what happens and how he performs.

Mr. BURTON of Indiana. Mr. Speaker, I ask the gentleman if he agrees it is going to be $500 million?

Mr. BERMAN. Mr. Speaker, no, I do not. I agree this bill has $75 million.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, the long-term agreement is a $500 million bill. While the bill has a lot of merit, this is one thing with which I take issue.

Mr. Speaker, before we give them one dime, there should be complete accountability about this man's death and those who tortured him and murdered him, who are members of the security forces of the PLO, should be brought to justice before $1 of taxpayers' money should go to the PLO.

Mr. WILSON. Mr. Speaker, could I inquire how much time is remaining?

The SPEAKER pro tempore (Mr. COMBEST). The gentleman from Texas [Mr. WILSON] has 14 minutes remaining; the gentleman from Alabama [Mr. CALLAHAN] has 7 minutes remaining.

Mr. WILSON. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE] reluctantly.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Texas [Mr. WILSON] for reluctantly yielding me 4 minutes to discuss the bill.

Mr. Speaker, I want to say in starting out that this is a good bill which I intend to vote for, but it has two points which I think are bad and which I would like to address at this point.

First of all, with regard to aid to Azerbaijan, which I talked about previously under the rule, I am hopeful that if this bill is vetoed by the President, and it does come back to conference, that there will be an opportunity in conference to address the issue of aid to Azerbaijan again.

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I know the gentleman from Texas has in fact submitted slightly different language from what was rejected by the House. However, the substance of the language is the same. And basically what the language does is allow direct American Government assistance to the Government of Azerbaijan.

The gentleman from Texas [Mr. WILSON] previously pointed out that the difference in the language, the way he sees it, is essentially that now, unlike before, the aid can go strictly to refugees, does not include democracy building, and basically allows the President to determine whether the aid is appropriate. But I would submit that when we had the debate on the floor back in June on the old language, it was understood and it was part of the debate that it was understood that we were talking about humanitarian aid to refugees, that we understood that the President would make a determination as to whether or not this aid would be given to Azerbaijan. So essentially there really is no difference here. The language is substantively the same.

The reason why those of us are opposed to this aid to Azerbaijan is because a decision was made with section 907 of the Freedom Support Act that it was wrong for Azerbaijan to continue its blockage of Armenia and Nagorno-Karabakh. That blockade continues. There has not been and cannot be a certification by the President that the blockade is over or that any progress has been made to end it. And so it is inappropriate for us at this point to simply reward the Azerbaijan Government which continues the blockade of Armenia by saying that we are going to give you some direct government assistance.

It is also true that through nongovernmental organizations aid does go to the Azerbaijan refugees for humanitarian purposes. They are receiving that. I am just hopeful, Mr. Speaker, that if this bill comes back to conference we can address this again because we did not have an opportunity today.

The other bad point in the legislation refers to assistance to Pakistan. I object to the language that permits the transfer of seized military equipment to the Government of Pakistan. This provision was not part of the House-passed bill. I am concerned that this language would undermine our Nation's commitment to stop the proliferation of nuclear weapons, will heighten regional instability in South Asia. And, as the New York Times stated recently in an editorial, send the wrong message to Pakistan. Why should we be rewarding Pakistan with $370 million worth of conventional weaponry when Pakistan deliberately lied to the United States about its nuclear program.

It is important to remember that Pakistan has not agreed to do anything in exchange for the release of the seized equipment and the language in the conference report imposes no new conditions on Pakistan. In 1993, President Clinton offered to return all or a portion of the weapons if Pakistan would agree to cap its nuclear program but Pakistan rejected this offer. This language should not be in the bill.

Having noted those two bad points or two bad provisions in the bill or mentioning them, I did want to thank the chairman and the gentleman from Texas [Mr. WILSON] and also the gentleman from Illinois [Mr. PORTER] and others for including some provisions in the conference report that are very favorable to Armenia. There is an $85 million earmark for Armenia. There is the Humanitarian Aid Corridor Act, which we have been pushing for a long time. There is also the transcaucasian enterprise fund which is recalculated. I would be supportive of the bill.

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

Mr. Speaker, lest someone be confused about what is in this bill and what is not, there is no money and I repeat, no money anywhere in this bill that is earmarked for the PLO, for Mr. Arafat or anyone else in that regard. And we insisted upon that.

Included in the bill also, it says, new accountability number one, "New language which states that in providing assistance to Palestinians living under the jurisdiction of the Palestinian authority the beneficiaries of such assistance should be held to the same standard of financial accountability and management control as any other recipient of United States assistance."

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, as I understand it from talking to the gentleman, the President has discretion on the $75 million.

Mr. CALLAHAN. The President has discretion on nearly $600 million.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will continue to yield, and that money will go forward for infrastructure for the PLO?

Mr. CALLAHAN. Mr. Speaker, we give that discretion to the President. They have earmarked some of that Economic Support Fund for Israel. They did earmark some of it in the Senate for Egypt, and we accepted those amendments. The balance of it, as it has been, I suppose, since the Economic Support Fund was established, is left to the discretion of the administration. If the administration wants to do it, yes, they can. But they have to do it under the guidelines and some of the accountability provisions that we have put in here at the gentleman's insistence.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will continue to yield, I appreciate the accountability features that he has put in there. The fact of the matter is, the administration supports strongly the peace process, as we do and as I do. So that money will go forward.

My point is, and I know the gentleman can put a hold on this money if he sees fit, as some others may, I hope that he will do everything in his power to get accountability for this American that was murdered.

Mr. CALLAHAN. Mr. Speaker, I will do everything in my power to insist on accountability. I will do everything in my power to insist that the administration does not give the PLO anything. But I just want this body to be fully aware that there is nothing earmarked, as two previous speakers have indicated, for the PLO in this bill.

Mr. WILSON. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank my friend from Texas for yielding me this time.

There are a number of points I would like to make. I rise in strong support of the bill and urge my colleagues to vote in favor of this bill. If you oppose the Smith amendment, like I do, understand the Smith amendment is not part of this conference report. The Smith amendment will be debated after the adoption of the conference report. I have strong feelings in opposition to that amendment, and I will express them at the time that the Smith amendment is up. My colleagues can vote for this report. If they vote for this report, they will not be voting for the Smith amendment.

The second point with respect to the administration and the veto, should the Smith amendment be adopted, it is not quite that simple. The Senate has taken a contrary position. The reason the Smith amendment is not in the conference report is because the Senate thought it was wrong to stop all funding of UNFPA and to stop funding for any voluntary family planning organizations. They realized that that action will contribute to a greater number of abortions rather than reduce the number of abortions. If the Senate does not agree with the Smith amendment, this bill will not even get to the President.

Third, this is a funny bill in a way. I am strongly in support of it because it does not cut foreign assistance as much as some would have wanted it to. The fact is, thanks to the work of certain Members on the other side, the efforts of the chairman of the Committee on the Budget to reduce this function by $5 billion were thwarted. While I believe this bill is not commensurate in terms of its funding with what should be America's role in the world and, while I am concerned that this bill will leave the United States as the least foreign assistance contributor of any other industrialized country in the world as a percentage of gross national product, the fact is this bill, given the context of the year we are in, given what others wanted to do, provides enough assistance, I think, to continue the merits of the program. I support it.

The bill is significantly above what the bill was when it left the House. The bill provides more for the very important international financial institutions account and particularly IDA, to help the lowest income people than it did when it left the House.

The bill provides special programs for children and earmarks. One of the few earmarks in the bill is $484 million of bilateral economic assistance for programs aimed at child survival and disease. The bill fully funds Israel and Egypt. It would be a tragedy at this time in the peace process for us to do anything that would diminish America's historic support for Israel's security as it enters into this peace process. I am very happy to say that the bill fully funds that aid.

One feature of the peace process, which this bill recognizes, I am no fan of the PLO. I am no fan of the way they have handled a variety of things. I have no doubt that there are aspects of the governance of the Palestinian authority that violate the human rights and liberties of the people living in the areas it now controls. The one thing I know is this peace process cannot succeed if the life of the individual who resides in the Gaza Strip or in the West Bank is not improved. The $75 million in this bill will help to make that happen. It supports the peace process. I think it should be supported.

The bill has some features I do not like. As I indicated, I would rather see a higher level of overall funding. We are significantly below the administration's request. We are significantly below last year's level of funding. While I have tremendous respect for the gentleman from Texas [Mr. WILSON], my friend, and a great deal of respect for his perspectives on these issues, and I like him quite a bit, I do disagree with his conclusions on two areas of the bill, Armenia and Pakistan.

I think the effort to economically strangulate the small country, when we allow assistance to go to Azerbaijan, one of the participants in that strangulation, I am afraid we remove a leverage point to stop that from happening.

I also think the consequence of some of these arms shipments to Pakistan that will be allowed by this bill, my fear is, will reignite and accelerate an arms race in the South Asian Peninsula. Believe me, the Government of India will be here looking for compensatory treatment with additional arms. Pakistanis will be back. There will be economic pressures from our defense contractors to provide those arms. My fear is that an already dangerous situation in the South Asian Peninsula will be accelerated. Notwithstanding those disagreements, there is very little question in my mind that this bill deserves our support, and I urge my colleagues to pass it.

Mr. CALLAHAN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD], a member of our Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. PACKARD. Mr. Speaker, I want to thank the chairman of committee for yielding time to me.

This is a very good piece of work. It is the first foreign operations funding bill that I will support. We are cutting our foreign operations funding by a significant amount, 11 percent. If every part of government cut to that level, we would balance our budget in a very quick hurry in this place.

I want to congratulate the gentleman from Alabama, Chairman CALLAHAN. This is his first year as chairman. He has done a super job.

It has been a real pleasure to work with the gentleman from Texas [Mr. WILSON]. I am sorry to see that this will be his last term to serve, but it has been a real pleasure to work with him. He is a real expert on foreign affairs, and it has been a pleasure to work with him.

I compliment the work of the committee. I am proud to be able to serve on it because we have put out a good product, one that the Congress should pass overwhelmingly and send to the President.

Mr. WILSON. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, as a member of the House Committee on International Relations, I rise to express my concern and disappointment over several provisions of the foreign operations appropriations bill.

It is unfortunate that while Congress continues to spend heavily on weapons of destruction, funding is being slashed for constructive programs which generate international goodwill and help make poor countries more self-sufficient. I have had the opportunity to visit Africa on many occasions and have seen first-hand the positive results produced by the Development Fund for Africa.

Vital programs help address the scourge of hunger, illiteracy, and poverty. In fact, through foreign aid provided by American and other countries, the death rate for children under 5 has been cut in half.

Now, three accounts, including the Development Fund for Africa, have been combined and funded at a level which is $450 million less than last year's level and less than the President's request.

The measure also cuts $9 million from the President's request for the Agency for International Development, which administers U.S. foreign economic and humanitarian assistance programs in more than 100 countries throughout the developing world. I believe these cuts are counterproductive and fail to live up to America's tradition of humanitarian assistance to the people of struggling nations.

On the issue of Haiti, I am determined to see democracy succeed in that nation. I visited Haiti many times during the effort to reinstate President Arisitide. I had the opportunity to talk with ordinary citizens of Haiti who are excited that at last they are in control of their country's destiny. I think it is important that impartial observers be sent to Haiti to monitor elections and determine the fairness of the process.

Other items in this bill which I find disturbing are the $15 million cut in the Peace Corps budget, $2 million cut in peacekeeping efforts, and $1 million reduction for the Trade and Development agency.

Let me add that I was also disappointed, as one who is deeply concerned about human rights in Northern

Ireland, that the conference report does not require that U.S. assistance be provided only to those who comply with the McBride principles which protect religious minorities. The fund was also cut below the $30 million the President requested to a level of $20 million.

Mr. Speaker, I recognize the need for fiscal responsibility, but I believe that it is in America's best interest to invest globally. These cuts are shortsighted and will undermine America's stature internationally.

I urge my colleagues to oppose the foreign operations appropriations conference report.

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Let me finally add that I was also disappointed, as one who is deeply concerned about human rights in Northern Ireland, that the conference report does not require that United States assistance be provided only to those who comply with the McBride principles which protect religious minorities. The fund was cut below $30 million; the President requested to a level of $20 million.

Mr. Speaker, I recognize the need for fiscal responsibility, but I believe that it is in America's best interest to invest globally. These cuts are shortsighted and will undermine America's stature internationally. I urge my colleagues to oppose the foreign operations cuts.

Mr. CALLAHAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon [Mr. BUNN], who is a member of our Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. BUNN of Oregon. Mr. Speaker, I want to thank the gentleman from Alabama [Mr. CALLAHAN] for yielding this time to me, thank the ranking member, the gentleman from Texas [Mr. WILSON], and the subcommittee staff for all their hard work on this vital bill. We worked together to protect aid to our friends like Turkey, one of our most important and loyal NATO allies. Although this bill cuts over $1.6 billion from last year, it does retain important programs like child survival, peace programs for the Middle East, and military financing for our allies. Foreign aid promotes U.S. national interests and gives the President the diplomatic tools necessary before resorting to any military force.

I am proud to support this bill, and I think it moves us forward in being the key player in the world, and I think that we have done a terrific job with the limited resources we have to maintain that role.

Mr. WILSON. Mr. Speaker, I have no further requests for time, and I urge the passage of the conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. CALLAHAN. Mr. Speaker, I have only one other request for time; that is the gentleman from Ohio [Mr. HOKE], and he is not here, so, with that, I will agree to close.

Mr. Speaker, let me just say this is the best bill we can get. It cuts spending. It gives the administration the flexibility that they need to have an effective foreign policy, and I would encourage an "aye" vote on this.

Mr. LEVIN. Mr. Speaker, I rise in opposition to a provision in the foreign operations appropriations for fiscal year 1996 conference report that weakens current law prohibitions on direct aid to Azerbaijan.

During conference, a provision was added that will weaken section 907 of the Freedom Support Act, prohibiting direct government-to-government assistance between the United States and Azerbaijan until that country lifts its blockade of Armenia.

This provision was stripped from the House version of this bill after a lengthy floor debate that went on for over 2½ hours. In recognition of the House's firm action on this matter, the Senate opted not to include similar language in their version. The disregard of the will of both the House and Senate on this matter by the conferees is simply unacceptable.

Until the devastating blockade being imposed on Armenia by its hostile neighbor Azerbaijan is lifted, we cannot afford to compromise our principles by relaxing restrictions under section 907 to allow aid to Azerbaijan. The Government of Azerbaijan has taken no steps to lift the blockade or even allowed the transport of humanitarian aid to Armenia through its borders. Given these facts, I firmly believe that a change in the law is unwarranted.

Mr. DURBIN. Mr. Speaker I rise in opposition to the provision lifting the ban on direct United States aid to the Government of Azerbaijan, as long as Azerbaijan continues its brutal blockade of Armenia and Nagorno-Karabagh.

Just 4 months ago the House of Representatives passed the Visclosky amendment with overwhelming support. The Visclosky amendment would continue the current ban on direct United States aid to the Government of Azerbaijan, as long as Azerbaijan continues its blockade of Armenia and Nagorno-Karabagh. The Visclosky amendment did not forbid humanitarian assistance to the people of Azerbaijan, only direct United States aid to the Government of Azerbaijan.

How can it be, Mr. Speaker, that the conference report provides direct United States aid to the Government of Azerbaijan, when this House overwhelmingly rejected such aid, and the Senate bill preserved the current ban? I will tell my colleagues the simple truth of the matter, as I did when the House debated the Visclosky amendment 4 months ago. It is greed, simple greed. It is the oil of Azerbaijan, and the desire of some to profit from that oil by helping the Government of Azerbaijan to build the infrastructure to extract and transport that oil.

Since 1992 the United States has said that the Government of Azerbaijan will not receive direct United States aid as long as Azerbaijan continues its blockade of Armenia and Nagorno-Karabagh. This blockage has prevented the delivery of assistance to 300,000 Armenian refugees and obstructed the rebuilding of earthquake damage which left 500,000 people in Armenia homeless. The blockade by the Government of Azerbaijan has cut off the transport of food, fuel, medicine and other humanitarian assistance to the people of Armenia. Unless and until Azerbaijan removes its blockade of Armenia and Nagorno-Karabagh and stops its oppressive conduct toward the Armenian people, the United States should continue to forbid direct United States aid to the Government of Azerbaijan.

I strongly supported the Visclosky amendment when it was before the House 4 months ago. The House spoke clearly on this issue by passing the Visclosky amendment with overwhelming support. I joined with many of my colleagues in the House and wrote to the members of the conference committee to urge them to preserve the Visclosky amendment. I also wrote to the chairman of the Rules Committee in support of the Visclosky amendment. I deeply regret that the rule accompanying the conference report protects a provision lifting the ban on direct United States aid to the Government of Azerbaijan.

Mr. Speaker, in this time of crisis the people of Armenia need our strong support. As long as the Government of Azerbaijan continues to strangle the Armenian people by this blockade, the United States should stand resolute and firm in the position that we will not provide assistance to the Government of Azerbaijan.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise in support of this conference report on Foreign Operations Appropriations for FY 1996 (H.R. 1868). This bipartisan legislation passed the House last July 11 on a vote of 333 to 89 and passed the Senate on September 21 by a vote of 91 to 9. The overall bill appropriates $202 million more than the House bill, but $2.7 billion less than President Clinton's request and $1.5 billion less than the fiscal year 1995 appropriations level.

As our Nation's only democratic ally in the region, it is important for the United States to continue to play a role in assisting Israel's fight against terrorism, radicalism and the proliferation of weapons of mass destruction. It should be noted that this assistance is of help not only to Israel, but 70 percent of the aid is spent in the United States, and thus creates new jobs, economic expansion and opens up new markets for United States exports. While being ever mindful of ways to find efficiencies within the Federal budget, the foreign operations budget consist of less than 1 percent of the Federal budget and yet helps create nearly 1 million domestic jobs.

I also want to take time to congratulate both the House and Senate for its leadership and swiftness in overwhelming passage of S. 1322, The Jerusalem Embassy Relocation Implementation Act of 1995. With over 180 United States Embassies around the world, only Israel has been denied the right to have its American Embassy located in its capital city. While Jerusalem is a holy city for three major world religions and home to thousands of religious worshipers, the state of Israel has never denied people of any faith from worshiping in Jerusalem. Now that the peace process is progressing, relocating the U.S. Embassy from Tel Aviv to Jerusalem will hopefully strengthen that peace process.

Israel has been a trustworthy ally in a troubled and unstable region of the world, and it is my view that passage of these two bipartisan bills will help the United States reconfirm its strong commitment to Israel, to human rights, and to peace.

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is with truly mixed emotions that I today will vote in support of this conference report.

There is much in this report that is good, and for the most part of those measures which prompted me to support the bill when it was on the House floor remain.

This bill continues our historic and important commitment to advancing peace in the Middle East. Israel is our strongest ally and is the only democracy in an unstable, volatile, and important region.

The American people have been partners with Israel in difficult days, and today as the prospects for peace appear more promising, we must continue to be a steadfast ally.

This bill also makes important refinements in the Middle East Peace Facilitation Act, toughening standards that apply to actions by the PLO.

As well, this bill includes several provisions which continue our commitment to support the people of Armenia. I applaud the inclusion of the earmark for Armenia, the cap on aid to Turkey, and the inclusion of the Humanitarian Aid Corridor Relief Act.

These are good provisions. The United States must be beside the people of Armenia in their struggle against aggressors.

Unfortunately, the conference ignored the will of the House on section 907 of the Freedom Support Act. After two and a half hours of debate, on June 29 the House voted to maintain a strong Freedom Support Act and says to Azerbaijan, that we will not give you aid until you end your unjust blockade of Armenia.

This was right then. And it is right today.

What is wrong, in fact unconscionable, is to have Conferees turn their back on the expressed will of the House.

Democracy is based upon the simple idea that votes matter, that when people freely express what they believe, and the majority speaks, that they will be heard. By ripping the heart out of the Freedom Support Act, the conference report cavalierly said that votes do not stand for anything.

This back room deal is beneath this Congress. As people in struggling democracies look to us to set an example, it is tragic that we set such a poor example in the very bill that defines how we relate to the rest of the world.

Mr. Speaker, I will vote for this bill. I support much that is in it, but deplore what has been added and how that was done.

Those of us—and I remind you that it is the majority of us—who believe in a strong Freedom Support Act, will take our fight to another day.

We will not give up.

Mr. ROEMER. Mr. Speaker, Chechnya has entered the stage of a precarious balance between war and peace, one which is likely to continue for some time. The peace negotiations are currently deadlocked. The discussion of political issues, including the status of Chechnya, is supposed to take place once the military agreements have been implemented. However, the key military elements of the cease-fire agreement—the decommissioning of Chechen weapons, the withdrawal of Russian troops and the release of prisoners—are far from complete. And given the size of the chasm that exists between the two sides on these issues, it is unlikely that the basic armistice agreements will be implemented anytime soon.

Therefore, I am very encouraged by the fact that the conference report's statement of managers calls for no more than $195 million for aid to Russia, with the remaining $446 million in the Newly Independent States account to be used for aid to the other republics. My amendment, which was adopted as part of the original House-passed bill, cut and then placed limits on the use of funds for Russia in response to its continued aggression in Chechnya.

Mr. Chairman, it is clear that the discussion of political issues is important for us to consider as we conclude our deliberations of this year's foreign aid appropriation to Russia. Relating to the issue of prisoner exchanges, Russian and Chechen negotiators in Grozny agreed initially to exchange all prisoners of war and other people forcibly detained during the conflict. However, this argument began to unravel when it became clear that the two sides could not agree on the actual number of prisoners held. With all of the charges and countercharges and confusion on both sides, it does not appear that this exchange will be resolved anytime soon.

In the area of decommissioning weaponry, the Russian-Chechen armistice agreement provisions have created a truly confusing and frustrating situation. Russian forces continue to confiscate weapons while the armistice clearly stipulated that Chechens were to be compensated for turning over their weapons. But this was not the most serious post-armistice harassment perpetrated by the Russian military. On August 19, when the decommissioning of arms began, Russian soldiers opened fire on the village of Achkhoi-Martan, killing two children. The Russian military falsely informed the media that the children had been killed by an exploding mine.

However, we should be thankful that gradually, the Chechens are gaining control over this situation. Not only are the rank and file paramilitary Chechens returning to their homes, but also the commanders for whom the Russian intelligence services continue to search. While the head of the new National Salvation government says that he controls 90 percent of the Chechen territory, their authority in fact extends over Grozny only in the daytime. At night it is reported, that their power does not extend beyond the territory of Russian troops quarters, check points and commandant's offices.

Mr. Chairman, I urge my colleagues to remain mindful of the delicate balance between war and peace in Chechnya. I further urge my colleagues to be cognizant of Russia's continued presence in Chechnya when voting to provide $195 million to the Government of Russia.

Mr. Chairman, it is time to reassess our national budgetary priorities. In the past U.S. tax dollars have fostered democracy and fought poverty and disease throughout the world. I cannot in good conscience, however, vote for aid to foreign nations when America faces severe problems here at home. Thirty-seven million Americans lack health insurance, too many students are graduating from school unprepared to compete in the world market, and the United States is facing a huge Federal deficit. We cannot send aid to every corner of the world and also make a serious commitment to tackling our problems at home. We simply cannot afford it all, and our U.S. foreign assistance program must therefore be restructured and returned.

While I support foreign aid in instances where there is a demonstrated humanitarian need, or when U.S. national security dictates protecting strategic and regional interests, I believe that we must take a serious look at the ways in which the United States has provided aid in the past. Simple cash or military aid that does not directly foster economic growth abroad may not be in our long-term interests. We must consider restructuring our foreign aid program to emphasize expanding U.S. exports, developing future markets for our products and encouraging economic development in other countries that are important to our national security. As long as we face demanding problems here at home and fail to reform the outdated manner in which we give foreign aid, I cannot support this foreign aid bill.

Mr. CALLAHAN. Mr. Speaker, having no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the Conference Report on the bill H.R. 1868 to the Committee of Conference with instructions to the managers on the part of the house to: recede from its disagreement to the amendment of the Senate numbered 150, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: : Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

SEC. 518A. COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund will terminate all family planning activities in the People's Republic of China no later than May 1, 1996; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning activities of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical

duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Evidently a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which the automatic vote by electronic device will be taken on the question of agreeing to the conference report.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 179, nays 245, as follows:

[Roll No. 751]

YEAS—179

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Stark
Stokes
Studds
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—245

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Coleman
Fields (LA)
Gephardt
Moakley
Ros-Lehtinen
Tucker
Weldon (PA)
Williams

□ 1727

Messrs. JOHNSON of Texas, EWING, HOKE, FRANKS of Connecticut, BAESLER, and HAMILTON changed their vote for "yea" to "nay."

Messrs. PAYNE of New Jersey, FRELINGHUYSEN, GILMAN, FRANKS of New Jersey, GREENWOOD, MINGE, CRAMER, DAVIS, FOLEY, KLECZKA, EHRLICH, and KOLBE, Ms. DUNN, and Miss COLLINS of Michigan changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. COMBEST). The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 351, nays 71, not voting 10, as follows:

[Roll No. 752]

YEAS—351

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Collins (GA)
Collins (IL)
Combest
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Heineman
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King

Kingston	Moorhead	Shays
Kleczka	Moran	Sisisky
Klink	Morella	Skaggs
Klug	Murtha	Skeen
Knollenberg	Myrick	Skelton
Kolbe	Nadler	Smith (MI)
LaFalce	Neal	Smith (NJ)
LaHood	Nethercutt	Smith (TX)
Lantos	Ney	Smith (WA)
Largent	Norwood	Solomon
Latham	Nussle	Souder
LaTourette	Oberstar	Spence
Laughlin	Obey	Spratt
Lazio	Olver	Stenholm
Leach	Ortiz	Stokes
Levin	Orton	Studds
Lewis (CA)	Oxley	Stupak
Lewis (GA)	Packard	Talent
Lewis (KY)	Pallone	Tate
Lightfoot	Parker	Tauzin
Linder	Pastor	Taylor (NC)
Lipinski	Paxon	Tejeda
Livingston	Payne (VA)	Thomas
LoBiondo	Pelosi	Thornberry
Lofgren	Peterson (FL)	Thurman
Longley	Peterson (MN)	Tiahrt
Lowey	Petri	Torkildsen
Luther	Pickett	Torricelli
Maloney	Pomeroy	Towns
Manton	Porter	Upton
Manzullo	Portman	Vento
Markey	Poshard	Visclosky
Martini	Pryce	Vucanovich
Mascara	Quinn	Waldholtz
Matsui	Radanovich	Walker
McCarthy	Ramstad	Walsh
McCollum	Rangel	Wamp
McCrery	Reed	Ward
McDade	Regula	Waters
McDermott	Richardson	Watts (OK)
McHale	Riggs	Waxman
McHugh	Rivers	Weldon (FL)
McInnis	Rose	Weller
McIntosh	Roukema	White
McKeon	Roybal-Allard	Whitfield
McKinney	Rush	Wicker
McNulty	Sabo	Williams
Meehan	Salmon	Wilson
Meek	Sanford	Wise
Menendez	Sawyer	Wolf
Metcalf	Schiff	Woolsey
Meyers	Schumer	Wyden
Mfume	Scott	Wynn
Mica	Seastrand	Yates
Miller (FL)	Serrano	Young (AK)
Mink	Shadegg	Zeliff
Molinari	Shaw	Zimmer

NAYS—71

Barrett (NE)	Hefner	Rohrabacher
Becerra	Herger	Roth
Brown (CA)	Hilliard	Royce
Brown (OH)	Houghton	Sanders
Bryant (TX)	Jacobs	Scarborough
Bunning	Jones	Schaefer
Chenoweth	Kaptur	Schroeder
Clyburn	Lincoln	Sensenbrenner
Coburn	Lucas	Shuster
Collins (MI)	Martinez	Slaughter
Condit	Miller (CA)	Stark
Conyers	Minge	Stearns
Cooley	Mollohan	Stockman
Danner	Montgomery	Stump
DeFazio	Myers	Tanner
Dellums	Neumann	Taylor (MS)
Dingell	Owens	Thompson
Doolittle	Payne (NJ)	Thornton
Duncan	Pombo	Traficant
Everett	Quillen	Velazquez
Hall (TX)	Rahall	Volkmer
Hancock	Roberts	Watt (NC)
Hayes	Roemer	Young (FL)
Hefley	Rogers	

NOT VOTING—10

Coleman	Moakley	Tucker
Fields (LA)	Ros-Lehtinen	Weldon (PA)
Gephardt	Saxton	
Hutchinson	Torres	

□ 1734

Mr. DOOLITTLE changed his vote from "yea" to "nay."

Mr. RUSH and Mrs. COLLINS of Illinois changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HUTCHINSON. Mr. Speaker, on rollcall No. 752, I was inadvertently detained and missed the vote for final passage of the conference report on H.R. 1868. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was inadvertently detained on official business yesterday during rollcall vote No. 752, the vote for final passage of the conference report on H.R. 1868. Had I been present on the floor of the House, I would have voted "yea."

LIMITING DEBATE ON MOTION MADE IN ORDER BY HOUSE RESOLUTION 249 TO DISPOSE OF SENATE AMENDMENT 115

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that debate on the motion made in order by House Resolution 249 to dispose of the amendment of the Senate numbered 115 be limited to 20 minutes equally divided and controlled as otherwise provided in the rule.

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

There was no objection.

AMENDMENT IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 115: Page 44, line 19, after "lizations" insert: *: Provided*, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion.

MOTION OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Speaker, I offer a motion.

The Speaker pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CALLAHAN moves that the House recede from its disagreement to the amendment of the Senate numbered 115, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.

PROHIBITION ON FUNDING FOR ABORTION

Sec. 518A. (a) IN GENERAL.—

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

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

(b) LOBBYING ACTIVITIES.—

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

(2) Notwithstanding any other provision of this Act, paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(c) Subsections (a) and (b) apply to funds made available for a foreign organization either directly or as a subcontractor or subgrantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.

(d) COERCIVE POPULATION CONTROL METHODS.—Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA) unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund will terminate all family planning activities in the People's Republic of China no later than March 1, 1996; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

The SPEAKER pro tempore. Pursuant to House Resolution 249 and the order of the House, the gentleman from Alabama [Mr. CALLAHAN] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

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

Mr. Speaker, I am offering a motion today that is an attempt at a compromise on the Mexico City abortion policy. Except for a technical change, it is the same as I offered in conference. Unfortunately, the Senate rejected my offer.

The original Mexico City abortion policy amendment was offered on the House floor by Mr. SMITH of New Jersey, pursuant to the rule for consideration of the Foreign Operations bill.

It passed by a vote of 243 to 187. However, my compromise proposal would modify the House language in the following ways:

First, the Smith amendment as passed prohibited funding to both foreign and domestic organizations if they used non-Federal funds for abortions. The compromise would apply the funding limitation only to foreign organizations, either acting directly or as a subcontractor or subgrantee.

Second, I would modify the provisions on lobbying to apply only to foreign organizations, acting in a foreign country. That would remove any hint of a constitutional problem with the amendment, as some have alleged.

Third, I would modify the language on the U.N. Population Fund to remove the funding prohibition for UNFPA if the President certifies that the organization will terminate all family planning activities in China by March 1, 1996. The agreement between the U.N. Population Fund and China expires on December 31 of this year, and this proposal would give them 2 months to phase out any carry-over activities. Frankly, if China and the U.N. Population Fund sign a new agreement, then we should terminate funding for the organization.

The modification to amendment no. 115 would also strike the Senate provision that puts into statute abortion policy that is contrary to the Mexico City policy. The language proposed by the Senate prohibiting the use of Federal funds to lobby for or against abortion would be retained.

The effect of this amendment is to return to the original Mexico City policy as practiced by the Reagan administration.

Frankly, I prefer the original House position on these matters. But I am interested in moving this conference agreement through the Congress, and I believe this proposal may be a way to do that.

I would also like to note that this motion has the support of the original sponsor of the amendment, Mr. SMITH of New Jersey. I appreciate his effort to work with the committee to fashion this language.

Mr. Speaker, I ask unanimous consent to yield my remaining time to the gentleman from New Jersey [Mr. SMITH].

The SPEAKER pro tempore. Without objection, the gentleman from Alabama yields the remaining time that he has to the gentleman from New Jersey [Mr. SMITH], which is 9 minutes.

There was no objection.

The SPEAKER pro tempore. Is the gentleman from Texas opposed to the motion?

Mr. WILSON. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas [Mr. WILSON] is recognized for 10 minutes.

Mr. WILSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, family planning works and we should not allow differences in our domestic policy to interfere with foreign policy.

The Mexico City policy allowed our country to make effective use of our foreign aid. Reimposing the Mexico City policy will hurt countless families throughout the world and increase the number of unintended pregnancies.

Organizations like International Planned Parenthood offer basic health care screening and information on how to plan a family. Denying United States funds to organizations like International Planned Parenthood just does not make sense. It is arbitrary denial of assistance where it is needed.

If we are serious, Mr. Speaker, about helping people not have unintended pregnancies, we should not impose the Mexico City policy. This policy works. Planned Parenthood works.

Why do we not just let the rest of the world do what they are going to do as we always do what we want to do?

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Speaker, I stand today to remind Members of the debate that we had not too long ago and in support of the Callahan amendment.

Mr. Speaker, the United Nations Fund for Population Assistance has not had a history of which it should be proud in terms of its relationship with the Chinese Government. While they may choose to say otherwise, forced abortions and sterilizations do occur in China today. When Mrs. Clinton was in China last month, she condemned this practice. We can do no less than to back her up.

Last July, I had the opportunity to hear the testimony of Chinese men and women who had fled China after having experienced either a forced abortion or sterilization. One of these women was forcibly sterilized by the Chinese Government because she had the courage to pick up an abandoned baby girl by the side of the road. By adopting this little girl, she violated her quota of children although this little girl was not her birth child. This is anti-woman, both adult and child. It is also anti-family.

As Members, we have a responsibility to speak out for these Chinese girls who are abandoned on the side of the road and placed in literal death houses where they are left to starve to death. It is time to say to the UNFPA, enough is enough. No more dancing around the issue. Americans are sick and tired of being mocked.

Mr. WILSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the motion before us. This motion aims to completely eliminate family planning aid overseas.

Proponents of this language claim that it simply cuts abortion funding. What they have not told you is that abortion funding overseas has been prohibited since 1973. This language would cut abortion funding from its current level of zero to zero.

Therefore, this motion goes after family planning.

The world's population is growing at an unprecedented rate. In 40 years our planet's population will more than double. As a responsible world leader, the United States must do more to deter the environmental, political, and health consequences of this explosive growth.

One of the most important forms of aid that we provide to other countries is family planning assistance. No one can deny that the need for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile.

And let us not forget what family planning assistance means to women around the world. Complications of pregnancy, childbirth and unsafe abortion are the leading killers of women of reproductive age throughout the third world. One million women die each year as a result of reproductive health problems.

Each year, 250,000 women die from unsafe abortions.

Only 20 to 35 percent of women in Africa and Asia receive prenatal care.

Five hundred million married women want contraceptives but cannot obtain them.

Most of these disabilities and deaths could be prevented.

This motion would defund family planning organizations that perform legal abortions—even if the abortion services are funded with non-U.S. money.

The motion also cuts funds to the UNFPA, an organization that provides family planning and population assistance in over 140 countries. The pretext for this provision is that the UNFPA operates in China, and therefore the funding must be cut. However, the law currently states that no United States funds can be used in UNFPA's China program. Proponents of this language are clearly using the deplorable situation in China as an excuse to eliminate funding for this highly successful and important family planning organization. The UNFPA is in no way linked to reported family planning abuses in China, and should not be held hostage to extremist anti-abortion rhetoric.

I urge my colleagues to oppose this motion. No matter how its proponents try to disguise it, this motion is ultimately intended to end U.S. family planning assistance overseas. A vote for this motion is a vote against sensible, cost-effective family planning programs.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I thank the gentleman for yielding me the time.

Mr. Speaker, the Callahan amendment represents a proposed compromise with the Senate on the codification of the Mexico City policy, a policy that is supported by the vast majority of the American people.

I think it is important to note that this language does nothing to reduce

U.S. funding of international family planning programs. It merely prevents taxpayer money from going to fund promotion or performance of abortion.

What we are trying to do in this amendment is to stop clouding the issue. To talk about private funds being used and no taxpayers' dollars being used is really quite deceptive. It does not really fool anybody. It is a shell game being played by these organizations. The American people do not want their taxpayer dollars being used to promote, perform, and support abortion policies around the world.

Since rescinding the Mexico City policy, the Clinton administration has committed over $75 million to International Planned Parenthood which performs and promotes abortion as a method of family planning, and they have refused to sign because of their radicalism to the Mexico City policy.

Mr. WILSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, just 2 months ago, women from different nations, cultures, and religions came together at the United Nations World Conference on Women, in Beijing.

At the Beijing conference, Mr. Speaker, women from around the world spoke about the need to increase access to family planning, particularly in the developing world, where an unwanted pregnancy is often a matter of life or death.

If you believe that women, rich and poor, should have the right to choose safe motherhood, you must vote down the Callahan motion. If you believe that women should have the right to choose how many children they have and under what conditions, you must vote down the Callahan motion. If you believe that the United States has the obligation to support the United Nations in its efforts to slow the Earth's exploding population, and the misery that comes with it, you must vote down the Callahan motion.

Support international family planning; support the conference report language for the foreign operations appropriations bill; vote down the Callahan motion.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

□ 1745

Mrs. CHENOWETH. Mr. Speaker, I have said it once and I will say it again.

This debate is about more than just family planning in China or other countries. This debate is about the United States of America and a consistent policy that has been established from the beginning of this country and has been held forth until now.

But through a weakening of the commitment and the resolve to never, never allow for public funding for abortions, especially overseas, just through the rhetoric and through a potential treaty, that consistent policy could be seriously, seriously diminished.

Even as late as 1994, the General Conference on Population and Development held in Cairo reiterated that in no case should abortion be promoted as a method of family planning.

Mr. Speaker, we take great pride in the fact we have established a new vision for America and we have begun to establish a new trust for this Congress by laying out promises that were made; promises that were kept. And I think in all cases we ought to be able to say to the American people, "This is a promise that we have made and we will make it into the future; that there shall not be this kind of foreign policy that shall be initiated."

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in opposition to the Callahan-Smith amendment. There are those who are trying to sell this as a compromise amendment. This is not a compromise. It is one side compromising with itself.

This amendment is still terrible in its impact on the poorest of the poor women of the world. Remember our policy in this country has always been antiabortion. Not one cent of this money goes for abortions when it goes overseas.

With the Callahan-Smith amendment, it becomes antifamily planning. The key to this amendment is that no matter how sick or malnourished a woman may be, no matter that she is carrying a seriously malformed fetus, she can not have a health service, maybe in the only women's health clinic that she has access to, like others could have because they can afford to pay their doctor.

These women that we are talking about do not have the options that Americans do. They do not have the many choices of health care providers so that they can get a medically necessary abortion from another source if the woman's health organization to which we provide family planning assistance is restricted from doing so. There are NGO's, nongovernmental organizations, that simply cannot accept these conditions, because the local law forbids it.

Mr. Speaker, there are countries in this world where the only organization providing family planning is International Planned Parenthood. This would say that International Planned Parenthood could not have money. It would take us out of countries where the average number of children per woman of childbearing years is 7; the average number of children produced by a woman in her childbearing years is 7, and we are going to take out the only family planning organization present.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the Callahan amendment. One point must be reiterated in this debate—this amendment has nothing to do with abortion. Current law already prohibits the use of U.S. funds for abortion For 20 years, foreign aid policy and law has clearly stated that U.S. funds cannot be used to pay for abortion services or to lobby on the issue.

What this amendment does do is gut family planning programs—resulting in more abortions.

The Callahan amendment would deny funds to women's health organizations which use their own funds to perform abortions or lobby their governments on abortion policy. I urge my colleagues to recognize that the effect of this provision would be to kill family planning programs.

This amendment is an international gag rule. As democracy movements are opening up public involvement in policymaking throughout the world, we are seeing many private, local organizations becoming more vocal about the harsh reality of women's health. When I participated in the international women's conferences in Cairo and Beijing, I heard thousands of nongovernmental organizations speaking out, telling the world about the lack of access to decent health care in developing countries and of the obstacles women face in choosing how many children they want to have and can afford to care for. This international gag rule would inhibit these groups from providing health information to the public and prevent them from expressing concerns about women's struggles because—quite simply—they need foreign assistance to provide services.

The Callahan amendment is not a compromise because the restrictions would still impact groups throughout the world—those providers who best understand the local needs and problems. Supporters of the amendment argue that it would not impact U.S. groups, but, in fact, it will, because U.S. groups work closely with family planning partners in other countries.

Mr. Speaker, I certainly urge my colleagues to join in opposing the amendment.

Mr. WILSON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker and Members of the House, I would like to point out once more, just in case there is any misunderstanding, the statement of the administration policy, that if the House language were included in the bill presented to the President, the Secretary of State would recommend to the President that he veto the bill.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise with great respect for the deeply felt commitment of the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from New Jersey [Mr. SMITH] for their position, but in strong opposition to their proposal.

You have heard it over and over again, and I will say it again: Current law is already antiabortion. This Callahan-Smith provision only makes it antifamily planning. Existing law prohibits use of U.S. funds for abortion activities. Our colleague, the gentlewoman from Maryland [Mrs. MORELLA], pointed out that for 20 years there have been adequate protections in foreign aid law and policy, the Helms amendment.

The House language is extreme because it would defund organizations that provide legal health services. Legitimate and effective women's health organizations would be punished under this amendment simply for providing family planning information. The target of the House provision is the U.N. Population Fund.

Operating in 140 countries, UNFPA is the principal multilateral organization providing worldwide family planning and population assistance. UNFPA assistance is used for family planning and assistance and maternal and child care in the poorest and most remote regions of the world.

Since its founding, UNFPA has saved the lives of countless women and children. Further limitations on the U.S. contributions to UNFPA are unnecessary. No United States funds can be used in UNFPA's China program. No UNFPA funding is linked in any way to family planning abuses in China. UNFPA does not condone or cover up coercion in China. The United States Government should not, as a matter of principle, hold family planning and UNFPA hostage to the legitimate concerns we all hold and share about forced abortions in China.

I urge a "no" vote.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, a little over 3 months ago the House voted overwhelmingly on two important pro-life policies, these anticoercion policies contained in the Callahan motion.

First, we voted to condition our support for the U.N. Population Fund on an end to UNFPA support for the forced abortion policy of the People's Republic of China. In recent months, the government-imposed nightmare of forced abortion and involuntary sterilization in China has taken yet another turn for the worse.

Mr. Speaker, the brutal one-child-per-couple policy has been around since 1979. This means quite literally that brothers and sisters are illegal.

In February of this year, the government announced a new intensified campaign against women who attempt to have a child without explicit government permission. The arrogant leaders in Beijing have decreed children should not be born, so population control cadres march out in lockstep and they force abortions on these women throughout the country.

Yet, and I beg to differ with my good friend from California, the UNFPA continues to laud this program as a totally voluntary program. Nothing, Mr. Speaker, could be further from the truth. Dr. Sadik, from time and time again on national television and in various fora, is saying the Chinese program is voluntary. She is whitewashing, unfortunately, these heinous crimes against women and children. She has even recommended that the Chinese program be replicated and reproduced elsewhere around the world.

Unfortunately, we should be lampooning and bringing scrutiny to these terrible human rights abuses, rather than giving money to organizations that act as cheerleaders.

I was in Beijing, Mr. Speaker, when First Lady Hillary Rodham Clinton gave an excellent speech on forced abortion. Unfortunately, she did not mention China, but everybody knew about whom she was talking.

We need to see the words matched with deeds. Unfortunately, rhetoric and condemnations are not enough. This kind of language, similar to what we had in effect during the Reagan and Bush years, will send a clear, unmistakable message that coercion has no place in family planning programs.

The other program or policy is the Mexico City policy, which simply seeks to erect a wall of separation between abortion and family planning. Again, the other side has suggested this is antifamily planning. Not true.

In effect since 1984, unfortunately repealed by Mr. Clinton, this program and policy sent money to groups, including International Planned Parenthood Federation affiliates who would sign on the dotted line that they would not promote abortion as a method of family planning.

If we are serious that these children who are killed by abortion have worth and are priceless and have value, it seems to me that we should be giving money only to those organizations that are truly committed to family planning and not those that have an agenda of promoting abortion globally as well as in this country.

Mr. Speaker, let me say finally, the gentleman from Alabama [Mr. CALLAHAN] has done an excellent job in crafting, as chairman of this subcommittee, language that is a compromise. We have given in on some points. The language before us, I think, should pass muster in the Senate, and we hope that the President—maybe not the first time, but sometime in the near future—will sign this into law, because it is right. Children have value.

Family planning is not reduced by a dime. By this language, it is conditioned only to those that promote family planning and not those that promote abortion.

Mr. CALLAHAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Speaker, I urge the House to vote for this amendment, and would announce on behalf of the leadership that this will be the last vote of the evening.

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to the rule, the previous question is ordered.

The question is on the motion offered by the gentleman from Alabama [Mr. CALLAHAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of New Jersey. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 187, not voting 13, as follows:

[Roll No. 753]

AYES—232

Allard	Danner	Hyde
Archer	de la Garza	Inglis
Armey	Deal	Istook
Bachus	DeLay	Jacobs
Baker (CA)	Diaz-Balart	Johnson, Sam
Baker (LA)	Dickey	Jones
Ballenger	Doolittle	Kanjorski
Barcia	Dornan	Kasich
Barr	Doyle	Kildee
Barrett (NE)	Dreier	Kim
Bartlett	Duncan	King
Barton	Ehlers	Kingston
Bateman	Emerson	Kleczka
Bereuter	English	Klink
Bevill	Ensign	Knollenberg
Bilirakis	Everett	LaFalce
Bliley	Ewing	LaHood
Blute	Fields (TX)	Largent
Boehner	Flanagan	Latham
Bonilla	Foley	LaTourette
Bonior	Forbes	Laughlin
Bono	Fowler	Lewis (CA)
Brewster	Fox	Lewis (KY)
Browder	Frisa	Lightfoot
Brownback	Funderburk	Linder
Bryant (TN)	Gallegly	Lipinski
Bunn	Ganske	Livingston
Bunning	Geren	LoBiondo
Burr	Gillmor	Longley
Burton	Goodlatte	Lucas
Buyer	Goodling	Manton
Callahan	Goss	Manzullo
Calvert	Graham	Mascara
Camp	Gunderson	McCollum
Canady	Gutknecht	McCrery
Chabot	Hall (OH)	McDade
Chambliss	Hall (TX)	McHugh
Chenoweth	Hancock	McInnis
Christensen	Hansen	McIntosh
Chrysler	Hastert	McKeon
Clinger	Hastings (WA)	McNulty
Coble	Hayes	Metcalf
Coburn	Hayworth	Mica
Collins (GA)	Hefley	Miller (FL)
Combest	Heineman	Molinari
Cooley	Herger	Montgomery
Costello	Hilleary	Moorhead
Cox	Hoekstra	Myers
Crane	Hoke	Myrick
Crapo	Holden	Nethercutt
Cremeans	Hostettler	Neumann
Cubin	Hunter	Ney
Cunningham	Hutchinson	Norwood

Nussle	Salmon	Tanner
Oberstar	Sanford	Tate
Ortiz	Saxton	Tauzin
Orton	Scarborough	Taylor (MS)
Oxley	Schaefer	Taylor (NC)
Packard	Seastrand	Tejeda
Parker	Sensenbrenner	Thornberry
Paxon	Shadegg	Tiahrt
Peterson (MN)	Shaw	Volkmer
Petri	Shuster	Vucanovich
Pombo	Skeen	Waldholtz
Portman	Skelton	Walker
Poshard	Smith (MI)	Walsh
Quillen	Smith (NJ)	Wamp
Quinn	Smith (TX)	Watts (OK)
Radanovich	Smith (WA)	Weldon (FL)
Rahall	Solomon	Weller
Regula	Souder	Whitfield
Riggs	Spence	Wicker
Roberts	Stearns	Wolf
Roemer	Stenholm	Young (AK)
Rogers	Stockman	Young (FL)
Rohrabacher	Stump	Zeliff
Roth	Stupak	
Royce	Talent	

NOES—187

Abercrombie	Gibbons	Owens
Ackerman	Gilchrest	Pallone
Andrews	Gilman	Pastor
Baesler	Gonzalez	Payne (NJ)
Baldacci	Gordon	Payne (VA)
Barrett (WI)	Green	Pelosi
Bass	Greenwood	Peterson (FL)
Becerra	Gutierrez	Pickett
Beilenson	Hamilton	Porter
Bentsen	Harman	Pryce
Berman	Hastings (FL)	Ramstad
Bilbray	Hefner	Rangel
Bishop	Hilliard	Reed
Boehlert	Hinchey	Richardson
Boucher	Hobson	Rivers
Brown (CA)	Horn	Rose
Brown (FL)	Houghton	Roukema
Brown (OH)	Hoyer	Roybal-Allard
Bryant (TX)	Jackson-Lee	Rush
Cardin	Jefferson	Sabo
Castle	Johnson (CT)	Sanders
Chapman	Johnson (SD)	Sawyer
Clay	Johnson, E. B.	Schiff
Clayton	Johnston	Schroeder
Clement	Kaptur	Schumer
Clyburn	Kelly	Scott
Collins (IL)	Kennedy (MA)	Serrano
Collins (MI)	Kennedy (RI)	Shays
Condit	Kennelly	Sisisky
Conyers	Klug	Skaggs
Coyne	Kolbe	Slaughter
Cramer	Lantos	Spratt
DeFazio	Lazio	Stark
DeLauro	Leach	Stokes
Dellums	Levin	Studds
Deutsch	Lewis (GA)	Thomas
Dicks	Lincoln	Thompson
Dingell	Lofgren	Thornton
Dixon	Lowey	Thurman
Doggett	Luther	Torkildsen
Dooley	Maloney	Torres
Dunn	Markey	Torricelli
Durbin	Martinez	Towns
Edwards	Martini	Traficant
Ehrlich	Matsui	Upton
Engel	McCarthy	Velazquez
Eshoo	McDermott	Vento
Evans	McHale	Visclosky
Farr	McKinney	Ward
Fattah	Meehan	Waters
Fawell	Meek	Watt (NC)
Fazio	Menendez	Waxman
Filner	Meyers	White
Flake	Mfume	Williams
Foglietta	Miller (CA)	Wilson
Ford	Minge	Wise
Frank (MA)	Mink	Woolsey
Franks (CT)	Moran	Wyden
Franks (NJ)	Morella	Wynn
Frelinghuysen	Nadler	Yates
Frost	Neal	Zimmer
Furse	Obey	
Gejdenson	Olver	

NOT VOTING—13

Borski	Fields (LA)	Moakley
Coleman	Gekas	
Davis	Gephardt	
Mollohan	Pomeroy	Tucker
Murtha	Ros-Lehtinen	Weldon (PA)

□ 1818

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, I regret that I was not present for rollcall No. 753, the motion to recede and concur on H.R. 1868, the Foreign Operations Appropriations Act of 1996. Had I been present, I would have voted "no".

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–300)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) "making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1996, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 24, 26, 40, 54, 57, 67, 77, 83, 85, 94, 99, 100, 105, 107, 111, 117, 118, 123, 136, 138, 147, 148, 155, 163, 166, 169, 171, 172, and 173.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 19, 20, 28, 31, 32, 34, 36, 38, 45, 46, 48, 50, 51, 52, 56, 59, 61, 62, 66, 71, 72, 73, 74, 75, 76, 78, 80, 81, 82, 86, 87, 88, 93, 96, 97, 102, 103, 106, 109, 113, 121, 124, 126, 127, 128, 129, 130, 131, 133, 134, 137, 139, 140, 141, 142, 143, 144, 145, 149, 150, 157, 159, 160, 161, 162, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: , *and assessment of mineral potential of public lands pursuant to P.L. 96–487 (16 U.S.C. 3150 (a)), $568,062,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows: After the first comma in said amendment insert: *of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of P.L. 96–487 (16 U.S.C. 3150), and*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$568,062,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,115,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$101,500,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,800,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$93,379,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$497,943,000, to remain available for obligation until September 30, 1997,*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,655,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,900,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Public Law 88–567," insert: *if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995,*

And the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,083,151,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,649,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,212,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,225,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$4,500,000 of the funds provided herein*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,100,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.*

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and (Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.*

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

And the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following: *and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g (1) and related purposes as authorized by law and to publish and disseminate data; $73,503,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:, *and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquires into the economic conditions affecting mining and materials processing industries*; and the Senate agree to the same.

Amended numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

: Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known the Federal official having authority to obligate or it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,994,000*; and the Senate agree to the same.

Amendment Numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000 to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in

Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, 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, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$173,887,000*; and the Senate agree to the same.

Amendment numbered 53:

The the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$1,359,434,000*; and the Senage agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,209,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$71,854,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Before "*: Provided further*" in said amendment, insert: , *to become effective on July 1, 1997*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,833,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,645,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the first sum named in said amendment insert: *$4,500,000*.

In lieu of the second sum named in said amendment insert: *$35,914,000*.

In lieu of the third sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of "October 1, 1995" named in said amendment insert: *March 1, 1996*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.

And the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent

to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelop Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$178,000,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$136,794,000, to remain available until expended, as authorized by law*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,256,253,000*; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$163,500,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,200,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Following "Forest Service," in said amendment insert: *other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California*; and the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.*

And the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Notwithstanding any other provision of law, for the duration of fiscal year 1996 none of the funds provided in this or any other appropriations Act may be used in the Tongass National Forest except to implement the Preferred Alternative P in the Tongass Land and Resource Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93 (hereinafter referred to as "Alternative P") which shall be deemed sufficient to satisfy all requirements of applicable law: Provided, That the Forest Service may amend the plan during fiscal year 1996 only to the extent necessary to accommodate commercial tourism if an agreement is signed between the Forest Service and the Alaska Visitors' Association: Provided further, That the Secretary shall continue the current Tongass land management planning process, and may replace or modify Alternative P with the selected alternative of a revised Tongass Land Management Plan ("TLMP") which shall, to the maximum extent practicable, contain at least the number of acres of suitable, available timber lands and suitable scheduled timber lands identified in Alternative P: Provided further, That if the Forest Service fails to complete work on a revised TLMP during fiscal year 1996, Alternative P shall remain in effect until such time as a revised plan is completed in accordance with this section and is in effect: Provided further, That hereinafter, notwithstanding any other provision of law, any timber sale or offering that was prepared for acceptance, or was awarded to a purchaser after December 31, 1988, which has been the subject of an Environmental Impact Statement under the National Environmental Policy Act ("NEPA") and a review under section 810 of the Alaska National Interest Lands Conservation Act ("ANILCA"), and was subsequently offered or awarded to a different timber purchaser or offeree shall not be subject to additional analysis under NEPA or ANILCA through any action of the Federal Government or by order of any court of law if the Forest Service determines in a Supplemental Evaluation that no such analysis is necessary: Provided further, That section 502 of P.L. 104–19 shall be deemed permanent law.

And the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert: *and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,169,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$148,786,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$553,293,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$140,696,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,196,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$72,266,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,722,842,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$238,958,000*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$308,188,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,442,000*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,840,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

And the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of Subsection (g) insert the following:

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

"(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

And the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter "Project").

(b)(1) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, and Energy and Natural Resources of the Senate and Committees on Agriculture, Appropriations, and Resources of the House of Representatives, by April 30, 1996, an assessment on the National Forest System lands and lands administered by the Bureau of Land Management (hereinafter "Federal lands") within the area encompassed by the Project. The assessment shall be accompanied by draft Environmental Impact Statements that are not decisional and not subject to judicial review, contain a range of alternatives, without the identification of a preferred alternative or management recommendations, and provide a methodology for conducting any cumulative effects analysis required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)) in the preparation of each amendment to a resource management plan pursuant to subsection (c)(2). The Executive Steering Committee shall release the required draft Environmental Impact Statements for a ninety day public comment period. A summary of the public comments received must accompany these documents upon its submission to Congress.

(2) The assessment required by paragraph (1) shall contain the scientific information collected and analysis undertaken by the Project on landscape dynamics and forest and rangeland health conditions and the implications of such dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density and related social and economic effects.

(3) The assessment and draft Environmental Impact Statements required by paragraph (1) shall not: contain any material other than that required in paragraphs (1) and (2); be the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); or be accompanied by any record of decision or documentation pursuant to section 102(2) of the National Environmental Policy Act, except as specified in paragraph (1).

(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, each Forest Supervisor of the Forest Service and District Manager of the Bureau of Land Management with responsibility for a national forest or unit of land administered by the Bureau of Land Management (hereinafter "forest") within the area encompassed by the Project shall—

(A) review the resource management plan (hereinafter "plan") for such forest, the scientific information and analysis in the report prepared pursuant to subsection (b) which are applicable to such plan, and any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any which is, or is intended to be, of limited duration, and which the Project addresses; and

(B) based on such review, develop a modification of such policy, or an alternative policy which serves the basic purpose of such policy, to meet the specific conditions of such forest.

(2) For each plan reviewed pursuant to paragraph (1), the Forest Supervisor or District Manager concerned shall prepare and adopt an amendment which: contains the modified or alternative policy developed pursuant to paragraph (1)(B); is directed solely to and affects only such plan; and addresses the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions. The Forest Supervisor or District Manager concerned shall consult at a minimum, with the Governor of the State, and the Commissioners of the county or counties, and affected tribal governments in which the forest to which the plan applies is situated during the review of the plan required by paragraph (1) and the preparation of an amendment to the plan required by this paragraph.

(3) To the maximum extent practicable, each amendment prepared pursuant to paragraph (2) shall establish site-specific standards in lieu of imposing general standards applicable to multiple sites. Any amendment which would result in any major change in land use allocations within the plan or would reduce the likelihood of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant change, pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), requiring a significant plan amendment or equivalent.

(4) Each amendment prepared pursuant to paragraph (2) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b)(1) shall be deemed to meet any requirement of such Act for such analysis and the scoping conducted by the Project prior to the date of enactment of this section shall substitute for any scoping otherwise required by such Act for such amendment, unless at the sole discretion of the Forest Supervisor or District manager additional scoping is deemed necessary.

(5) The review of each plan required by paragraph (1) shall be conducted, and the preparation and decision to approve an amendment to each plan pursuant to paragraph (2) shall be made, by the Forest Supervisor or District Manager, as the case may be, solely on: the basis of the review conducted pursuant to paragraph (1)(A), any consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 required by paragraph (6), any documentation required by section 102(2) of the National Environmental Policy Act, and any applicable guidance or other policy issued prior to the date of enactment of this Act.

(6)(A) Any policy adopted in an amendment prepared pursuant to paragraph (2) which is a modification of or alternative to a policy referred to in paragraph (1)(A) and upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973, shall not again be subject to the consultation or conferencing provisions of such section 7.

(B) If required by such section 7, and not subject to subparagraph (A), the Forest Supervisor or District Manager concerned shall consult or conference separately on each amendment prepared pursuant to paragraph (2).

(C) No Further consultation, other than the consultation specified in subparagraph (B), shall be undertaken on the amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of any plan related to such policy or the species to which such policy applies.

(7) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before July 31, 1996: Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before December 31, 1996.

(8) No policy referred to in paragraph (1)(A), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after December 31, 1996, or after an amendment to the plan which applies to such forest is adopted pursuant to the provisions of this subsection, whichever occurs first.

(9) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2), the requirement for revision referred to in the Stipulation of Dismissal dated

September 13, 1993, applicable to the Clearwater National Forest is deemed to be satisfied, and the interim management direction provision contained in the Stipulation of Dismissal shall be of no further effect with respect to the Clearwater National Forest.

(d) The documents prepared under the authority of this section shall not be applied or used to regulate non-Federal lands.

And the Senate agree to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM

(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to sub-paragraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(!0(B) of the Land and Water Conservation fund Act, as amended: provided, that funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4 (i) (1) (A) of said Act and shall remain available for expenditure without further appropriation.

(3) in order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of march 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

and the Senate Agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 316. Section 2001 (a)(2) of Public Law 104–19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 319. GREAT BASIN NATIONAL PARK.

Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm–1) is amended—

(1) in the first sentence of subsection (e) by striking "shall" and inserting "may"; and

(2) in subsection (f)—

(A) by striking "At the request" and inserting the following:

"(1) EXCHANGES.—At the request";

(B) by striking "grazing permits" and inserting "grazing permits and grazing leases"; and

(C) by adding after "Federal lands." the following:

"(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.".

And the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws unless (1) legislation to carry out reconciliation instructions pursuant to a concurrent resolution on the budget for fiscal year 1996 is enacted into law and such legislation contains, at a minimum, provisions relating to the patenting of and payment of royalties on such claims, or (2) an agreement is approved by the House and Senate in an identical form on other legislation containing provisions relating to the patenting of, payment of royalties on, and reclamation of such claims.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under Sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and Sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and Section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will take final action on at least 90 percent of such applications within three years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications more expeditiously, the Secretary of the Interior shall require an applicant that has submitted an application subject to subsection (b) to fund the retention by the Bureau of Land Management of a qualified third-party contractor to conduct a mineral examination of the mining claims or mill sites contained in the patent application. The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor.

And the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *328*; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *329*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment, insert: *330*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) "The arts and humanities belong to all the people of the United States";

(2) "The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups";

(3) "Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds"; and

(4) "Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines".

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

And the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research: Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY, (Except amendments 136, 138, 168, and 169)
FRITZ HOLLINGS,
HARRY REID,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 1977 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 104–173 or Senate Report 104–125 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

The managers have included funding in each of the land acquisition accounts that is not earmarked by individual projects. The managers direct the Department of the Interior and the Forest Service to develop a proposed distribution of project funding for review and approval by the House and Senate Committees on Appropriations. In developing the proposed distributions, the agencies are encouraged to give consideration to a broader array of projects than was proposed in the fiscal year 1996 budget, including but not limited to, projects for which capability statements have been prepared.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $568,062,000 for management of lands and resources instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate. The amendment also adds language to transfer responsibility for mineral assessments in Alaska from the Bureau of Mines.

The net decrease below the House consists of decreases of $1,500,000 for wild horse and burro management, $500,000 for threatened and endangered species, $1,000,000 for recreation wilderness management, $448,000 for recreation resources management, $50,000 for coal management, $50,000 for other mineral resources, $554,000 for land and realty management, $4,000,000 for ALMRS, $500,000 for administrative support, and $834,000 for bureau-wide fixed costs; and increases of $4,981,000 for Alaska conveyance, $500,000 for information systems operations and $2,000,000 for mineral assessments in Alaska formerly funded under the Bureau of Mines.

Amendment No. 2: Restores House provision stricken by the Senate which provides $599,999 for the management of the East Mojave National Scenic Area. The Senate had no similar provision. The amendment also adds language earmarking $2,000,000 for mineral assessments in Alaska.

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as $568,062,000 instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate.

WILDLAND FIRE MANAGEMENT

Amendment No. 4: Appropriates $235,924,000 for wildland fire management as proposed by the House instead of $240,159,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 5: Appropriates $3,115,000 for construction and access instead of $2,515,000 as proposed by the House and $2,615,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Sourdough Campground, AK	$584,000

Byington Campground, ID	290,000
West Aravaipa Ranger Station, AZ	200,000
Railroad Flat Campground, CA	218,000
Penitentie Canyon, CO	220,000
James Kipp Campground, MT	345,000
Datil Well Rec Site reconstruction, NM	41,000
Encampment River Rec Area, WY	60,000
Indian Creek Accessibility Rehab, NV	57,000
El Camino Real Int'l Heritage Ctr., NM-A&E	500,000
Flagstaff Hill, OR	600,000
Total	3,115,000

The managers urge BLM and the non-Federal partners to consider during the A&E phase of the El Camino Real International Heritage Center project the fact that future construction funds are likely to be severely constrained.

PAYMENTS IN LIEU OF TAXES

Amendment No. 6: Appropriates $101,500,000 for payments in lieu of taxes instead of $111,409,000 as proposed by the House and $100,000,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 7: Appropriates $12,800,000 for land acquisition instead of $8,500,000 as proposed by the House and $10,550,000 as proposed by the Senate. The $12,800,000 includes $3,250,000 for acquisition management, $1,000,000 for emergency and inholding purchases, and $8,550,000 for land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 8: Appropriates $93,379,000 for Oregon and California grant lands instead of $91,387,000 as proposed by the House and $95,364,000 as proposed by the Senate.

The net increase above the House consists of a reduction of $900,000 for resources management, and increases of $1,115,000 for facilities maintenance, and $1,777,000 for Jobs-in-the-Woods.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years in the President's Forest Plan for the unemployed timber worker programs.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timer production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of employment in the various jobs. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 9: Appropriates $497,943,000 for resource management instead of $497,150,000 as proposed by the House and $501,478,000 as proposed by the Senate.

The net increase above the House consists of increases of $3,800,000 for cooperative conservation agreements, $750,000 for listing, $2,237,000 for habitat conservation, $1,502,000 for migratory bird management, $600,000 for hatchery operations and maintenance, $800,000 for fish and wildlife management, $478,000 for the National Education and Training Center, and $885,000 for vehicle and aircraft purchase; and reductions of $500,000 for recovery, $230,000 for environmental contaminants, $6,542,000 for refuge operations and maintenance, and $2,987,000 for servicewide administrative support.

The conference agreement includes $3,800,000 for cooperative conservation agreements with private landowners to institute effective management measures that make listing unnecessary. The managers intend that these funds also be used to implement the 4(d) rule which is intended to ease endangered species land use restrictions on small landowners. The managers agree that none of the funding for cooperative conservation agreements or listing be used in any way to conduct activities which would directly support listing of species or designating critical habitat.

The managers have included $750,000 under the listing program to be used only for delisting and downlisting of threatened and endangered species in order to ease land use restrictions on private and public lands.

The conference agreement includes a reduction of $200,000 from the gray wolf reintroduction program. The managers expect the Service to continue the cooperative agreement with the Animal and Plant Health Inspection Service to provide assistance to ranchers experiencing livestock losses to wolves.

The managers agree with the Senate position regarding the continued operation of Federal fish hatcheries. However, the funding provided for hatcheries in total is below last year's level, so reductions will be necessary. The managers encourage those non-Federal parties that have expressed an interest in participating in hatchery transfers to continue to pursue this option, and the Service should provide the transitional assistance for such efforts as was contemplated in the budget. Within the funds restored for hatchery operations and maintenance, $500,000 is provided only for maintenance of those hatcheries transferred during fiscal year 1996.

The managers reiterate, however, the need for the working group proposed by the Senate to identify, by March 1, 1996, savings from the fisheries program that equal or surpass the savings associated with the hatchery transfers or closures proposed in the budget. Outyear funding for fisheries and other programs cannot be assured at a time of declining budgets, and future transfer proposals might not involve transitional assistance. The managers expect that there will be significantly fewer Federal fish hatcheries by the end of fiscal year 1997.

The National Fish and Wildlife Foundation is funded at a level of $4,000,000. The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for the Foundation.

The managers direct the Department to reinstate its 1992 policy, modified to reflect public comments received, regarding permit terms and conditions for hunting and fishing guides in Alaska providing permit terms of 5 years with one renewal period of 5 years, transferability under prescribed conditions, and a right of survivorship. At such time as the new policy is implemented, existing permits should be reissued consistent with this policy. The managers note that the existing policy limiting terms to one year makes it impossible to obtain financing for guiding operations while the limit on transferability and survivorship prevent long-time family businesses from continuing upon the death or illness of the permit holder.

The managers recognize the Fish and Wildlife Service's fisheries mitigation responsibilities pursuant to existing law and expect the working group to take into account such responsibilities.

Amendment No. 10: Extends availability of $11,557,000 for Lower Snake River compensation plan facilities until expended as proposed by the Senate, instead of limiting the availability to September 30, 1997 as proposed by the House.

Amendment No. 11: includes language proposed by the Senate which prohibits listing additional species as threatened or endangered and prohibits designating critical habitat during fiscal year 1996 or until a reauthorization is enacted. The House had no similar provision.

CONSTRUCTION

Amendment No. 12: Appropriates $37,655,000 for construction instead of $26,355,000 as proposed by the House and $38,775,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Bear River Migratory Bird Refuge, UT, flood repair	$1,000,000
Bosque del Apache NWR, NM, repair	1,820,000
Hawaii captive propagation facility, HI	1,000,000
Mississippi refuges, bridge repair and equipment	1,120,000
National Education Training Center, WV, construction	24,000,000
Quivira NWR, KS, water management	760,000
Russian River, AK, rehab	400,000
Southeast Louisiana refuges, rehab	1,000,000
Wichita Mountains NWR, OK, Grama Lake and Comanche Dams, repair	700,000
Dam safety, servicewide inspections	460,000
Bridge safety, servicewide inspections	395,000
Emergency projects—servicewide	1,000,000
Construction management—servicewide	4,000,000
Total	37,655,000

The managers expect the Department to include the remaining funding necessary to complete the construction of the National Education and Training Center in the fiscal year 1997 budget.

NATURAL RESOURCE DAMAGE ASSESSMENT

Amendment No. 13: Appropriates $4,000,000 for the natural resource damage assessment fund as proposed by the Senate instead of $6,019,000 as proposed by the House.

The reductions below the House consist of $1,597,000 for damage assessments and $422,000 for program management.

LAND ACQUISITION

Amendment No. 14: Appropriates $36,900,000 for land acquisition instead of $14,100,000 as proposed by the House and $32,031,000 as proposed by the Senate. The $36,900,000 includes

$8,000,000 for acquisition management, $1,000,000 for emergency and hardship purchases, $1,000,000 for inholding purchases, $1,000,000 for land exchanges, and $25,900,000 for refuge land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 15: Appropriates $6,750,000 for the North American Wetlands Conservation Fund as proposed by the Senate instead of $4,500,000 as proposed by the House.

The increase above the House includes $2,230,000 for habitat management and $20,000 for administration.

The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for this program.

WILDLIFE CONSERVATION AND APPRECIATION FUND

Amendment No. 16: Appropriates $800,000 for the Wildlife Conservation and Appreciation Fund as proposed by the Senate instead of $998,000 as proposed by the House.

Amendment No. 17: Deletes matching requirements proposed by the House and stricken by the Senate. The matching requirements of the Partnerships for Wildlife Act will continue to apply, and do not need to be stated in the appropriations act.

ADMINISTRATIVE PROVISIONS

Amendment No. 18: Provides authority to purchase 113 motor vehicles as proposed by the Senate instead of 54 passenger vehicles as proposed by the House.

Amendment No. 19: Deletes House prohibition on purchasing police vehicles. The Senate had no similar provision.

Amendment No. 20: Includes Senate provision that the Fish and Wildlife Service may accept donated aircraft. The House had no similar provision.

Amendment No. 21: Includes House provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX. The Senate had no similar provision.

Amendment No. 22: Modifies Senate provision on the distribution of refuge entrance fees by substituting language which allows the Fish and Wildlife Service to charge reasonable fees for expenses associated with the conduct of training programs at the National Education and Training Center. Any fees collected for this purpose will be used to cover costs associated with the operation of this facility. The House had no similar provision.

Amendment No. 23: Modifies Senate provision regarding use of pesticides on farmland within wildlife refuges in the Klamath Basin. The amendment is based, in part, upon the Service's representation that it has already approved or anticipates approval of certain materials that are needed for farming during this fiscal year and that it will consider other materials for 1996 and subsequent years. If these approvals do not occur or are withdrawn, the Senate language will prevail and growers will be subject to the same restrictions as growers on private lands. Allowing the pesticide use proposal process to remain in effect for the next fiscal year will enable growers and the Federal government to work constructively toward an agreeable process.

NATURAL RESOURCES SCIENCE AGENCY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 24: Deletes Senate language providing $145,965,000 for a natural resources science agency and providing guidance on the operation of that agency. This agency would have replaced the National Biological Service. The House had no similar provision. The managers have agreed to eliminate the National Biological Service and to fund natural resources research as part of the U.S. Geological Survey as proposed by the House. This item is discussed in more detail under amendment Nos. 42 and 43.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 25: Appropriates $1,083,151,000 for operation of the National park system instead of $1,088,249,000 as proposed by the House and $1,092,265,000 as proposed by the Senate. The reduction from the Senate level reflects the transfer of the equipment replacement account back to the construction account.

In keeping with the demands placed on other Interior bureaus, the managers have not funded uncontrollable costs and expect these costs to be absorbed through reductions to levels of review and management. Efficiencies should also be sought by exploring opportunities that exist and have been outlined in GAO reports to co-locate and combine functions, systems, programs, activities or field locations with other Federal land management agencies.

The managers are concerned about the costs associated with the current reorganization effort and strongly urge the NPS to limit expenditures for task forces, work groups and employee details and special assistants. The managers request that a report be submitted by February 1, 1996, detailing a budget history of past costs and future estimated costs associated with the reorganization.

The managers expect a report within 45 days of enactment of this Act identifying NPS' preliminary allocations for fiscal year 1996. This report will serve as the baseline for any reprogrammings in fiscal year 1996.

In considering these allocations, the managers expect that none of the programmatic increases requested in the budget are to be considered except those necessary to meet specific park operating needs. This includes new and expanded programs. Any new initiative such as those related to training, reorganization or national service should be addressed through the reprogramming process.

The managers expect that the National Park Service will use these operating funds for core park programs.

The managers expect that the principle goal of the reorganization plan, which is to relocate staff from central and regional offices to the parks, will greatly alleviate the pressures placed on parks by increased visitation.

The managers have agreed to the House position regarding the termination of the Pennsylvania Avenue Development Corporation and the transfer of certain specific activities to other agencies including the National Park Service. This item is discussed in greater detail in amendment Number 151 in Title III.

Amendment No. 26: Restores House language stricken by the Senate regarding the availability of funds at the Mojave National Preserve.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 27: Appropriates $37,649,000 for National recreation and preservation instead of $35,725,000 as proposed by the House and $38,094,000 as proposed by the Senate.

The reduction of $445,000 in Statutory and Contractual Aid from the Senate amount reflects the elimination of $23,000 for the Maine Acadian Cultural Preservation Commission and a reduction of $422,000 for the Native Hawaiian Culture and Arts program.

Amendment No. 28: Earmarks $236,000 for the William O. Douglas Outdoor Education Center as proposed by the Senate instead of $248,000 as proposed by the House.

As discussed under amendment No. 155, no funds are provided for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

HISTORIC PRESERVATION

Amendment No. 29: Appropriates $36,212,000 for the Historic Preservation Fund instead of $37,934,000 as proposed by the House and $38,312,000 as proposed by the Senate.

The managers have provided $32,712,000 for State grants and $3,500,000 for the National Trust for Historic Preservation.

The managers agree to a three year period of transition for the National Trust for Historic Preservation to replace Federal funds with private funding.

CONSTRUCTION

Amendment No. 30: Appropriates $143,225,000 for construction instead of $114,868,000 as proposed by the House and $116,480,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Andersonville National Historic Site, GA (prisoner of war museum)	$2,800,000
Assateague National Seashore, MD (erosion control)	300,000
Blackstone River Valley National Heritage Corridor MA/RI (interpretive project)	300,000
Blue Ridge Parkway, Hemphill Knob, NC (administration building)	1,030,000
Cane River Creole National Historic Park, LA (preservation and stabilization)	4,000,000
Chickasaw National Recreation Area, OK (campground rehabilitation)	1,624,000
Chamizal National Monument, TX (rehabilitation)	300,000
Crater Lake National Park, OR (dormitories construction)	10,000,000
Cuyahoga National Recreation Area, OH (site and structure rehabilitation	2,500,000
Delaware Water Gap National Recreation Area, PA (trails rehabilitation)	1,050,000
Everglades National Park, FL (water delivery system modification)	4,500,000
Fort Necessity National Battlefield, PA (rehabilitation)	265,000
Fort Smith National Historic Site, AR (rehabilitation)	500,000
Gateway National Recreation Area, NY (Jacob Riis Park rehabilitation)	1,595,000
General Grant National Memorial, NY (rehabilitation)	1,000,000
Gettysburg National Military Park, PA (water and sewer lines)	2,550,000

Glacier National Park, MT (rehabilitate chalets)	328,000
Grand Canyon National Park, AZ: Transportation	1,000,000
Gulf Islands National Seashore, MS (erosion control)	600,000
Harpers Ferry National Historical Park, WV (utilities and phone lines)	455,000
Hot Springs NP, AR (stabilization/Lead Point)	500,000
James A. Garfield National Historic Site, OH (rehabilitation/development)	3,600,000
Jean Lafitte National Park and Preserve, LA (complete repairs)	2,100,000
Klondike Gold Rush National Historical Park, AK (restore Skagway historic district)	850,000
Lackawanna Valley, PA (technical assistance)	400,000
Lake Chelan National Recreation Area, WA (planning and design for repair of Company Creek Road)	280,000
Little River Canyon National Park, AL (health and safety)	460,000
Mount Rainier National Park, WA (replace employee dormitory)	6,050,000
Natchez Trace Parkway, MS	3,000,000
National Capital Parks—Central, DC (Lincoln/Jefferson memorials rehabilitation)	4,000,000
New River Gorge National River, WV (trails, visitor access and hazardous materials)	625,000
President's Park, DC: Replace White House electrical system	1,000,000
Sagamore Hill National Historic Site, NY (water and sewer lines)	800,000
Salem Maritime National Historic Site, MA (vessel exhibit)	2,200,000
Saratoga National Historical Park, NY (monument rehabilitation)	2,000,000
Sequoia National Park, CA (replace Giant Sequoia facilities)	3,700,000
Southwestern Pennsylvania Commission (various projects)	2,000,000
Stones River National Battlefield, TN (stabilization)	200,000
Thomas Stone Historic Site, MD (rehabilitation)	250,000
Western Trails Center, IA	3,000,000
Wrangell-St. Elias National Park and Preserve, AK (Kennicott Mine site safety and rehabilitation)	1,500,000
Yosemite National Park, CA (El Portal maintenance facilities)	9,650,000
Zion National Park, UT (transportation system facilities)	5,200,000
Subtotal, line item construction	90,162,000
Emergency, unscheduled, housing	13,973,000
Planning	17,000,000
Equipment replacement	14,365,000
General management plans	6,600,000
Special resource studies	825,000
Strategic planning office	300,000
Total	$143,225,000

The bill provides $1,000,000 for transportation related activities at Grand Canyon National Park. These funds are to be made available for transportation projects that the Superintendent of the Grand Canyon Park has identified as high priority. Therefore, it is the intent of the managers that these moneys be used for any transportation related expenditure, including the design of new transportation facilities and the purchase of new buses.

The managers encourage the National Park Service to proceed expeditiously with the necessary work at Cane River Creole NHP, LA.

The region which comprises the 1.4 million acre East Mojave Desert is embraced by a unique blend of human uses (past and present) and nationally significant natural features. The managers are concerned that National Park Service management of the area has not adequately ensured the continuation of human uses which give the region its character, in balance with protection for the area's scenic and environmental qualities. The managers do not want their action to be construed as repealing portions of the California Desert Protection Act (P.L. 103-433).

The managers believe that it is essential to not only protect the area's unique resources but also preserve its multiple use values, both natural and human, in cooperation with Federal agencies, State agencies and local governments. Recent jurisdictional conflicts involving State wildlife agencies and the National Park Service have jeopardized vital wildlife recovery efforts in this region.

The National Park Service is directed to develop a comprehensive, long-term management plan for the area which incorporates traditional uses and recognizes budgetary constraints. The National Park Service may use up to $100,000 within available funds for these planning activities. The National Park Service is directed to present its management plan to both the House and Senate appropriations and authorizing Committees for final approval prior to any reprogramming of funds so that the Mojave provision will not have to be continued in Fiscal Year 1997.

Amendment No. 31: Earmarks $4,500,000 for the Everglades as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 32: Retains the Senate provision indicating Historic Preservation funds may be available until expended to stabilize buildings associated with the Kennicott, Alaska copper mine. The House had no similar provision.

LAND ACQUISITION

Amendment No. 33: Appropriates $49,100,000 for land acquisition instead of $14,300,000 as proposed by the House and $45,187,000 as proposed by the Senate. The $49,100,000 includes $7,200,000 for acquisition management, $3,000,000 for emergency and hardship purchases, $3,000,000 for inholding purchases, $1,500,000 for State grant administration, and $34,400,000 for other land purchases.

Amendment No. 34: Deletes the earmark inserted by the House and stricken by the Senate for Federal assistance to the State of Florida. Authority exists for the Department to use land acquisition funds for a grant to the State of Florida if approved pursuant to the procedures identified for land acquisition in fiscal year 1996.

Amendment No. 35: Modifies language proposed by the Senate which requires that funds which may be made available for the acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress. The House had no similar provision. Consistent with the direction for the land acquisition accounts, no specific earmark is provided for this project. Under the procedures identified for land acquisition, however, funds could be made available for the Elwha and Glines dams.

The Elwha Act, P.L. 102-495, authorizes the purchase of the Elwha and Glines dams by the Secretary of the Interior at a total purchase price of $29,500,000. Recognizing the serious funding constraints under which the Committees are operating, bill language has been included which authorizes funding to be provided over a period of years, as necessary, in order to acquire the dams. The bill language specifies that the appropriated funds may only be used for acquisition. Appropriated funds cannot be expended until the total purchase price of $29,500,000 is appropriated.

Under the Elwha Act, the Secretary is authorized to study the benefits of the removal of both dams, and to assess the costs of such a removal to restore fish runs in the Elwha River. The managers continue to be disturbed greatly by the early projections from the Administration of costs that range from $80-$300 million for dam removal. Due to the lack of available funds, the managers strongly discourage the Administration and those parties supporting dam removal from continuing to support such a policy. Instead, the managers encourage interested parties to pursue other, less costly alternatives to achieve fish restoration. The managers urge parties interested in the Elwha Act to work to find, within the next year, a more fiscally responsible and achievable solution to fishery restoration in lieu of dam removal. If no conclusion can be reached on this issue, the appropriations committees, working with the authorizing committees, will be forced to work to find a legislative solution to the problem.

The managers have included $1,500,000 for administration of the state grant program. These funds are provided only to close down ongoing projects. No funds are provided for new grants and the managers intend that no funds will be provided in the future.

ADMINISTRATIVE PROVISIONS

Amendment No. 36: Retains Senate language regarding an agreement for the redevelopment of the southern end of Ellis Island and providing for Congressional review. Identical language has been included in previous interior appropriations bills.

Amendment No. 37: Modifies language proposed by the Senate to clarify that funds may not be used by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention. The House had no similar provision.

Amendment No. 38: Retains language proposed by the Senate allowing the American Battlefield Protection Program to enter into

cooperative agreements of various types with other entities. The House had no similar provision.

Amendment No. 39: Modifies Senate language regarding a feasibility study for a northern access route into Denali National Park and Preserve in Alaska. The modification is to require that the study also be submitted to the House and Senate Committees on Appropriations.

Amendment No. 40: Deletes Senate language regarding the Stampede Creek Mine at Denali National Park in Alaska. The House had no similar provision.

If requested by the University of Alaska at Fairbanks, the National Park Service shall enter into negotiations regarding a memorandum of understanding for continued use of the Stampede Creek mine property. The Park Service should report to the relevant Congressional committees by May 1, 1996 on an assessment of damages resulting from the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the University of Alaska at Fairbanks seeks to replace the facilities, the Park Service should consider working with the Army to assist in any compensation to which the University of Alaska at Fairbanks may be eligible since the Army assisted the National Park Service with the explosives work conducted at Stampede Creek on April 30, 1987.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 41: Appropriates $730,503,000 for surveys, investigations and research instead of $686,944,000 as proposed by the House and $577,503,000 as proposed by the Senate. The amendment also provides authority for minerals information activities formerly conducted in the Bureau of Mines.

Changes to the amount proposed by the House include increases of $24,112,000 for natural resources research, $16,000,000 for minerals information activities transferred from the Bureau of Mines and $4,000,000 for university earthquake research grants, and decreases in Federal water resources investigations of $176,000 for data collection and analysis and $100,000 for hydrology of critical aquifers and a decrease of $277,000 in the National mapping program for cartographic and geographic research.

The managers have provided $4,000,000 for university research in the earthquakes program. If there is a compelling need for additional funds in this program in fiscal year 1996 and an acceptable funding offset can be justified, the USGS should notify the Committees following the existing reprogramming guidelines. The Committees will consider any such request on its merits.

The managers understand that the USGS is constrained from releasing certain information under interagency agreement No. AGP00473.94 with the Bureau of Indian Affairs absent the approval of the BIA. This issue is discussed in more detail in the BIA section of this statement.

The managers have agreed to fund a competitive program for the water resources research institutes with at least a 2 to 1 funding match from non-Federal sources. The managers expect that this approach likely will lead to the closure of some of the institutes. The managers recommend that in fiscal year 1996 a modest base grant of $20,000 per participating institute be provided with the balance of the funding for the program to be competitively awarded based on National program priorities established by the USGS. The need for continuing a small base grant beyond fiscal year 1996 should be carefully examined by the USGS in the context of its fiscal year 1997 budget priorities. The managers do not object to competitions being regionally-based if that approach is determined by the USGS to be the most productive, from the standpoint of meeting the most compelling information needs, and the most cost effective. If a regional approach is selected, the managers suggest that the USGS regions be consolidated so that there are no more than 4 or 5 large regional areas. The competition should not be structured to ensure that every participating institute in a region gets a competitive award. The USGS should report to the Committees in the fiscal year 1997 budget submission on how the competition is to be structured and should report in subsequent budget submissions on the distribution of competitively awarded grants by institute.

Amendment No. 42: Earmarks $137,000,000 for natural resources research and cooperative research units instead of $112,888,000 as proposed by the House. The Senate recommended funding this research under a separate account and at a level of $145,965,000 as discussed in amendment No. 24. The amendment also earmarks $16,000,000 for minerals information activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers agree that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The managers intend the merger of these research activities into the USGS to be permanent. The USGS is directed to plan and manage the restructuring and downsizing of the former National Biological Service. Retrenchments required to remain within the reduced level of appropriations for the former NBS are to occur predominately in administrative, managerial and other headquarters support functions of that organization so as to maintain, to the maximum extent possible, scientific and technical capabilities.

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the Department's land managers on the ground. The managers are concerned that natural resource research be linked closely to management issues. In addition, attention should be provided to information related to wildlife resources entrusted to the stewardship of the Department; fisheries, including restoration of depleted stocks; fish propagation and riverine studies; aquatic resources; nonindigenous nuisances that affect aquatic ecosystems; impacts and epidemiology of disease on fish and wildlife populations; chemical drug registration for aquatic species; and effective transfer of information to natural resources managers.

During fiscal year 1996, funds appropriated for the functions of the former NBS shall remain a separate entity, titled "natural resources research", within the USGS. Upon completion of the necessary downsizing, and no later than nine months after enactment of this legislation, the managers direct the USGS to provide the Committees with a final plan for the permanent consolidation and integration of natural resources research functions into the USGS. As of October 1, 1996, employees of the former NBS shall be subject to the same administrative guidelines and practices followed by the USGS including peer review of research and investigations, maintenance of objectivity and impartiality, and ethics requirements regarding financial disclosure and divestiture. The managers expect that the USGS budget request for fiscal year 1997 will require amendment subsequent to its submission to reflect appropriately this consolidation. To reiterate, this merger is intended to be permanent and should be implemented fully by October 1, 1996.

During fiscal year 1996 the Department and the USGS are prohibited from reprogramming funds from other USGS programs and activities for any program or activity within the Department for natural resources research activities.

The managers also have agreed to provide $16,000,000 for minerals information activities, transferred from the Bureau of Mines. The funding represents a reduction from the fiscal year 1995 level and may require significant downsizing and restructuring of the program. The USGS should oversee the refocusing of the program. Until such downsizing is completed, the program should remain a separate and distinct budget and organizational entity within the USGS. To the extent job vacancies occur in the transferred program in fiscal year 1996, they should be filled with Bureau of Mines employees subject to termination or reduction-in-force. The managers understand that the existing USGS mineral resources survey activity is undergoing a restructuring and downsizing and expect that effort and the required downsizing of the minerals information program to proceed independently. When both downsizing efforts are completed, a single, refocused minerals program should be created which combines the minerals information activities transferred from the Bureau of Mines with other USGS mineral resources work.

Amendment No. 43: Modifies language inserted by the House and stricken by the Senate providing guidance on the conduct of natural resources research. The change to the House position expands the prohibition on the use of funds for new surveys on private property to include new aerial surveys for the designation of habitat under the Endangered Species Act unless authorized in writing by the property owner. With respect to natural resources research activities, the managers agree that funds may not be used for new surveys on private property without the written consent of the land owner, that volunteers are to be properly trained and that volunteer-collected data are to be verified carefully. The amendment also transfers authority from the Bureau of Mines to the Director of the USGS to conduct mineral surveys, consistent with the funding for that purpose earmarked under amendment No. 42.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 44: Appropriates $182,994,000 for royalty and offshore minerals management instead of $186,556,000 as proposed by the House and $182,169,000 as proposed by the Senate. Changes to the amount proposed by the House include decreases in information management of $151,000 for the absorption of fixed cost increases and $3,000,000 which is offset by the authority to use additional receipts as provided in amendment Nos. 45 and 46; and decreases in general administration of $306,000 for administrative operations and $105,000 for general support services.

The managers agree that the independent review of the royalty management program which was recommended by the House should not be conducted until the disposition of the hardrock minerals program is legislatively resolved. Accordingly, no funds are earmarked for this effort in fiscal year 1996.

Amendment No. 45: Provides for the use of $15,400,000 in increased receipts for the technical information management system as proposed by the Senate instead of $12,400,000 as proposed by the House.

Amendment No. 46: Permits the use of additional receipts for Outer Continental Shelf program activities in addition to the technical information management system as proposed by the Senate. The House had no similar provision.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 47: Appropriates $64,000,000 for mines and minerals instead of $87,000,000 as proposed by the House and $128,007,000 as proposed by the Senate. The conference agreement provides for the transfer of health and safety research to the Department of Energy (see amendment No. 110). The $64,000,000 provided for mines and minerals is to be used for the orderly closure of the Bureau of Mines.

The managers expect that the health and safety functions in Pittsburgh, PA and Spokane, WA will be continued under the Department of Energy as will the materials partnerships programs in Albany, OR. The U.S. Geological Survey will assume responsibility for the minerals information program in Denver, CO and Washington, DC. The Bureau of Land Management will assume responsibility for mineral assessments in Alaska. The managers do not object to a limited number of administrative support personnel being maintained in these locations. All other functions of the Bureau of Mines will be terminated and all other Bureau locations will be closed. The funds provided under this head should be sufficient to provide termination costs and to provide for environmental cleanup costs and for the required oversight and closeout of contracts. The managers understand that some contracts will require oversight through a logical completion point to ensure that the Federal investment is not lost. One example is the construction associated with the Casa Grande in situ copper leaching program. The managers expect that there will be few such cases and expect the Secretary to notify the Committees of the rationale for continuing specific contracts, not transferred to DOE, BLM or USGS, beyond the closure of the Bureau. The managers expect the Secretary to proceed apace with the termination of the Bureau using the funds provided herein.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT REGULATION AND TECHNOLOGY

Amendment No. 48: Appropriates $95,970,000 for regulation and technology as proposed by the Senate instead of $93,251,000 as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 49: Appropriates $173,887,000 for the abandoned mine reclamation fund instead of $176,327,000 as proposed by the House and $170,441,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $500,000 for donations, $2,000,000 for reclamation program operations, and $93,000 for administrative support; and increases of $13,000 for executive direction and $140,000 for general services.

Amendment No. 50: Deletes House earmark of $5,000,000 for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 51: Deletes House provision that allowed the use of donations for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 52: Includes Senate provision which allows States to use part of their reclamation grants as a funding match to treat and abate acid mine drainage, consistent with the Surface Mining Control and Reclamation Act (SMCRA). The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 53: Appropriates $1,359,434,000 for the Operation of Indian Programs instead of $1,509,628,000 as proposed by the House and $1,261,234,000 as proposed by the Senate. Changes to the amount proposed by the House from Tribal Priority Allocations include decreases of $1,500,000 for contract support, $4,000,000 for small and needy tribes, and a general reduction of $117,136,000.

Changes from Other Recurring Programs include: increases of $1,109,000 for ISEP formula funds, $1,000,000 for student transportation, and $73,000 for Lake Roosevelt; and decreases of $1,109,000 for ISEP adjustments, $1,000,000 for early childhood development, and $1,186,000 for community development—facilities O&M; and a transfer of $3,047,000 from trust services to the Office of Special Trustee for American Indians.

Changes from Nonrecurring Programs include: increases of $400,000 for Self-Determination grants, $1,500,000 for community economic development grants, $250,000 for technical assistance, and $1,500,000 for water rights negotiations; and decreases of $442,000 for attorney fees and $125,000 for resources management for absorption of pay costs.

Changes from Central Office Operations include: a decrease of $126,000 for the substance abuse coordination office, a decrease of $2,000,000 for education program management, a $12,477,000 transfer from trust services to the Office of Special Trustee for American Indians, a transfer of $447,000 from general administration to the Office of Special Trustee for American Indians, and a general reduction of $14,400,000.

Changes from Area Office Operations include a transfer of $2,367,000 from trust services to the Office of Special Trustee for American Indians and a general reduction of $14,447,000.

Changes from Special Programs and Pooled Overhead include: increases of $1,337,000 for special higher education scholarships, $962,000 for the Indian Arts and Crafts Board, $1,780,000 for intra-governmental billings, and $57,000 for direct rentals; and decreases of $866,000 for the Indian Child Welfare Act, $1,500,000 for employee displacement costs, $141,000 for personnel consolidation, $664,000 for GSA rentals, $1,666,000 for human resources development, and a $23,000 general reduction.

Amendment No. 54: Deletes Senate earmark of $962,000 for the Indian Arts and Crafts Board. The House had no similar provision. The managers agree that within Special Programs/Pooled Overhead, $962,000 is earmarked for the Indian Arts and Crafts Board. In light of declining budgets, future funding for this program should be provided through non-Federal sources.

Amendment No. 55: Earmarks $104,626,000 for contract support costs as proposed by the Senate instead of $106,126,000 as proposed by the House and adds language earmarking $100,255,000 for welfare assistance.

Amendment No. 56: Earmarks up to $5,000,000 for the Indian Self-Determination Fund as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 57: Earmarks $330,711,000 for school operations costs as proposed by the House instead of $330,991,000 as proposed by the Senate.

Amendment No. 58: Earmarks $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools instead of $67,138,000 as proposed by the House and $69,477,000 as proposed by the Senate.

Amendment No. 59: Retains a statutory reference to the Johnson O'Malley Act as proposed by the Senate. The House had no similar provision.

Amendment No. 60: Earmarks $71,854,000 for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi settlement program instead of $74,814,000 as proposed by the House and $62,328,000 as proposed by the Senate.

Amendment No. 61: Deletes a reference to trust fund management as proposed by the Senate. Responsibility for trust fund management has been transferred to the Office of Special Trustee for American Indians.

Amendment No. 62: Deletes reference to the statute of limitations language, as proposed by the Senate. This language is included in the Office of Special Trustee for American Indians (Amendment No. 80).

Amendment No. 63: Retains Senate language on the use of up to $8,000,000 in unobligated balances for employee severance, relocation, and related expenses and inserts new language regarding the effective date when schools can adjust salary schedules. The House had no similar provision.

The managers agree that:

Under Other Recurring Programs $409,000 is earmarked for Alaska legal services and salmon studies.

Not more than $297,000 shall be available for a grant to the Close Up Foundation.

Amounts specifically earmarked within the bill for Tribal Priority Allocations are subject to the general reduction identified for Tribal Priority Allocations. The managers expect the Bureau to allocate the general reduction in a manner that will not jeopardize funding provided from the Highway Trust Fund for road maintenance. In addition, the general reduction should not be applied to the $750,000 allocated for the Financial Management Improvement Team and for small and needy tribes. BIA should ensure that compacting and non-compacting tribes are treated consistently, except for compacting tribes who meet the criteria for small and needy tribes.

BIA should provide consistent treatment in allocating funds for small and needy tribes and new tribes. Allocations should be based on recommendations of the Joint Reorganization Task Force.

No funds are provided for the school statistics initiative. If the BIA wishes to pursue this initiative, the Committees will consider a reprogramming request.

Several steps must be completed before schools can adjust salary schedules. For this reason, bill language is included that will provide this authority beginning with the 1997-98 school year. The managers expect that within 30 days after enactment of this Act BIA should provide the Committees with a plan and time schedule advising how BIA will adjust salary schedules by the 1997-98 school year. The managers expect BIA to ensure that all necessary steps are taken to facilitate changes in salary rates for any schools desiring to use non-DOD pay rates.

$16,338,000 from the Operation of Indian Programs should be transferred to the Office of Special Trustee for American Indians (see Amendment No. 80).

The managers have agreed to a reduction of $2,000,000 for education program management in the Central Office Operations program. No reduction has been included for

area and agency technical support in Other Recurring Programs. The managers expect the Bureau to review education program management at all levels to ensure that resources are properly allocated within the funding provided. If the Bureau wishes to reallocate the funds for these accounts, a reprogramming request should be submitted to the Committees.

The managers expect the Bureau of Indian Affairs to direct the U.S. Geological Survey to provide for the public release of all interpretations of data and reports (draft and final) completed under interagency agreement number AGP00473.94 and all related amendments immediately upon completion of the water studies. Within 15 days of enactment of this Act the BIA shall report to the Committees its decision as to whether or not it will direct the USGS to provide for the public release of the information. If the BIA does not allow for the public release of the information, the BIA should immediately cancel the interagency agreement with the USGS.

The managers have not agreed to the Senate amendment regarding a prohibition of the use of funds for travel and training expenses for the BIA. However, the BIA is expected to follow the guidance detailed in the discussion of Amendment No. 163.

CONSTRUCTION

Amendment No. 64: Appropriates $100,833,000 for construction instead of $98,033,000 as proposed by the House and $107,333,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $4,500,000 for the Chief Leschi School, and $2,500,000 for the fire protection program, and decreases of $3,700,000 for the Navajo irrigation project and $500,000 for engineering and supervision.

The managers agree that the Chief Leschi School complex project will be phased in over a two-year period.

The managers agree that funding provided for construction projects should include the entire cost of a given project, which eliminates the need for a separate appropriation for contract support.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 65: Appropriates $80,645,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $75,145,000 as proposed by the House and $82,745,000 as proposed by the Senate.

Amendment No. 66: Earmarks $78,600,000 for land and water claim settlements as proposed by the Senate instead of $73,100,000 as proposed by the House. Changes to the amount proposed by the House include an increase of $5,500,000 for the Ute Indian settlement.

Amendment No. 67: Earmarks $1,000,000 for trust fund deficiencies as proposed by the House instead of $3,100,000 as proposed by the Senate.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Amendment No. 68: Appropriates $500,000 for technical assistance instead of $900,000 as proposed by the Senate and no funds as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Amendment No. 69: Appropriates $5,000,000 for guaranteed loans instead of $7,700,000 as proposed by the Senate and no funds as proposed by the House.

The managers agree that $4,500,000 is for the cost of guaranteed loans and $500,000 is for administrative expenses.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

Amendment No. 70: Appropriates $65,188,000 for Assistance to Territories instead of $52,405,000 as proposed by the House and $68,188,000 as proposed by the Senate. The changes to the amount proposed by the House include an increase of $13,827,000 for territorial assistance and a decrease of $1,044,000 for American Samoa operations grants. The amount provided for territorial assistance includes increases over the House of $5,650,000 for technical assistance, $2,400,000 for maintenance assistance, $1,500,000 for management controls, and $750,000 for disaster assistance.

Amendment No. 71: Earmarks $3,527,000 for the Office of Insular Affairs as proposed by the Senate instead of no funds as proposed by the House. The managers agree that the Office of Territorial and International Affairs is abolished along with the Office of the Assistant for Territorial and International Affairs. The funding provided is for staff to carry out the Secretary's mandated responsibilities and is to be located under the Assistant Secretary for Policy, Management and Budget. This action is consistent with the reorganization already approved by the Appropriations Committees.

Amendment No. 72: Retains Senate language directing the use of funds for technical assistance, maintenance assistance and disaster assistance.

COMPACT OF FREE ASSOCIATION

Amendment No. 73: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

The managers agree that Guam should be compensated for the impact caused by immigration from the freely associated states as authorized under the Compact of Free Association. Funding for compact impact shall be provided by a re-allocation of existing mandatory grant funds as discussed under Amendment No. 89.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment Nos. 74 and 75: The managers agree to the Senate language which changes the account name from Office of the Secretary to Departmental Management.

Amendment No. 76: Appropriates $57,796,000 for departmental management as proposed by the Senate instead of $53,919,000 as proposed by the House. A redistribution has been made which includes reductions of $296,000 to the Secretary's immediate office and $51,000 to Congressional Affairs. These funds have been transferred to Central Services.

The managers agree that these accounts have been restrained over recent years and that coordination of the Department's programs, particularly during the ongoing downsizing and restructuring process, is critical to ensure the overall effectiveness of the Department's programs. However, the managers feel that it is important to restrain these offices at the 1995 level considering that most of the Department's programs have sustained reductions, or face elimination, and all are being directed to absorb their uncontrollable expenses. The managers also recognize the need to have flexibility in the Departmental Offices to manage within reduced funding levels and with the displacements and uncertainties caused by reductions-in-force. Therefore, the managers agree that the Department may reprogram funds without limitation among the program elements within the four activities. However, any reprogramming among the four activities must follow the normal reprogramming guidelines.

The managers strongly support language included in the House Report which encourages each agency to reduce levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional an Public Affairs offices.

Amendment No. 77: Deletes Senate language which prohibits the use of official reception funds prior to the filing of the Charter for the Western Water Policy Review Commission. The House had no similar provision.

CONSTRUCTION MANAGEMENT

Amendment No. 78: Appropriates $500,000 as proposed by the Senate instead of no funding as proposed by the House.

The managers agree to retain the core policy function from the Office of Construction Management in the Office of Policy, Management and Budget. The balance of the programs are transferred to BIA construction.

NATIONAL INDIAN GAMING COMMISSION

Amendment No. 79: Modifies language inserted by the Senate requiring a report detailing information on Indian tribes or tribal organizations with gaming operations. The modification changes the date the report is due to March 1, 1996. The House had no similar provision.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

Amendment No. 80: Appropriates $16,338,000 for Federal trust programs in the Office of Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

The managers agree to the following transfers from the Operations of Indian Programs account within the Bureau of Indian Affairs as proposed by the Senate: $3,047,000 from Other Recurring Programs for financial trust services; $2,367,000 from Area Office Operations for financial trust services; and $10,924,000 from Central Office Operations, including $10,447,000 for the Office of Trust Funds Management.

The managers concur with the need for establishing the office as articulated in the Senate report. The managers believe that the Special Trustee will be effective in implementing reforms in the Bureau of Indian Affairs only to the extent that the Trustee has authority over the human and financial resources supporting trust programs. Lacking such authority, the Trustee cannot be held accountable and the likely result will be simply one more office pointing out the shortcomings of the Bureau of Indian Affairs.

Furthermore, under the current financial constraints facing the Committees and the various downsizing activities taking place in the Department, it is essential that the Committees have a clear understanding of the organizational structure supporting trust programs and an assurance that the significant general reductions proposed to be taken against the Bureau of Indian Affairs do not impair the Secretary's ability to manage trust assets. The managers are aware that there may be additional activities that could be transferred to the Office and encourage the Special Trustee, the Department, the Bureau of Indian Affairs, the tribes, and the Office of Management and budget to work

closely with the appropriations and authorizing committees to identify the activities and related resources to be transferred.

Any increase in funding or staffing for the Office of Special Trustee should be considered within the context of the fiscal year 1997 budget request and with consideration for funding constraints and the downsizing occurring throughout the Department, particularly within the Bureau of Indian Affairs.

The managers have recommended funding in a simplified budget structure to allow the Special Trustee some flexibility in establishing the office and the budget structure. Prior to submission of the fiscal year 1997 budget request, the managers expect the Special Trustee to work with the Committees to establish an appropriate budget structure for the Office.

The managers expect the Special Trustee to provide by December 1, 1996 a detailed operating plan for financial trust services for fiscal year 1996. The plan should detail what specific activities relating to the reconciliation effort will be undertaken, both directly by the Office of Special Trustee and by its contractors. The plan should detail what products will be provided to the tribes and the Congress and when such products will be submitted. The plan should include staffing for financial trust services, including the number of vacant positions and when the positions are expected to be filled.

Within the funds provided, support should be provided to the Intertribal Monitoring Association (ITMA). The managers expect ITMA to provide the Special Trustee with any information that is provided to the Appropriations or authorizing committees. If the Office of the Special Trustee plans to continue funding ITMA in fiscal year 1997, the managers expect the Special Trustee to identify the funds to be available for ITMA in the fiscal year 1997 budget request.

To the extent possible, the managers expect that administrative support services will continue to be provided by the Bureau of Indian Affairs during fiscal year 1996. To the extent that resources exist within the Office of Special Trustee for budgeting or other administrative services, these activities should be provided by the Office of Special Trustee, rather than through the Bureau of Indian Affairs. The managers have not included any funds for overhead costs, such as GSA rent, postage, FTS-2000, PAY/PERS, or workers' compensation. These costs should be paid from the Operation of Indian Programs account during fiscal year 1996. The fiscal year 1997 budget should include appropriate overhead amounts in the Office of the Special Trustee.

ADMINISTRATIVE PROVISIONS

Amendment No. 81: Retains language inserted by the Senate changing the name of "Office of the Secretary" to "Departmental Management".

DEPARTMENT OF THE INTERIOR

GENERAL PROVISIONS

Amendment No. 82: Deletes an unnecessary comma as proposed by the Senate.

Amendment No. 83: Retains the House language stricken by the Senate granting the Secretary of the Interior authority to transfer land acquisition funds between the Bureau of Land Management, the U.S. Fish and Wildlife Service and the National Park Service.

Amendment No. 84: Modifies language proposed by the House and stricken by the Senate regarding the expenditure of funds for the Presidio. The managers are aware of legislation which may be enacted regarding the future management of the Presidio in California and have provided a funding limitation in order for the Congress to consider legislation this fall. In light of declining budgets, the managers recognize the need for an alternative approach for the Presidio that does not require additional appropriations from the Interior bill. Because the authorizing legislation may be enacted early in fiscal year 1996, the managers have included language which restricts how much funding can be obligated on a monthly basis for the first quarter of the fiscal year. However, if legislation is not enacted, the managers also recognize the need for National Park Service to be able to fulfill its management and resource protection responsibilities at the Presidio. Thus, the obligation limitation would be lifted on December 31, 1995.

Because of concerns about sufficient resources remaining available to address the requirements of any authorization regarding the Presidio Trust, the managers expect the National Park Service to notify the relevant House and Senate appropriations and authorizing committees before awarding any major contracts after December 31, 1995, and prior to the establishment of the Presidio Trust once it is authorized.

Amendment No. 85: Restores language proposed by the House and stricken by the Senate repealing provisions of the Oil Pollution Act of 1990 with respect to Outer Continental Shelf leases offshore North Carolina. The repeal of this statute is not intended to excuse the United States from the liabilities, if any, it has incurred to date nor to otherwise affect pending litigation.

Amendment No. 86: Retains language proposed by the Senate limiting the allocation of self-governance funds to Indian tribes in the State of Washington if a tribe adversely impacts rights of nontribal owners of land within the tribe's reservation. The House had no similar provision.

Amendment No. 87: Retains language proposed by the Senate which requires the Department of the Interior to issue a specific schedule for the completion of the Lake Cushman Land Exchange Act within 30 days of enactment and to complete the exchange by September 30, 1996. The House had no similar provision.

Amendment No. 88: Retains Senate language authorizing the National Park Service to expend funds for maintenance and repair of the Company Creek Road in Lake Chelan National Recreation Area and providing that, unless specifically authorized, no funds may be used for improving private property. The House had no similar provision.

Amendment No. 89: Revises language proposed by the Senate to reallocate mandatory grant payments of $27,720,000 to the Commonwealth of the Northern Mariana Islands (CNMI).

The managers agree that for fiscal years 1996 through 2002 the CNMI shall receive $11,000,000 annually. This is consistent with total funding, matching requirements, and terms negotiated and set forth in the agreement executed on December 17, 1992, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands.

The managers agree that Guam shall receive impact aid of $4,580,000 in fiscal year 1996. This funding level shall continue through fiscal year 2001, as authorized by the Compact of Free Association. The managers agree that these grant funds must be used for infrastructure needs, as determined by the Government of Guam.

The managers agree that $7,700,000 shall be allocated for capital improvement grants to American Samoa in fiscal year 1996 and that higher levels of funding may be required in future years to fund the highest priority projects identified in a master plan. The managers have agreed to language directing the Secretary to develop such a master plan in conjunction with the Government of American Samoa. The plan is to be reviewed by the Army Corps of Engineers before it is submitted to the Congress and is to be updated annually as part of the budget justification.

The managers understand that renovation of hospital facilities in American Samoa has been identified as one of the more critical and high priority needs. The Secretary of the Interior and the American Samoa Government are reminded that Congress required the creation of a hospital authority as a condition to Federal funding of health care facilities. The managers expect the existing hospital authority in American Samoa to be supported by the American Samoa Government so that it continues the purpose of improving the quality and management of health care.

The managers agree that $4,420,000 shall be allocated in fiscal year 1996 for resettlement of Rongelap Atoll. Language has been included that total additional contributions, including funding provided in this bill, may not exceed $32,000,000 and are contingent on an agreement that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap.

The managers have deleted language provisions proposed by the Senate which would legislate on several matters including minimum wage, immigration, and local employment in the Northern Mariana Islands.

The managers agree that the Secretary of the Interior should continue to submit an annual "State of the Islands" report. This report has been submitted for the past four years in accordance with Committee directives and is a valuable source of information for the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 90: Appropriates $178,000,000 for forest research instead of $182,000,000 as proposed by the House and $177,000,000 as proposed by the Senate.

For forestry research, the managers reaffirm support for the consolidation of budget line items, to provide the agency additional flexibility with restructuring, and to allow efficiencies and cost savings as require to meet funding reductions. The managers agree that no forest and range experiment station, research program, or research project should be held harmless from decreases that would impose disproportionate reductions to other research activities. The agency should maintain its focus on core research activities-including forestry research-that support initiatives relating both to public and private forest lands, and cooperative research efforts involving the universities as well as the private sector, directed at forest management, resource utilization and productivity. The managers urge the Forest Service to avoid location closures where research is not conducted elsewhere, and to consolidate programs that are spread over multiple locations. The managers are particularly concerned that silvicultural and hardwood utilization research continue given

the large number of public and private forests which rely on this research.

In addition, the managers note the growing importance of data and other information collected through the Forest Inventory Analysis (FIA) program and the resulting statewide forest inventories. The analysis and collection of information directed at forest health conditions on public and private forest lands has become especially important in recent years.

The managers have included $300,000 for landscape management research at the University of Washington, $479,000 for Cook County Ecosystem project, and $200,000 for research at the Olympic Natural Resources Center in Forks, WA.

STATE AND PRIVATE FORESTY

Amendment No. 91: Appropriates $136,794,000 for State and private forestry as proposed by the Senate but deletes Senate earmarks for cooperative lands fire management and the stewardship incentives program. The House provided $129,551,000 for State and private forestry.

The net increase above the House includes increases of $4,500,000 for the stewardship incentives program, $3,000,000 for forest legacy program, and $5,500,000 for economic action programs; and reductions of $2,000,000 from forest health management, $621,000 from cooperative lands fire management, $1,636,000 for forest stewardship and $1,500,000 for urban and community forestry.

The managers agree to the following distribution of funds within economic action programs:

Forest products conservation and recovery	$1,000,000
Economic recovery	5,000,000
Rural development	4,800,000
Wood in transportation	1,200,000
Columbia River Gorge, economic grants to counties	2,500,000

The managers agree that $2,880,000 within rural development be allocated to the Northeast and Midwest, and that no funds are provided for economic diversification studies.

INTERNATIONAL FORESTRY

The managers agree that up to $4,000,000 for Forest Service funds may be utilized for purposes previously funded through the International Forestry appropriation. Domestic activities requiring international contacts will continue to be funded, as in the past, by the appropriate domestic benefiting program. The managers reiterate their expectations that the Service curtail foreign travel expenditures in light of budget constraints.

Operations formerly funded by International Forestry or other appropriations, other than research activities, of the International Institute of Tropical Forestry, Puerto Rico and the Institute of Pacific Islands Forestry, Hawaii may continue to be funded as appropriate. As with other programs, it may be necessary to reduce funding for these institutes due to budget constraints. Research activities will be funded from the Forest Research appropriation.

The managers also expect the Forest Service to examine the best means to provide leadership in international forestry activities and meet essential representation and liaison responsibilities with foreign governments and international organizations, and agree that the Forest Service should not maintain a separate deputy chief for international forestry.

NATIONAL FOREST SYSTEM

Amendment No. 92 Appropriates $1,256,253,000 for the national forest system instead of $1,266,688,000 as proposed by the House and $1,247,543,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $5,750,000 for recreation management, $1,750,000 for wilderness management, $435,000 for heritage resources, $1,750,000 for wildlife habitat management, $1,000,000 for inland fish habitat management, $1,750,000 for threatened and endangered species habitat management; and increases of $1,000,000 for road maintenance, and $1,000,000 for facility maintenance.

The managers expect the land agencies to begin to rebuild and restore the public timber programs on national forests and BLM lands. With the modest increase in funding provided, the Forest Service is expected to produce 2.6 billion board feet of green sales. With enactment of the new salvage initiative (P.L. 104–19) in response to the emergency forest health situation, the agencies are expected to proceed aggressively to expedite the implementation of existing programmed salvage volumes, with the expectation that the Forest Service will produce an additional increment of 1.5 BBF over the expected sale program for fiscal year 1996. The managers expect a total fiscal year 1996 Forest Service sale accomplishment level off 5.6 BBF, and note that this is nearly half the level authorized for sale just five years ago. The Forest Service is to report timber sale accomplishments on the basis of net sawtimber sold and awarded to purchasers, and on the volume offered. Those regions of the country which sell products other than sawtimber should continue to report accomplishments in the same manner as used in the forest plans. The reports are to provide information on both green and salvage sales.

The managers encourage the Forest Service to use up to $350,000 to commission a third party field review of the environmental impacts and the economic efficiency of the emergency forest salvage program mandated by section 2001 of P.L. 104–19. The managers believe that funding such a review can be appropriately undertaken through the timber salvage sale fund.

The managers note the difference between the House and Senate reports pertaining to tree measurement and timber scaling. The managers also note that House Report 103–551 specifically allow Forest Service managers to use scaling when selling salvage sales or thinnings. The managers expect the Forest Service to use fully the flexibility authorized in House Report 103–551 for rapidly deteriorating timber, and to use sample weight scaling for the sale of low value thinnings. Further, the managers direct the Forest Service to undertake a study to identify: (1) which measurement method is more cost efficient; (2) to assess what percent of timber theft cases involve scaling irregularities and whether tree measurement discourages timber theft; (3) which measurement method is more efficient when environmental modifications are needed after a sale has been awarded; and (4) assess the agency's ability to perform cruising required under tree measurement. The study will measure Forest Service performance based on Forest Service Handbook cruise standards, including identifying how often uncertified employees are involved in cruise efforts. The Forest Service shall contract with an established independent contractor skilled in both cruising and scaling and report back to the Committees no later than March 1, 1996.

The conference agreement includes $400,000 for the development of a plan for preserving and managing the former Joliet Arsenal property as a National tallgrass prairie. The managers are aware of legislation to establish the Midewin National Tallgrass Prairie and urge the Forest Service to take such steps as are necessary, including a reprogramming, to begin implementing the legislation when enacted. The managers also urge the Forest Service to seek full funding for the Midewin National Tallgrass Prairie as part of its fiscal year 1997 budget request.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years for the unemployed timber worker programs in the President's Forest Plan.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs allowed for under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of each job. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

The managers are concerned that the Forest Service reallocates funding pursuant to reprogramming requests before they are transmitted to Congress. The managers direct the Forest Service to adhere to the reprogramming guidelines, and not reallocate funds until the Appropriations Committees have had an opportunity to review these proposals.

The managers believe that additional opportunities exist for contracting Forest Service activities, and encourage expanding the use of contractors wherever possible.

WILDLIFE FIRE MANAGEMENT

Amendment No. 93: Changes the account title to Wildland Fire Management as proposed by the Senate, instead of Fire Protection and Emergency Suppression as proposed by the House.

Amendment No. 94: Appropriates $385,485,000 for wildland fire management as proposed by the House instead of $381,485,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 95: Appropriates $163,500,000 for construction, instead of $120,000,000 as proposed by the House and $186,888,000 as proposed by the Senate.

The increase above the House includes $23,500,000 for facilities, $5,000,000 for road construction, and $15,000,000 for trail construction. Within the total for facilities, the conference agreement includes $36,000,000 for recreation, $10,000,000 for FA&O, and $2,500,000 for research.

The managers agree to the following earmarks within recreation construction:

Allegheny NF, rehabilitation	$150,000
Bead Lake, WA, boating access	60,000
Bead Lake, WA, roads	176,000
Columbia River Gorge Discovery Center, OR, completion	2,500,000
Cradle of Forestry, NC, utilities	500,000
Daniel Boone NF, KY, rehabilitation	660,000

Gum Springs Recreation Area, LA, rehabilitation phase II	400,000
Johnston Ridge Observatory, WA	500,000
Johnston Ridge Observatory, WA, roads	550,000
Lewis and Clark Interpretive Center, MT, completion	2,700,000
Multnomah Falls, OR, sewer system	190,000
Northern Great Lakes Visitor Center, WI	1,965,000
Seneca Rocks, WV visitor center, completion	1,400,000
Timberline Lodge, OR, water system improvements and new reservoir	750,000
Winding Stair Mountain National Recreation and Wilderness Area, OK, improvements	682,000

The managers agree that for the Northern Great Lakes Visitor Center, WI, funding is provided with the understanding that the project cost is to be matched 50% by the State of Wisconsin.

The conference agreement includes $95,000,000 for roads to be allocated as follows: $57,000,000 for timber roads, $26,000,000 for recreation roads, and $12,000,000 for general purpose roads.

The managers remain interested in Forest Service plans for restoring Grey Towers, and are concerned about the cost of the project. The managers expect the Forest Service to continue the implementation of the master plan for Grey Towers and to explore additional partnerships that can help cost-share required restoration work. The Forest Service should work with the Committees to provide a better understanding of the needs of Grey Towers and explore ways to reduce the cost to the Federal government.

The managers concur in the reprogramming request currently pending for Johnston Ridge Observatory and Timberline Lodge sewer system.

Amendment No. 96: Earmarks $2,500,000 and unobligated project balances for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center," and authorizes the conveyance of certain land, as proposed by the Senate. The House included no similar provision.

Amendment No. 97: Includes Senate provision which authorizes funds appropriated in 1991 for a new research facility at the University of Missouri, Columbia, to be available as a grant for construction of the facility, and provides that the Forest Service shall receive free space in the building. The House had no similar provision.

LAND ACQUISITION

Amendment No. 98: Appropriates $41,200,000 instead of $14,600,000 as proposed by the House and $41,167,000 as proposed by the Senate. The $41,200,000 includes $7,500,000 for acquisition management, $2,000,000 for emergency and inholding purchases, $1,000,000 for wilderness protection, $1,725,000 for cash equalization of land exchanges, and $28,975,000 for land purchase.

Amendment No. 99: Strikes Senate earmark for Mt. Jumbo.

Amendment No. 100: Strikes Senate earmark for Kane Experimental Forest.

The managers expect that any movement of acquisition funds from one project to another regardless of circumstances must follow normal reprogramming guidelines. The managers have deleted all references to specific earmarkings included in the Senate report.

The managers continue to encourage strongly the use of land exchanges as a way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers believe that land exchanges represent a more cost-effective way in which to do business and encourage the Forest Service to give high priority to those exchanges either nearing completion, or where land management decisions are made particularly difficult due to checkerboard ownership.

The managers are concerned about the long history of problems associated with the implementation of land acquisition provisions in the Columbia River Gorge National Scenic Act. To date, nearly $40 million has been spent on land acquisitions in the Gorge, and the Forest Service estimates that nearly $20-$30 million in remaining land is left to be acquired. The Gorge Act authorizes land exchanges in the area, and while several exchanges have been completed, a substantial number of acres remain to be acquired to fulfill the purposes of the Scenic Act. The managers strongly support the use of land exchanges versus land acquisitions. The managers understand that the Forest Service has the existing statutory authority to conduct land exchanges in the Scenic Area, including tripartite land-for-timber exchanges.

The managers encourage the Forest Service to enter into land exchanges, including tripartite land exchanges, with willing land owners in the Gorge to diminish the need for future acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 101: Retains Senate provision which prohibits any reorganization without the consent of the appropriations and authorizing committees and adds a provision exempting the relocation of the Region 5 regional offices from the requirement to obtain the consent of the authorizing and appropriations committees. The House had no similar provision.

The managers are concerned that the Forest Service is being required to move the Regional Office in Atlanta, Georgia from its present location to a new Federal Center in downtown Atlanta at greatly increased costs. At the same time, accessibility for both the public and employees will be made more difficult. Requiring the Forest Service to absorb increased costs for no increase in effectiveness or efficiency is not acceptable. The managers agree that any relocation of the Atlanta office can occur only pursuant to the bill language restrictions which require the advance approval of the authorizing and appropriations committees. This will allow the committees the opportunity to examine closely the costs and benefits of any such proposal, and require the Administration to justify fully any additional expenditures.

Amendment No. 102: Includes Senate provision which adds the Committee on Energy and Natural Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 103: Includes the Senate provision which adds the Committee on Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 104: Modifies Senate provision by deleting the prohibition on changes to the appropriations structure without advance approval of the Appropriations Committees, and substituting language allowing the relocation of the Region 5 regional office to Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

The conference agreement includes bill language which provides authority to finance costs associated with the relocation of the Region 5 regional office to excess military property at Mare Island Naval Shipyard at Vallejo, CA, from any Forest Service account. However, the managers expect a reprogramming request which justifies the relocation and identifies the source of funds to be used before funds are reallocated for this purpose. The allocation of other regions are not to be reduced in order to finance the move.

Amentment No. 105: Retains House language stricken by the Senate providing that 80 percent of the funds for the "Jobs in the Woods" program for National Forest land in the State of Washington be granted to the State Department of Fish and Wildlife. The Senate had no similar provision.

Amendment No. 106: Deletes House provision relating to songbirds on the Shawnee NF. The Senate had no similar provision.

Amendment No. 107: Deletes Senate provision which prohibits revision or implementation of a new Tongass Land Management Plan. The House had no similar provision.

Amendment No. 108: Modifies Senate provision requiring implementation of the Tongass Land Management Plan, Alternative P, during fiscal year 1996, and allows continuation of the current Tongass National Forest land management planning process which may replace or modify Alternative P. Language is also included relating to offering certain timber sales in Alaska, and making permanent section 502 of Public Law 104–19 relating to habitat conservation areas in the Tongass National Forest. The House had no similar provision.

The managers appreciate the critical need to resolve land and resource management issues relating to the Tongass National forest in Southeast Alaska and further recognize that, to date, the Congress has provided sufficient guidance and funding for the Forest Service to develop a workable land management plan. Therefore, the Forest Service is directed to implement the preferred alternative identified in the Final Environmental Impact Statement dated October 1992 and its companion Record of Decision draft dated February 1993. The Forest Service may amend that plan to include a signed agreement between the Forest Service and the Alaska Visitors' Association, and is directed otherwise to proceed with timber sales and other plan features in accordance with this plan. The current plan revision process may continue, provided that any proposed revisions shall, to the maximum extent possible, contain no fewer acres of suitable timber lands than in the plan selected by this bill and any revision shall not take effect during fiscal year 1996.

Amendment No. 109: Includes Senate provision which prohibits applying paint to rocks or rock colorization. The House included no similar provision.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 110: Appropriates $417,169,000 for fossil energy research and development instead of $379,524,000 as proposed by the House and $376,181,000 as proposed by the Senate. The amendment also provides for the transfer of authority for health and safety research in mines and the mineral industry from the Bureau of Mines (see amendment No. 47). Changes to the amount proposed by the House for coal research include an increase of $2,000,000 for Kalina cycle testing and decreases of $1,500,000 in coal preparation research, $1,650,000 for HRI proof of

concept testing and $1,000,000 for bench scale research in the direct liquefaction program, $1,000,000 for in house research in the high efficiency integrated gasification combined cycle program, $500,000 for filters testing and evaluation in the high efficiency pressurized fluidized bed program, and $300,000 for international program support and $1,000,000 for university coal research in advanced research and technology development. Changes to the amount proposed by the House for oil technology research include increases of $1,500,000 for a data repository, $250,000 for the gypsy field project and $250,000 for the northern midcontinent digital petroleum atlas in exploration and supporting research, and decreases of $1,000,000 for the National laboratory/industry partnership and $1,000,000 for extraction in exploration and supporting research, $2,000,000 for the heavy oil/unconsolidated Gulf Coast project in the recovery field demonstrations program, and $1,100,000 as a general reduction to the processing research and downstream operations program. Changes to the amount proposed by the House for natural gas research include decreases of $440,000 for conversion of natural gases to liquid fuels, $130,000 for the international gas technology information center and $30,000 for low quality gas upgrading in the utilization program and $1,000,000 for the advanced concepts/tubular solid oxide fuel cell program. Other changes to the House recommended level include increases of $40,000,000 for health and safety research ($35 million) and materials partnerships ($5 million) which are being transferred from the Bureau of Mines $6,295,000 for cooperative research and development and $5,000,000 for program direction at the energy technology centers and a decrease of $4,000000 for environmental restoration.

The funds provided for cooperative research and development include $295,000 for technical and program management support and $3,000,000 each for the Western Research Institute and the University of North Dakota Energy and Environmental Research Center. Within the funds provided for WRI and UNDEERC, the managers agree that a percentage comparable to the fiscal year 1995 rate may be used for the base research program, and the balance is to be used for the jointly sponsored research program.

The managers have included an increase of $5,000,000 for program direction, which is $1,000,000 less than recommended in the Senate bill. The managers expect the Department to allocate these funds commensurate with the program distributions in this bill. The various program and support functions of the field locations should continue to be funded out of the same line-items as in fiscal year 1995.

The managers are aware of proposals regarding the future field office structure of the fossil energy program. The managers take no position on the specifics of the various aspects of the strategic realignment initiative at this time as many of the details are not yet available. The managers expect the Department to comply fully with the reprogramming guidelines before proceeding with implementation of any reorganization or relocation. The managers are concerned about the basis for estimated savings, personnel impacts, budget changes, transition plans, and how any proposed integration will address market requirements and utilization.

In any proposal to privatize the National Institute for Petroleum and Energy Research (NIPER), the Department should seek competitively a non-Federal entity to acquire NIPER and to make such investments and changes as may be necessary to enable the private entity to perform high-value research and development services and compete with other organizations for private and public sector work. In the interim, to the extent the program level for oil technology allows, the Department is encouraged to maintain as much of the program at NIPER as possible.

With respect to the functions of the Bureau of Mines which have been transferred to the Department of Energy, the managers expect the Department to continue to identify the resources being allocated for these purposes and not to subsume these functions into other budget line-items within the fossil energy account. The Secretary should maintain the transferred functions and personnel at their current locations. In fiscal year 1996, any staffing reductions required to accommodate the funding level provided for health and safety research should be taken from within this activity and should not affect any other elements of the fossil energy research and development organization. Likewise, any additional or vacant positions which are required for the health and safety research function should be filled with Bureau of Mines employees who are subject to termination or reduction-in-force. The managers strongly encourage the Administration, and particularly the Office of Management and Budget, to work toward consolidating these health and safety functions in the same agency with either the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health.

The managers do not object to the use of up to $18,000,000 in clean coal technology program funds for administration of the clean coal program. The managers are concerned that a clean coal project was recently changed without addressing Congressional concerns that were raised before and during the application review period. The managers expect the Secretary, to the extent possible, to ensure that the sulfur dioxide facility which was approved as part of the NOXSO clean coal project is constructed so as to begin operation when the elemental sulfur is available from the NOXSO process. The managers also expect the Department to report to the legislative committees of jurisdiction as well as the Appropriations Committees in the House and Senate on the rationale for approving the construction of a sulfur dioxide plant as part of the NOXSO project. As the remaining projects in the clean coal program proceed, the Department should focus on technologies that relate directly to the objectives of the program.

Amendment No. 111: Deletes language inserted by the Senate requiring that any new project start be substantially cost-shared with a private entity. The House had no similar provision. The managers expect the Department to make every effort to increase the percentage of non-Federal cost-sharing in its research and development projects.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 112: Appropriates $148,786,000 for the Naval petroleum and oil shale reserves instead of $151,028,000 as proposed by the House and $136,028,000 as proposed by the Senate.

Amendment No. 113: Repeals the restriction on conducting studies with respect to the sale of the Naval petroleum and oil shale reserves as proposed by the Senate. The House had no similar provision.

ENERGY CONSERVATION

Amendment No. 114: Appropriates $553,293,000 for energy conservation instead of $556,371,000 as proposed by the House and $576,976,000 as proposed by the Senate. Changes to the amount proposed by the House for the buildings program include increases of $150,000 for the foam insulation project in the building envelope program, $100,000 for lighting and appliance collaboratives in commercial buildings in the building equipment program and $1,140,000 for energy efficiency standards for Federal buildings in the codes and standards program, and decreases of $400,000 for residential buildings/building America, $3,000 for residential energy efficiency/climate change action plan, and $1,500,000 for partnership America/climate change action plan in building systems; $150,000 as a general reduction to materials and structures in building envelope; $450,000 as a general reduction to lighting and $100,000 for appliance technology introduction partnerships/climate change action plan in building equipment; and $3,060,000 as a general reduction to the codes and standards program, consistent with the moratorium on issuing new standards (see amendment No. 157).

Changes to the amount proposed by the House for the industry program include an increase of $3,000,000 in industrial wastes to maintain the NICE3 program at the fiscal year 1995 level and decreases of $300,000 for combustion in the municipal solid waste program, $1,000,000 as a general reduction to the metals initiative in the materials and metals processing program with the expectation that none of the reduction is to be applied to the electrochemical dezincing project, $200,000 as a general reduction for alternative feedstocks and $700,000 as a general reduction for process development in the other process efficiency program, and $2,000,000 for environmental technology partnerships in implementation and deployment.

Changes to the amount proposed by the House for the transportation program include increases of $990,000 for metal matrix composites in vehicle systems materials; $200,000 for turbine engine technologies, $200,000 for the ceramic turbine engine demonstration project, $4,500,000 for automotive piston technologies, and $612,000 for combustion and emissions research and development in heat engine technologies; and $16,228,000 for on-board hydrogen proton exchange membrane fuel cells and $2,900,000 for fuel cell research and development in electric and hybrid propulsion development. Decreases from the House include $1,200,000 for fuel cells/battery materials and $500,000 as a general reduction in materials technology; $1,000,000 as a general reduction in vehicle systems materials; $6,462,000 as a general reduction to light duty engine technologies in the heat engine technologies program; and $500,000 for battery development, $1,000,000 to terminate the phosphoric acid fuel cell bus program and $15,528,000 as a general reduction for fuel cell development in the electric and hybrid propulsion development program.

Changes to the amount proposed by the House for the technical and financial assistance program include an increase of $3,250,000 for the weatherization assistance program and a decrease of $295,000 for the inventions and innovations program.

The managers have agreed to the Senate bill language restricting the issuance of new or amended standards in the codes and standards program (see amendment Nos. 156 and 157).

The managers agree that:

1. The Department should aggressively pursue increased cost sharing;

2. Projects that prove to be uneconomical or fail to produce desired results should be terminated;

3. The fiscal year 1997 budget should continue the trend of program downsizing with the focus on completing existing commitments;

4. Ongoing programs should not be grouped under the umbrella of large initiatives and described as new programs in the budget;

5. There should be no new program starts without compelling justification and identified funding offsets;

6. The home energy rating system pilot program should be continued with the existing pilot States; within the funds available for HERS, the managers expect the department to work with Mississippi and other non-pilot program States on the States' home energy rating system;

7. There is no objection to continuing the student vehicle competition in the transportation program at the current year funding level;

8. The Department should work with the States to determine what other programs should be included in a block grant type program along with the consolidated State energy conservation program/institutional conservation program;

9. There is no objection to continuing the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income initiatives to the extent that HUD reimburses the Department for this work;

10. The Office of Industrial Technologies may procure capital equipment using operating funds, subject to the existing reprogramming guidelines;

11. The Department should work with the Office of Management and Budget and the General Services Administration to ensure that agencies fund energy efficiency improvements in Federal buildings;

12. The Department should increase private sector investment through energy savings performance contracts in the Federal energy management program and should develop mechanisms to be reimbursed for these efforts;

13. The Department should submit a new five year program plan for the transportation program in light of current funding constraints; and

14. There are no specific restrictions on the number of contracts to be let for the long term battery development effort or activities within the electric and hybrid vehicle program. Given the level of funding provided, the Department should examine carefully its options in these areas in close coordination with its industry cooperators.

Amendment No. 115: Earmarks $140,696,00 for State energy grant programs instead of $148,946,000 as proposed by the House and $168,946,000 as proposed by the Senate.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $137,446,000 as proposed by the Senate.

Amendment No. 117: Earmarks $26,500,000 for the State energy conservation program as proposed by the Hose instead of $31,500,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 118: Appropriates $6,297,000 for economic regulation as proposed by the House instead of $8,038,000 as proposed by the Senate.

The managers agree that the Office of Hearings and Appeals should receive reimbursement for work other than petroleum overcharge cases and related activities are recommended by the House.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 119: Appropriates $72,266,000 for the Energy Information Administration instead of $79,766,000 as proposed by the House and $64,766,000 as proposed by the Senate. The managers expect the reduction to be applied largely to EIA's forecasting efforts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 120: Appropriates $1,722,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,815,373,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $1,500,000 for collections and billings, $750,000 for epidemiology centers, $200,000 for the Indians into Psychology program, and decreases of $2,000,000 for Indian health professionals, $3,000,000 for tribal management, and a $400,000 transfer from hospitals and clinics to facilities and environmental heath support.

Amendment No. 121: Earmarks $350,564,000 for contract medical care as proposed by the Senate instead of $351,258,000 as proposed by the House.

The managers agree that the Indian Self Determination Fund is to be used only for new and expanded contracts and that this fund may be used for self-governance compacts only to the extent that a compact assumes new or additional responsibilities that had been performed by the IHS.

The managers agree that the fetal alcohol syndrome project at the University of Washington should be funded at the fiscal year 1995 level.

The managers are concerned about the adequacy of health care services available to the Utah Navajo population, and urge IHS to work with the local health care community to ensure that the health care needs of the Utah Navajos are being met. IHS should carefully consider those needs in designing a replacement facility for the Montezuma Creek health center.

INDIAN HEALTH FACILITIES

Amendmenht No. 122: Appropriates $238,958,000 for Indian health facilities instead of $236,975,000 as proposed by the House and $151,227,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $750,000 for the Alaska medical center, $1,000,000 for modular dental units, $500,000 for injury prevention, $400,000 for a base transfer from hospitals and clinics, and a decrease of $667,000 for the Fort Yuma, AZ project.

The managers agree to delay any reprogramming of funds from the Winnebago and Omaha Tribes' health care facility. However, given current budget constraints, if issues relative to the siting and design of the facility cannot be resolved, the managers will consider reprogramming these funds to other high priority IHS projects during fiscal year 1996.

The Talihina, OK hospital is ranked sixth on the IHS health facilities priority list for inpatient facilities. The Choctaw Nation had developed a financing plan for a replacement facility. The Choctaw Nation proposes various funding sources to support its project for a community based hospital. The managers direct IHS to work with the Choctaw Nation to identify resources necessary to staff, equip, and operate the newly constructed facility. The managers will consider these operational needs in the content of current budget constraints.

The managers have not agreed to provisions in the Senate bill requiring the IHS to prepare reports on the distribution of Indian Health Service professionals and on HIV-AIDs prevention needs among Indian tribes. While the managers agree that closer examination of these topics may be warranted, the resources necessary to conduct adequate studies are not available at this time.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 123: Appropriates $52,500,000 as proposed by the House instead of $54,660,000 as proposed by the Senate.

The managers agree that no funding is provided for the National Advisory Council on Indian Education.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 124: Appropriates $20,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $21,345,000 as proposed by the House.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 125: Appropriates $308,188,000 for Salaries and Expenses instead of $309,471,000 as proposed by the House and $307,988,000 as proposed by the Senate.

The $200,000 increase is provided for the Center for folklife programs specifically for the 1996 Festival of American Folklife featuring the State of Iowa. This amount is provided in addition to the $400,000 base funding. The State of Iowa will contribute $250,000 toward this effort.

Amendment No. 126: Earmarks $30,472,000 as proposed by the Senate instead of $32,000,000 proposed by the House for the instrumentation program, collections acquisition and various other programs.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 127: Appropriate $3,250,000 for zoo construction as proposed by the Senate instead of $3,000,000 as proposed by the House. The increase is limited to repairs and rehabilitation and is not to be used for new exhibits or expansions.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 128: Appropriates $33,954,000 for repair and restoration of buildings as proposed by the Senate instead of $24,954,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $27,700,000 for Construction as proposed by the Senate instead of $12,950,000 as proposed by the House. The managers agree that $15,000,000 is included for the National Museum of the American Indian Cultural Resource Center; $8,700,000 is included to complete the construction and equipping of the Natural History East Court Building and $3,000,000 is for minor construction, alterations and modifications.

The managers are providing $1,000,000 to be used to complete a proposed master plan and initiate detailed planning and design to allow for the development of a proposed financial plan for the proposed extension at Dulles Airport for the Air and Space Museum. The managers expect that the financial plan shall specify, in detail, the phasing of the project and commitments by the Commonwealth of Virginia and the Smithsonian toward construction and operation of the facility.

The managers agree that no Federal funds, beyond the costs of planning and design, will

be available for the construction phase of this project.

The managers have provided $15,000,000 for the continued construction of the National Museum of the American Indian Cultural Resource Center in Suitland, Maryland. This amount will bring the Federal contribution to date for this project to $40,900,000. The managers have agreed that no additional Federal funds will be appropriated for this project.

The managers also strongly encourage the Smithsonian to develop alternative cost scenarios for the proposed National Museum of the American Indian Mall Museum including downsizing of the building and decreasing the amount of Federal funding.

Amendment No. 130: The managers agree to concur with the Senate amendment which strikes the House provision permitting a single procurement for construction of the American Indian Cultural Resources Center. The managers understand that authority provided previously for such purposes is sufficient.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $51,844,000 for salaries and expenses as proposed by the Senate instead of $51,315,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 132: Appropriates $6,442,000 for repair, restoration and renovation of buildings instead of $5,500,000 as proposed by the House and $7,385,000 as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

Amendment No. 133: Appropriates $10,323,000 for operations and maintenance as proposed by the Senate, instead of $9,800,000 as proposed by the House.

Amendment No. 134: Includes Senate provision which amends 40 U.S.C. 193n to provide the Kennedy Center with the same police authority as the Smithsonian Institution and the National Gallery of Art. The House had no similar provision.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $5,840,000 for the Woodrow Wilson International Center for Scholars instead of $5,840,100 as proposed by the House and $6,537,000 as proposed by the Senate.

The managers continue to have serious concerns about the total costs associated with the proposed move to the Federal Triangle building. Until such time as both the House and Senate Appropriations Committees' concerns are satisfactorily addressed, no funds may be used for this purpose.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 136: Appropriates $82,259,000 for grants and administration as proposed by the House instead of $88,765,000 as proposed by the Senate.

Amendment No. 137: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill. The Senate had no similar provision.

The managers on the part of the House continue to support termination of NEA within two years, and do not support funding beyond FY 1997. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEA. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 138: Appropriates $17,235,000 for matching grants as proposed by the House instead of $21,235,000 as proposed by the Senate.

Amendment No. 139: Deletes House language making funding for NEA contingent upon passage of a House reauthorization bill.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Amendment No. 140: Appropriates $94,000,000 for grants and administration as proposed by the Senate instead of $82,469,000 as proposed by the House.

The managers on the part of the House continue to support a phase out of NEH within three years, and do not support funding beyond FY 1998. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEH. The managers expect this issue to be resolved by the legislative committees in the Hose and Senate.

MATCHING GRANTS

Amendment No. 141: Appropriates $16,000,000 for matching grants as proposed by the Senate instead of $17,025,000 as proposed by the House.

Amendment No. 142: Earmarks $10,000,000 for challenge grants as proposed by the Senate instead of $9,180,000 as proposed by the House.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $2,500,000 for salaries and expenses as proposed by the Senate instead of $3,063,000 as proposed by the House.

While the Advisory Council works closely with Federal agencies and departments, the National Park Service and State historic preservation officers, it does not have responsibility for designating historic properties, providing financial assistance, overriding other federal agencies' decisions, or controlling actions taken by property owners.

The managers encourage those Federal agencies and departments which benefit from the Advisory Council's expert advice to assist in covering these costs. The managers are concerned that some Advisory Council activities may duplicate those conducted by other preservation agencies. Therefore, the managers direct the Advisory Council to evaluate ways to recover the costs of assisting Federal agencies and departments through reimbursable agreements and to examine its program activities to identify ways to eliminate any duplication with other agencies. The Advisory Council shall report its findings to the Congress by March 31, 1996.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 144: Appropriates $147,000 as proposed by the Senate instead of $48,000 as proposed by the House.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

Amendment No. 145: Appropriates no funds as proposed by the Senate instead of $2,000,000 as proposed by the House.

PUBLIC DEVELOPMENT

Amendment No. 146: Modifies language proposed by the Senate allowing the use of prior year funding for operating and administrative expenses. The modification allows the use of prior year funding for shutdown costs in addition to operating costs. In addition, prior year funds may be used to fund activities associated with the functions transferred to the General Services Administration. The House had no similar provision.

The managers agree that not more than $3,000,000 in prior year funds can be used for operating, administrative expenses, and shutdown costs for the Pennsylvania Avenue Development Corporation. The managers direct that the orderly shutdown of the Corporation be accomplished within six months from the date of enactment of this Act. No staff should be maintained beyond April 1, 1996. The managers agree that Pennsylvania Avenue Development Corporation staff associated with the Federal Triangle project should be transferred to the General Services Administration, and provision for the transfer has been included in the Treasury-Postal Services Appropriations bill.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 147: Appropriates $28,707,000 for the Holocaust Memorial Council as proposed by the House instead of $26,609,000 as proposed by the Senate.

Amendment No. 148: Restores language proposed by the House and stricken by the Senate providing that $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

Amendment No. 149: Retains Senate provision making a technical correction to Public Law 103-413.

Amendment No. 150: Includes Senate provision that any funds used for the Americorps program are subject to the reprogramming guidelines, and can only be used if the Americorps program is funded in the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill. The House prohibited the use of any funds for the Americorps program.

Since the Northwest Service Academy (NWSA) is funded through fiscal year 1996, the managers agree that the agencies are not prohibited from granting the NWSA a special use permit, from using the NWSA to accomplish projects on agency-managed lands or in furtherance of the agencies' missions, or from paying the NWSA a reasonable fee-for-service for projects.

Amendment No. 151: Modifies House language stricken by the Senate transferring certain responsibilities from the Pennsylvania Avenue Development Corporation to the General Services Administration, National Capital Planning Commission, and the National Park Service. The modification transfers all unobligated and unexpended balances to the General Services Administration. The Senate had no similar provision.

Amendment No. 152: Modifies House and Senate provisions relating to the Interior Columbia River Basin ecoregion management project (the Project). The House and Senate contained different language on the subject, but both versions were clear in their position that the Project has grown too large, and too costly to sustain in a time of shrinking budgets. In addition, the massive nature of the undertaking, and the broad geographic scope of the decisions to be made as part of a single project has raised concerns

about potential vulnerability to litigation and court injunctions with a regionwide impact. The language included in the conference report reflects a compromise between the two versions.

Subsection (b) appropriated $4,000,000 for the completion of an assessment on the National forest system lands and lands administered by the BLM within the area encompassed by the Project, and to publish two draft Environmental Impact Statements on the Project. The Forest Service and BLM should rely heavily on the eastside forest ecosystem health assessment in the development of the assessment and DEIS's, in particular, volume II and IV provide a significant amount of the direction necessary for the development of an ecosystem management plan. This document has already been peer reviewed and widely distributed to the public. Therefore, the collaborative efforts by many scientists can be recognized.

The two separate DEIS's would cover the project region of eastern Washington and Oregon, and the project region of Montana and Idaho, and other affected States. The language also directs project officials to submit the assessment and two DEIS's to the appropriate House and Senate committees for their review. The DEIS's are not decisional and not subject to judicial review. The managers have included this language based upon concern that the publication of DEIS's of this magnitude would present the opportunity for an injunction that would shut down all multiple use activities in the region.

The assessment shall contain a range of alternatives without the identification of a preferred alternative or management recommendation. The assessment will also provide a methodology for conducting any cumulative effects analysis required by section 102(2) of NEPA, in the preparation of each amendment to a resource management plan.

The assessment shall also include the scientific information and analysis conducted by the Project on forest and rangeland health conditions, among other considerations, and the implications of the management of these conditions. Further, the assessment and DEIS's shall not be subject to consultation or conferencing under section 7 of the Endangered Species Act, nor be accompanied by any record of decision required under NEPA.

Subsection (c) states the objective of the managers that the district manager of the Bureau of Land Management or the forest supervisor of the Forest Service use the DEIS's as an information base for the development of individual plan amendments to their respective forest plan. The managers believe that the local officials will do the best job in preparing plan amendments that will achieve the greatest degree of balance between multiple use activities and environmental protection.

Upon the date of enactment, the land managers are required to review their resource management plan for their forest, together with a review of the assessment and DEIS's, and based on that review, develop or modify the policies laid out in the DEIS or assessment to meet the specific conditions of their forest.

Based upon this review, subsection (c)(2) directs the forest supervisor or district manager to prepare and adopt an amendment to meet the conditions of the individual forest. In an effort to increase the local participation in the plan amendment process, the district manager or forest supervisor is directed to consult with the governor, and affected county commissioners and tribal governments in the affected area.

Plan amendments should be site specific, in lieu of imposing general standards applicable to multiple sites. If an amendment would result in a major change in land use allocations within the forest plan, such an amendment shall be deemed a significant change, and therefore requiring a significant plan amendment or equivalent.

Subsection (c)(5) strictly limits the basis for individual plan amendments in a fashion that the managers intend to be exclusive.

Language has been included to stop duplication of environmental requirements. Subsection (c)(6)(A) states that any policy adopted in an amendment that modifies, or is an alternative policy, to the general policies laid out in the DEIS's and assessment document that has already undergone consultation or conferencing under section 7 of the ESA, shall not again be subject to such provisions. If a policy has not undergone consultation or conferencing under section 7 of the ESA, or if an amendment addresses other matters, however, then that amendment shall be subject to section 7.

Amendments which modify or are an alternative policy are required to be adopted before July 31, 1996. An amendment that is deemed significant, shall be adopted on or before December 31, 1996. The policies of the Project shall no longer be in effect on a forest on or after December 31, 1996, or after an amendment to the plan that applies to that forest is adopted, whichever comes first.

The managers have included language specific to the Clearwater National Forest, as it relates to the provisions of this section. The managers have also included language to clarify that the documents prepared under this section shall not apply to, or be used to regulate non-Federal lands.

Amendment No. 153: Includes a modified version of provisions included by both the House and Senate relating to a recreational fee demonstration program. This pilot program provides for testing a variety of fee collection methods designed to improve our public lands by allowing 80 percent of fees generated to stay with the parks, forests, refuges and public lands where the fees are collected. There is a tremendous backlog of operational and maintenance needs that have gone unmet, while at the same time visits by the American public continue to rise. The public is better served and more willing to pay reasonable user fees if they are assured that the fees are being used to manage and enhance the sites where the fees are collected.

Most of the provisions of the Senate amendment are incorporated into the amendment agreed to by the managers, which provides for the following:

(1) The maximum number of demonstration sites per agency is extended from 30 to 50.

(2) The time period for the demonstration is extended from one year to three years and these funds remain available for three years after the demonstration period ends.

(3) Agencies may impose a fine of up to $100 for violation of the authority to collect fees established by this program.

(4) The more simplified accounting procedures proposed by the Senate are adopted, such that fewer Treasury accounts need to be established than proposed by the House.

(5) In those cases where demonstrations had fee collections in place before this provision, fees above the amounts collected in 1995 (plus 4% annually) are to be used for the benefit of the collection site or on an agency-wide basis. The other fees collected will be treated like they are at non-demonstration sites, except funds withheld to cover fee collection costs for agencies other than the Fish and Wildlife Service will remain available beyond the fiscal year in which they are collected.

(6) For those Fish and Wildlife Service demonstrations where fees were collected in fiscal year 1995, the fees collected, up to the 1995 level (plus 4% annually), are disbursed as they were in 1995.

(7) The agencies have been provided more latitude in selecting demonstration sites, areas or projects. These demonstrations may include an entire administrative unit, such as a national park or national wildlife refuge where division into smaller units would be difficult to administer or where fee collections would adversely affect visitor use patterns.

(8) The Secretaries are directed to select and design the demonstration projects in a manner which will provide optimum opportunities to evaluate the broad spectrum of resource conditions and recreational opportunities on Federal lands, including facility, interpretation, and fish and wildlife habitat enhancement projects that enhance the visitor experience.

(9) Vendors may charge a reasonable markup or commission to cover their costs and provide a profit.

(10) Each Secretary shall provide the Congress a brief report describing the selected sites and fee recovery methods to be used by March 31, 1996, and a report which evaluates the pilot demonstrations, including recommendations for further legislation, by March 31, 1999. The reports to Congress are to include a discussion of the different sites selected and how they represent the geographical and programmatic spectrum of recreational sites and habitats managed by the agencies. The diversity of fee collection methods and fair market valuation methods should also be explained.

(11) In order to maximize funding for start-up costs, agencies are encouraged to use existing authority in developing innovative implementation strategies, including cooperative efforts between agencies and local governments.

(12) Although the managers have not included the Senate amendment language regarding geographical discrimination on fees, the managers agree that entrance, tourism, and recreational fees should reflect the circumstances and conditions of the various States and regions of the country. In setting fees, consideration should be given to fees charged on comparable sites in other parts of the region or country. The four agencies are encouraged to cooperate fully in providing additional data on tourism, recreational use, or rates which may be required by Congress in addressing the fee issue.

(13) The managers request that the General Accounting Office conduct a study and report to the Appropriations Committees by July 31, 1996 on the methodology and progress made by the Secretaries to implement this section.

Amendment No. 154: Deletes House language relating to salvage timber sales in the Pacific Northwest, and substitutes language which makes a technical correction to the emergency salvage timber program, Sec. 2001(a)(2) of Public Law 104–19 that changes the ending date of the emergency period to December 31, 1996. This correction is necessary to conform to the expiration date in Sec. 2001(j). The Senate included no similar provision.

Amendment No. 155: Retains the House language stricken by the Senate prohibiting the use of funds for the Mississippi River Corridor Heritage Commission.

Amendment No. 156: Deletes House language stricken by the Senate placing a moratorium on the issuance of new or amended standards and reducing the codes and standards program in the Department of Energy by $12,799,000 and inserts language regarding grazing at Great Basin National Park. The codes and standards issue is discussed under the energy conservation portion of this statement.

Amendment No. 157: Deletes language proposed by the House and stricken by the Senate and retains Senate alternative language providing for a one-year moratorium on new or amended standards by the Department of Energy. This issue is discussed under the energy conservation portion of this statement.

Amendment No. 158: Modifies House mining patent moratorium that was stricken and replaced by the Senate with fair market value legislation for mining patents. The conference agreement continues the existing moratorium on the issuance of mining patents that was contained in the fiscal year 1995 Interior and Related Agencies Appropriations Act until (1) a concurrent resolution containing reconciliation instructions for fiscal year 1996 is enacted into law that contains provisions relating to the patenting of, and payment of royalties to, such claims, or (2) an agreement is approved by both the House and Senate in an identical form on other legislation containing provisions relating to the patenting of, payment of royalties on, and reclamation of such claims. In the latter case, reclamation will be defined in any such legislation.

The agreement further requires the Secretary of the Interior within three months of the enactment of this Act to file with the House and Senate Appropriations Committees and the authorizing committees a plan which details how the Department will take final action on at least 90 percent of such applications within three years of enactment of this Act, and take such actions as necessary to carry out such plan. In order to process more expeditiously the class of exempted patent applications that are allowed to proceed under the moratorium, the Secretary shall require an applicant to fund the retention by the Bureau of Land Management of a qualified third-party contractor to conduct a mineral examination of the mining claims or mill sites contained in the patent application. BLM will have sole responsibility to choose and pay the third-party contractor.

Amendment No. 159: Includes the Senate provision which prohibits funding for the Office of Forestry and Economic Development after December 31, 1995. The House had no similar provision.

Amendment No. 160: Retains language inserted by the Senate prohibiting redefinition of the marbled murrelet nesting area or modification to the protocol for surveying marbled murrelets. The House had no similar provision.

Amendment No. 161: Retains language inserted by the Senate authorizing the Secretary of the Interior to exchange land in Washington State with the Boise Cascade Corporation. The House had no similar language.

Amendment No. 162: Includes Senate provision which creates a new Timber Sales Pipeline Restoration Fund at the Departments of the Interior and Agriculture to partially finance the preparation of timber sales from the revenues generated from the section 318 timber sales that are released under section 2001(k) of Public law 104-19. The House included no similar provision.

Amendment No. 163: Deletes language proposed by the Senate which would prohibit use of funds for travel and training expenses for the Bureau of Indian Affairs or the Office of Indian Education for education conferences or training activities.

The managers expect the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the cost of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funding constraints faced by the Bureau, the managers expect that priority will be given to funding those activities which directly support accreditation of Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 164: Retains language inserted by the Senate prohibiting the award of grants to individuals by the National Endowment for the Arts except for literature fellowships, National Heritage fellowships and American Jazz Masters fellowships. The House had no similar provisions.

Amendment No. 165: Includes Senate provision which delays implementation or enforcement of the Administration's rangeland reform program until November 21, 1995. The House included no similar provision.

Amendment No. 166: Strikes Senate section 331 pertaining to submission of land acquisition projects by priority ranking. Priorities should continue to be identified in the budget request and justifications.

Amendment No. 167: Includes Senate provision that makes three changes to existing law relating to tree spiking. Costs incurred by Federal agencies, businesses and individuals to detect, prevent and avoid damage and injury from tree spiking, real or threatened, may be included as "avoidance costs" in meeting the threshold of $10,000 required for prosecution. The language doubles the discretionary maximum penalties for prison terms to 40 years for incidents resulting in the most severe personal injury. Those injured would have recourse to file civil suits to recover damages under this law. The House had no similar provision.

Amendment No. 168: Modifies Senate language restricting grants that denigrate adherents to a particular religion. The modification specifies that this restriction applies to NEA and incorporates Senate language from Amendment No. 169 restricting NEA Grants for sexually explicit material. The House had no similar provision.

Amendment No. 169: Deletes Senate language restricting NEA grants for sexually explicit material. This issue is addressed in Amendment No. 168.

Amendment No. 170: Deletes language inserted by the Senate extending the scope of the Arts and Artifacts Indemnity Act. The House had no similar provision. The amendment also inserts language providing that former Bureau of Mines activities, which are being transferred to other accounts, are paid for from those accounts for all of fiscal year 1996 and changes a section number.

Amendment No. 171: Deletes language inserted by the Senate mandating energy savings at Federal facilities. The House had no similar provision.

Amendment No. 172: Deletes Senate amendment requiring the Indian Health Service to prepare a report on the distribution of Indian Health Service professionals. The House had no similar provision.

Amendment No. 173: Deletes Senate amendment requiring the Indian Health Service to prepare a report on HIV-AIDS prevention needs among Indian tribes. The House had no similar provision.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1996, is defined by the managers as follows:

As provided for by section 2576(1)(2) of Public Law 99-177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1996.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all changes to the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$13,519,230,000
Budget estimates of new (obligational) authority, fiscal year 1996	13,817,404,000
House bill, fiscal year 1996	11,984,603,000
Senate bill, fiscal year 1996	12,053,099,000
Conference agreement, fiscal year 1996	12,114,636,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−1,404,594,000
Budget estimates of new (obligational) authority, fiscal year 1996	−1,702,768,000
House bill, fiscal year 1996	+130,033,000
Senate bill, fiscal year 1996	+61,537,000

RALPH REGULA,
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, JR.,
JIM BUNN,
BOB LIVINGSTON,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
MARK O. HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
ROBERT C. BYRD,
J. BENNETT JOHNSTON,
PATRICK J. LEAHY (EXCEPT AMENDMENTS 136, 138, 168, AND 169),
FRITZ HOLLINGS,
HARRY REID,
Managers on the Part of the Senate.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DICKEY). 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.

□ 1830

MESSAGE TO SPEAKER GINGRICH: AGREE TO RAISE DEBT CEILING

The SPEAKER pro tempore (Ms. PRYCE). Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, my remarks are addressed to Speaker GINGRICH, and I hope he is listening, or some of his staff is listening, because this is a very serious subject.

Tomorrow, Mr. Speaker, you are going down and visit with the President of the United States in the Oval Office and talk about the debt ceiling. I know, Mr. Speaker, you made some off-the-cuff remarks a couple of months ago saying that you did not care if the Government went into default for a couple of months. At least that is the way I remember it being reported.

I know that those were casual remarks and some that you gave without thinking through the situation, but there is a very serious problem.

Now, it is not a political problem, Mr. Speaker, because let me make it very clear. Every Republican Member of the House and the Senate has voted to increase the debt ceiling on perhaps as many as three times this year and they have agreed to increase the ceiling to $5.500 trillion, so the amount is not in question. The only thing in question is when you are going to take the final step and take the effective date.

Now, I do not know what motivates you, Mr. Speaker, but this could be a very expensive matter, and I hope you will not take it offensively if I say that you could blemish the credit of the United States, a credit that stretches back over 200 years.

We have never defaulted on our debt and we are right at default and tomorrow, tomorrow is a crucial day in the lead time that is necessary in order to extend this debt and prevent a default.

Now, that is not only important for the U.S. Government, but it is important for everybody that lives in the United States, because it means if we increase the uneasiness about the debt and we actually default, there will be a premium added to the cost of money that we borrow.

Not only will there be premium to that money, but there will be a premium to all other borrowing in the United States because the obligation, the debt of the United States always attracts the lowest interest rate and everybody's goes up from there. So if the debt of the United States is sold for more than a reasonable going price because of the uncertainty, then everybody else's debt goes up; the whole economy is destabilized; unemployment can increase. So, this is a very serious matter.

Now, as you have been told as recently as today and five or six times since June, November 15 is the drop-dead. On November 15, the U.S. Government has got to put out a debt that will raise $125 billion. Let me repeat that again: $125 billion. Now, this market is over 200 years old and it is accustomed to operating in certain ways and there are certain rules and regulations that have been imposed upon it.

Those rules begin to toll tomorrow morning at 8 o'clock when the Treasury opens for business. If the rules are followed tomorrow morning, the Treasury must notify the market that they will be offering for purchase debt obligations of the United States in the amount of around $125 billion.

Now, it will take the rest of the week, all of the 24 hours in the day, to sell that debt. The market responds very rapidly, but nobody keeps $125 billion cash in their accounts. The market must operate and go out there and the more orderly that it is done, the lower and the better the interest rate is.

If there is confusion in the market, then the shark folks demand higher interest and that higher interest will ripple through the economy instantaneously.

So, Mr. Speaker, tomorrow is a very important day, and it will take the market until the end of the week to sell that debt. If the Government cannot sell the debt on next Monday, or if it has been hurried because of your actions. Mr. Speaker, in not letting us vote on this question, then it is going to cost us all money, every borrower in the United States. It is going to cost more money, no matter if it is for a car, a home, or anything else.

Mr. Speaker, let us not be reckless. Let us go ahead and let the House vote on setting the effective date. The amount of money has already been agreed to, and trying to use this as some kind of leverage in a bargaining process has never worked in 200 years. It will not work now. It will only cost us money.

Mr. Speaker, I submit for the RECORD at this point a letter from the Secretary of the Treasury dated today directed to Speaker GINGRICH and others.

DEPARTMENT OF THE TREASURY,
Washington, DC, October 31, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In anticipation of our meeting tomorrow I want to provide information that you should have as background for your consideration of our request for a prompt increase in the debt limit.

First, I have set forth in an appendix both our current projections and a history of our projections over the past several months.

Second, I want to make clear that if Congress fails to act by Wednesday, November 1, it will disrupt our normal auction process and could force Treasury to take additional actions that involve the interests of federal retirees, commercial banks, and purchasers of savings bonds.

As you know from my letter of October 24, and as we discussed in detail with your staff yesterday, the Treasury Department's normal quarterly refunding auctions are scheduled to be announced tomorrow, November 1. The auctions themselves are scheduled to be held during the week of November 6, and settlement is scheduled for November 15 and 16.

There may well be significant costs of disrupting our usual Treasury auction schedule. If there has been no increase in the debt limit by tomorrow morning, our announcement must put prospective bidders on notice that the auctions might have to be delayed or even cancelled. After such a contingent announcement, "when issued" trading in the securities to be auctioned cannot occur. Dealers may be less able to pre-market securities, and their risk of participation in the auction may thus be increased, raising the costs of the borrowing.

Should Congress fail to take action to raise the debt ceiling by November 6, we will be required once again to depart from our best financial management practices by canceling the scheduled auctions, and may be forced to take further steps to ensure that outstanding debt remains within the limit and that we have cash available to pay the Government's obligations.

As I have indicated in my previous letters, there are a limited number of actions we may be forced to take many of which have legal and practical implications. One such example would include Treasury's action to stop reinvesting the so-called G-Fund (the Federal Employees Retirement System's Government Securities Investment Fund). Securities held in the G-Fund mature and are reinvested on a daily basis, and the governing law provides for an automatic restoration of any lost interest when reinvestment resumes. Because of the inherent volatility of financing flows, such action may be required even prior to the week of November 6th. Furthermore, it will be necessary to call back Treasury cash balances held in our depositary banks. This action will inconvenience those commercial banks with whom the Federal government does business.

Also, should Congress fail to act, Treasury may be forced to suspend the issuance of Savings Bonds—an action that would not only require us to send notices to the 80,000 issuing agents, but also would disrupt millions of Americans' use of a safe and convenient investment for their savings.

While these actions can provide some very limited relief, at the cost of creating significant dislocations and anxieties, it should be clearly understood that they will not be sufficient to substitute fully for the funding that we would ordinarily raise through the regular mid-November refinancings and that should be announced tomorrow. Stated another way, these temporary actions will not satisfy the continuing need for cash to fund the obligations and operations of the Government after November 14. Absent extraordinary steps, Congress must increase the debt limit in order to enable us to raise the funds necessary to pay obligations maturing November 15 and 16.

Finally, you should know that there are various other measures Treasury has been reviewing to avoid default should Congress not increase the debt limit by November 15, including actions involving the Civil Service Retirement Fund, but all such measures present uncertainties involving serious legal and practical issues and have significant costs and other adverse consequences.

Furthermore, the U.S. government's need for financing will not end on November 15 and 16. The financing calendar we distributed last week, and discussed in detail with your staff yesterday, showed four auctions in the last two weeks of November, and additional cash management bills may be needed. Successful completion of those auctions is critical to raising cash to make vital benefit payments on December 1 and during the week of December 4. As we have mentioned before, the months of October, November and the first half of December traditionally have very large seasonal cash deficits due to the absence of any large tax payment dates.

You and other members of the leadership have raised the prospect that Congress might enact a temporary debt limit increase, and we have expressed our total availability to work toward that end. Last Friday, at the President's direction, I proposed that the debt limit be increased by $85 billion, to $4.985 trillion. I would hope to discuss this proposal, and any other approaches you might have, at our meeting tomorrow.

Sincerely,

ROBERT E. RUBIN.

APPENDIX—HISTORY OF TREASURY DEBT LIMIT PROJECTIONS AS OF OCTOBER 31

In a series of communications starting in July we informed the Congressional leadership of our projection that we would reach the debt limit in October. On October 17, we projected that unless we took some special actions, we would go over the limit on October 31. We then took these actions (reducing a bill auction and suspending sales of State and Local Government Series Securities) which enabled us to avoid that result. We also projected on October 17 that, as a consequence of those actions and assuming routine debt and cash management practices, we would reach the limit and exhaust our cash balance in the first few days of November. While daily forecasts vary, our projection today shows that both the debt limit capacity and cash balances remain within very thin margins of error during the week of November 6.

When Treasury staff, led by Under Secretary Hawke, met with your staff yesterday, we described our projections noted above and we also described how changes in government operations and budget decisions can alter these forecasts. For example, since October 24, the lack of legislative progress on certain appropriations bills has shifted some expenditures from late October to late November in our forecasts.

That shift has improved the forecasts only slightly. During the week of November 6, projected room under the debt limit varies but never exceeds $2 billion, and, absent special actions, cash balances will be below our prudent minimum of $5 billion on all but one day of that week. These forecasted thin margins of error show that it will be virtually impossible to have both sufficient debt capacity and cash balances to maintain Treasury's prudent financing and investment practices. I have been informed that the independent projections made by the Federal Reserve are consistent with Treasury's, and I know of no informed source that contradicts these projections. Let me caution again that daily forecasts vary.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–301) on the resolution (H. Res. 251) providing for the consideration of the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2546, DISTRICT OF COLUMBIA APPROPRIATIONS ACT FOR FISCAL YEAR 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–302) on the resolution (H. Res. 252) providing for the consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

INVESTIGATION INTO IRS INVOLVEMENT IN "TRAVELGATE" IS WARRANTED

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. Madam Speaker, about a week and a half ago the Committee on Government Reform and Oversight of the House held an investigative hearing into what is known as Travelgate and during that hearing, we went from the top to the bottom of the entire investigation. There were still some unanswered questions, so I would like to try to illuminate the issue for my colleagues and anybody else who may be paying attention.

Madam Speaker, when this administration took office, some people in the administration, including the First Lady, felt like it was imperative that they do away with the people who were in the travel office that made travel arrangements for the press that followed the President around the country and put their people in.

In other words, they wanted to get rid of the people from the previous administration in charge of the travel office and replace them with people from their administration. The problem was that the people in the press liked the people who were already there. So, even though the administration had the ability to make this change, they chose not to do it because they did not want to make the press corps angry. At least that was the gist of what we heard.

So, Madam Speaker, they had some people start digging around to see if there were any improprieties in the travel office and so claim there was chicanery going on and then fire them. They even got the FBI to start investigating alleged violations or disappearances of small amounts of money in the travel office. Nevertheless, this started.

Once it started, it started becoming a quagmire for them. They tried to get the FBI involved and other agencies involved in something that really need not have taken place.

One of the things that happened was there was a contractor in Tennessee called Ultrair. Ultrair was a contractor for the White House and did some travel arrangements for press and other personnel that followed the President around the country when he went on his trips.

Ultrair, in October 1992, because they handled transactions like this, contacted the IRS on their own. They contacted the IRS to find out if excise taxes should have been withheld or charged for these travel arrangements. They did this voluntarily. Then about 5 or 6 months later, the day after the White House fired the travel office employees, it was reported in the newspapers, the Wall Street Journal and others, that there was some possible kickbacks involved and Ultrair was mentioned in a bad light, even though they had not done anything wrong. All they had asked for was a decision or review by the IRS on whether or not they should withhold excise taxes.

The next day after it appeared in the paper, a horde of IRS agents descended on their office and took control of their books and had them for 2 years. Some people believe this may have been an obstruction of justice, because at a cocktail party later on there was a conversation which was recorded and given to us at the committee meeting by John Podesta, the White House staff secretary, the principal author of the White House travel office management review.

At this cocktail party he put in his notes that, "BK said that PR was on

top of it." BK was Bill Kennedy, the assistant counsel to the President of the United States at the time, and PR was Peggy Richardson, who was the commissioner of the IRS.

BK said PR was on top of it. She said at the party the IRS is on top of it, and some references that the IRS agents are aware of something like that which would indicate that the head of the IRS, the commissioner for the IRS was working with the White House to keep control of these documents, which we believe may be an obstruction of justice.

When we had the hearing the other day, I asked the IRS people about this and they said they could not respond because of section 6103 of the Tax Code, which prohibits public disclosure of tax information about a specific taxpayer without the taxpayer's consent. The fact of the matter is we already had a release from the taxpayer for the IRS to give us that information and the IRS, nevertheless, would not give it to us. They said they would, if they saw the document and they would come and talk to our leadership at a closed meeting.

Madam Speaker, this smacks of obstruction of justice. It is something that should be investigated. The IRS is suspect by a lot of people in this country and when the head of the IRS starts saying that she is putting a lid on something and using the power of the IRS to constrict information that is vital to an investigation like Travelgate, it smacks of an obstruction of justice.

Madam Speaker, we need a full-fledged investigation of this. We need to have the IRS come before us in a closed hearing to explain why those documents were taken from Ultrair in Tennessee; why they were held for 2 years; why the FBI couldn't have access to them for the investigation, and why the head of the IRS said at a cocktail party she was keeping a lid on it.

VOLATILITY IN THE MEXICAN MARKET EQUALS UNITED STATES JOB LOSSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, last week, the Wall Street Journal finally got around to printing what we all already knew to be true—that none of the promises made by NAFTA's supporters have come true. The promised 200,000 high-skill, high-wage jobs have not materialized. Real wages in the United States have decreased by 3 percent, and in Mexico they have plummeted by over 50 percent. Even the Wall Street Journal now calls NAFTA "a terrible disappointment." It's about time. The Journal itself made an awful lot of promises in regard to NAFTA.

Yet NAFTA's supporters now incredibly claim that Mexico has "turned the corner"—but the financial markets tell us something different. Last week, the peso lost 7 percent of its value in one day, and hit a record low of 7.5 pesos to the dollar—a depreciation to less than half what the peso was worth before NAFTA. At the same time, interest rates jumped 9 percent. And the Mexican Bolsa—their stock market—has continued to plummet in value. This volatility is clearly due to a lack in confidence in Mexico's economy. So who should we believe: NAFTA's supporters, or the market? I'll take the market.

Why should Americans care about volatility in the Mexican market? Isn't it only the Wall Street fat cats and Mexican billionaires who play in that market? My friends, this volatility impacts each and every American as high-skill, high-wage United States jobs are continuing to be shipped to Mexico and our living standards continue to decline.

What is the connection? Think about the volatility in the Mexican market like this: it is like a garage sale for United States corporations. Because pesos cost only half of what they did before NAFTA, for United States corporations, everything in Mexico—including capital, taxes and labor costs—is half as expensive as it used to be. And that is not the end of the story.

□ 1845

United States corporations who operate in Mexico then export their goods from Mexico to the United States still charge us high prices for them. In short, it costs United States corporations half as much to manufacture their goods in Mexico so they are able to earn twice as much when they sell those same goods back here. It is no wonder that our corporations are moving production to Mexico at an accelerating rate.

NAFTA has become the deal of the century for them. In 1994, there were 2,000 maquiladora assembly plants along the border. At the end of this year there will be 2,600, an additional 30 percent. Just today, Lee jeans in St. Joseph, MO, announced it will terminate 479 workers, shutting production down there and moving those jobs to Mexico. Yesterday, Fruit of the Loom, an American staple company, said it will slash its U.S. work force, get ready, by 3,200 jobs to streamline operations here and boost profits, closing plants in Florence, AL, and Franklin, KY, Acadia Parish, LA, Batesville, MI and operations in Bowling Green, KY, Rockingham, NC, and the list goes on and on.

Where is the work going? You guessed it. Most of us know it is going south of our border to Mexican plants where Fruit of the Loom can pay Mexican workers less than $1 a day. I guarantee you that the prices of their products will not come down in our country when they ship it back here.

As our colleague the gentleman from Ohio, JAMES TRAFICANT, said today, America is now losing its pants because of trade agreements like NAFTA. Funny, but sad.

We teach our nation's young people that, when they make mistakes, they should admit them and take responsibility for them, not deny them or try to cover them up.

But NAFTA's supporters are in a state of serious denial. Let us hear no more empty rhetoric about Mexico's economy having turned the corner before NAFTA can be fixed. Those who foisted it upon us have to own up to the fact that it is broken.

NAFTA's supporters need to acknowledge that Mexico's economy is fundamentally unsound and that the agreement is costing us jobs and holding down our wages, and it is destabilizing Mexico. They need to take responsibility for what they have done to the working families of our continent. That would be the first step in the right direction; that would be true leadership.

Let me say that growing NAFTA job losses translate into real people like the 14,000 tomato farmers in southern Florida, the more than 2,000 workers being scheduled to be laid off at Briggs & Stratton in the State of Wisconsin. I will include the entire list in the Record here this evening. It is time to wake up, go back to the bargaining table and strike an agreement that works for working people across this continent.

Madam Speaker, I include for the RECORD the following information:

[From the Wall Street Journal, Oct. 26, 1995]

TWO YEARS LATER, THE PROMISES USED TO SELL NAFTA HAVEN'T COME TRUE, BUT ITS FOES WERE WRONG, TOO

(By Bob Davis)

WASHINGTON.—Promises, promises.

Here's what was predicted two years ago for the North American Free Trade Agreement, followed by what really happened.

Prediction: "I believe the Nafta will create 200,000 American jobs in the first two years of its effect," President Clinton said, flanked by three of his predecessors in the Oval Office.

Reality: No evidence of any overall job gain as a result of trade with Mexico.

Prediction: Quaker Oats Co. said it would add 61 U.S. jobs in Dallas, Cedar Rapids, Iowa, and St. Joseph, Mo., if Nafta passed, by shifting Gatorade, pancake mix and oatmeal production from Mexico.

Reality: Quaker Oats continues to make the stuff in Mexico. No new Nafta related jobs at the factories.

Prediction: "I believe that you have to just say that the peso would become stronger if Nafta passes," said Mr. Clinton, "because it would strengthen the Mexican economy."

Reality: He should leave futures trading to his wife.

VIEWS OF NAFTA FOES

Hardly anything anyone said about Nafta during the congressional fight, including

Nafta foes, has turned out to be true. That's a problem for all the big players in Nafta, particularly President Clinton. Meantime, many Nafta foes consider the trade pact a symbol of fat cat Washington, where promises aren't kept and the little guy always loses. For them, says Nafta-opponent Pat Choate: "Nafta was their first real issue. They lost by a hair. They feel the vote was stolen by the president. And it's turned out worse, than they expected."

Of course, Nafta's ultimate impact won't be known for years. But measured by promises used to sell it. Nafta is a colossal disappointment. Jobs haven't materialized, border-area congestion has worsened, and environmental cleanup remains haphazard. But Ross Perot had it wrong, too. He warned that Nafta would put six million U.S. factory jobs "at risk." Instead, U.S. manufacturers have added about 300,000 jobs since he made the prediction. Nafta probably limited the length of the Mexican recession by boosting exports to the U.S., while also helping some chronically depressed border towns.

At its core, Nafta is a pact to eliminate tariffs among the U.S. Canada and Mexico over 15 years, and protect investments in all three countries. Judging strictly by these criteria, it works. Two-way trade between the U.S. and Mexico—Canada already had its own free-trade pact with the U.S.—has grown 30% since 1993.

But Nafta's significance was always greater than trade statistics; it was a new model for economic development. A big industrialized nation would merge economically with an impoverished neighbor, without paying billions of dollars in aid as the European Union did when pulling in poorer relations. Liberalized trade and investment would make Mexico weathier, the White House said, opening markets and creating jobs. Results were promised—fast.

Improvements should be most obvious at the border, where trade's impact is the strongest. Lured by cheap wages and tariff breaks, U.S. companies have run factories on the Mexican side for 30 years—and aggravated health hazards as factories and a burgeoning population poured refuse into canals on the Mexican side. By cutting tariffs throughout Mexico, the White House argued, development would extend inland, while environmental funds would clean up the border.

What really happened?

So-called maquiladora border factories—which import auto parts and electronics, process them and send them north again—have boomed. Foreign investment in the interior has withered. In the nearly two years since Nafta took effect on Jan. 1, 1994, maquiladora employment rose 20% to 648,000, according to the Mexican forecasting arm of WEFA Group Inc. By the year 2000, it will reach 943,000, the consulting firm predicts.

Maria Luna takes home $31 a week assembling seatbelts at a TRW Inc. factory in Reynosa, Mexico, a few miles south of Brownsville, Texas. How has her life changed since Nafta? A niece from Veracruz recently joined her to seek work and crowd into Ms. Luna's garage-sized shack with 10 others. "People still come," she says. "They though they'd stay here a little time, but they stay."

The border boom results largely from Mexico's peso devaluation, which cut overall labor costs, including benefits, to $1.80 an hour from $2.54. Human factors contribute, too. U.S. managers can live in comfortable homes in Brownsville and El Paso in Texas or in San Diego, sending their children to American schools and commuting across the border to work. That can't be duplicated in Mexico's interior, whose lousy roads and telephone lines also scare off U.S. companies.

One expanding shantytown is Colonia Salinas de Gortari, named for the former Mexican president, on the outskirts of Reynosa. Workers there so they can't afford city rents anymore, so they seize land and build plywood shacks the size of tool sheds, with no running water, no sewage, no electricity, no paved streets. Maria Del Carmen Garcia Luna, who isn't related to Ms. Luna, lives in one of the shacks with her toddler and husband, a Zenith maintenance worker.

NOT ENOUGH MONEY FOR CHILDREN

In the U.S., jobs like her husband's are the backbone of countless blue-collar neighborhoods. But he takes home only $26 a week, and merely buying powered milk for the child consumers 15% of it. "We don't have enough money for meat or chicken," she says.

About the best Nafta has done so far is to limit the impact of the Mexican crisis on the U.S., while offering Mexico a chance to export its way out of trouble. During the last crisis in 1982, U.S. border communities were crippled as Mexico sharply raised tariffs and restricted imports. This time, Mexico kept tariffs at Nafta-reduced levels and pushed exports.

In Brownsville, retailers complain that few Mexicans can afford to shop there for clothes and electronics anymore. But Brownsville's port, which serves the industrial hub of Monterrey, is booming. Cranes load five-foot-high coils of steel into the black-hulled "Sunny Success," bound for Italy. Port managers lobby for a new bridge to ease border transport. Local unemployment remains distressingly high, around 11%, but it hasn't surged, as in 1982.

However, Nafta has failed to deliver on the biggest White House promise: creating U.S. jobs.

During the Nafta debate, Fortune 500 companies forecast job gains, which now look foolishly naive, Johnson & Johnson says it can't locate the person who in 1993 forecast "800 more U.S. positions" as a result of Nafta. "If there is job growth, I don't think that's because of Nafta," says a spokesman.

Some big-time exporters do report gains, General Electric Co. says sales of power equipment and locomotives are up, as Mexico upgrades its infrastructure. But the company notes carefully that this work "isn't creating jobs, it's supporting jobs." In other words, Nafta makes it less likely that GE will have to lay off workers.

SPECIAL NAFTA MATH

U.S. Trade Representative Mickey Kantor gamely argues that Nafta "created a huge number of net jobs." But he needs special Nafta math to do so. He counts just export growth—not jobs lost through imports—and adds in Canada. Mr. Clinton only cited trade with Mexico in his job-growth prediction, and for good reason. Canada's free-trade agreement with the U.S. dates to 1989; Nafta barely affected their trade relations.

Gary Hufbauer, an economist at the Institute for International Economics whose predictions of Nafta job gains were embraced by the Clinton and Bush White Houses, now figures the surging trade deficit with Mexico has cost the U.S. 225,000 jobs. But such estimates are suspect, too. With the U.S. economy near what's considered to be full employment, it's difficult to know how many workers actually lost jobs as a result of Nafta and whether they found new ones quickly. The Labor Department has certified only 21,500 workers for special unemployment benefits because they lost their jobs as a result of trade with Mexico.

The Clinton administration pins much blame for missed promises on the peso's collapse last December, when Mexico ran out of dollars to support it. The country had become to dependent on short-term borrowing to finance imports and didn't recognize enough that it had to devalue.

Some economists say Nafta helped cause delay. It let Mexico see itself as part of the industrial elite, a self-image reinforced when it joined the rich-nation Organization for Economic Cooperation and Development. In August 1994, an internal U.S. Treasury analysis found the peso overvalued by 10%, but noted Mexico didn't agree because it expected a Nafta surge.

Optimists contend the Mexican economy will start growing soon. Yet the peso mess and ensuing recession have pushed the benefits far into the future. "If people notice anything with Nafta, they notice more traffic because there's more trade," says Alfredo Phillips, who runs a border development bank, "Expected improvements haven't occurred." He then adds a new prediction: "We expect we'll see them next year."

MORE ON FOREIGN OPERATIONS APPROPRIATIONS ARMS TO PAKISTAN PROVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I just wanted to talk a bit about the conference report on the foreign operations appropriations bill which was passed just in the last hour or so. As I mentioned on the floor, it is sort of a mixed bag. I supported the bill because I think overall it is a good bill. But there are some good and bad items in it.

I want to talk about one good aspect and one bad aspect, if I could in the time that I have allotted this evening.

First of all, I was very pleased to see that the conferees actually reduced the amount of economic assistance to Turkey. Last year Turkey received $45 million in United States economic support. This year it will be down to $33.5 million, significantly less than the $100 million that was requested by the administration. I think in large part that is due to the efforts of Congressman JOHN PORTER from Illinois and the amendment that he had successfully adopted on the House floor back in June, which was supported by myself and others.

That amendment basically pointed out that Turkey has been involved in a number of issues that are detrimental both to the United States and to a lot of other ethnic groups as well as other countries in its vicinity.

First of all, the reduction in aid, I believe, clearly recognizes the unlawful blockade by Turkey of Armenia. It also recognizes the treatment that Turkey

has been giving to the Kurds, an ethnic minority within its borders and even beyond its borders. Turkey has been systematically annihilating Kurds, tearing down, burning villages. In the conference report specific reference is made to one of my constituents, a U.S. citizen by the name of Aliza Marcus, who is a Reuters journalist and a New Jersey resident who is being tried in Turkey on charges of provoking racial hatred for reporting on the Turkish military's forced evacuation and destruction of villages in southeastern Turkey. The conferees say they expect that the Government of Turkey will protect freedom of expression and information by interceding with the military-sponsored state security courts on behalf of Aliza Marcus. This woman has done nothing more than do her job and now she is being tried in Turkish courts.

In addition to that, I believe the reduction in aid to Turkey recognizes that Turkish intransigence on the Cyprus issue. I believe very strongly that Cyprus should be reunited, that the Turkish military should pull out and, in fact, the conference report specifically earmarks $15 million for Cyprus among other things aimed at reunification of that island. So I believe that our efforts on behalf of both Armenia, the Kurds and the Cypriots to point out that Turkey really is no ally of the United States is clearly reflected in the conference report.

I am concerned, though, and I did want to express my concern, that the conference report does include the Senate language which permit the transfer of seized military equipment to the Government of Pakistan. This provision was not part of the House-passed bill, and I regret that this ill-advised and dangerous provision is in the conference report. During the conference I was joined by 40 of my House colleagues from both sides of the aisle in writing to the conferees urging that they not recede to the Senate provision with regard to the arms sales to Pakistan.

As we noted in our letter to the conferees, during the last decade Pakistan was the third largest recipient of United States military assistance. Pakistan asked for the help of the United States in becoming conventionally strong militarily and, in exchange, promised not to develop nuclear weapons. But by 1985, United States intelligence had strong evidence that Pakistan was taking United States arms while going back on its word about developing nuclear capability.

In response to Pakistan's confirmed assurances in 1985, the Congress enacted the Pressler amendment to allow Pakistan to continue to receive United States assistance so long as the President could annually certify that Pakistan does not have a nuclear device. But in 1985, after passage of the Pressler amendment, Pakistan contracted for the delivery of 68 F-16 fighters and other military equipment totaling $2.6 billion.

In 1990, Pakistan had received 40 of the 68 planes and a considerable amount of other equipment had been delivered when President Bush was forced by overwhelming evidence to find that Pakistan had the bomb. The Pressler amendment was invoked ending all military assistance, including weapons contracted and paid for.

Unfortunately, this provision, which is in the conference report, would essentially take away the strong force of the Pressler amendment and allow significant amount of these arms sales to take place and be transferred to Pakistan. I think that that is unfortunate. It violates the Pressler amendment, and it contributes extensively to more instability in Southeast Asia.

Overall though the conference report is a good report and that is why I supported it.

AMERICAN PEOPLE ARE BEING MISLED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, this House voted last week and the week before for a huge increase in spending on Medicare.

I repeat—we voted for and passed legislation providing for a huge increase in Medicare.

In fact, federal spending overall will go up by many billions every year under the budgets passed by both the House and the Senate. James K. Glasman, the Washington Post columnist, referred to it as the "no-cut budget." These budgets simply attempt to slow the growth in federal spending to about 3 percent a year.

When you are spending in the range of $1.6 trillion to more than $2 trillion during the 7 years of this plan, a 3 percent increase is $50 to $60 billion a year.

That is billion with a B—and even one billion dollars is a lot of money—and these budgets—the Republican budgets—will increase Federal spending $50 to $60 billion every year.

We voted for a huge increase in spending on Medicare—about 7½ percent a year—more than twice the rate of inflation.

Yet all we hear about are cuts—cuts—cuts.

We are told that these mega-billion dollar increases are draconian cuts.

Why—well the main reason is that the Federal bureaucrats who got 15 to 20 percent increases routinely for so many years really feel that 2 or 3 percent increases are cuts.

The first Reagan budget—fiscal 1982—was $581 billion. We almost triple that figure now—an almost 300 percent increase in just 15 years.

I don't think anyone believes that we can sit back and let Federal spending keep exploding like it has without having a major economic crash a few years down the road.

Yet the American people are being misled when they are being told about all these so called cuts. A very false impression is being created.

In fact, I have been in and around politics since I was a small boy, and I do not believe I have ever seen the lies, the distortions, the propaganda, that we have now.

Let me give just a couple of examples. Bruce Babbitt, the Secretary of the Interior, has become the most blatantly political Secretary in the history of the Department.

He has been going all over the country attacking Republicans even at one time using extremist rhetoric comparing us to the Japanese and their sneak attack at Pearl Harbor.

He came to my area of east Tennessee and said Republicans were gutting the national parks, and he has been quoted as saying that there is some sort of Republican hit list to close as many as 200 parks.

What are the facts. Well, last week, National Park Service Director Roger Kennedy admitted under oath that he knew of no such list and no plan to close any parks.

Because of Secretary Babbitt, and because of an incomplete job by reporters, people in my area think the Great Smoky Mountains have been cut.

Well, the truth is that spending on the Great Smokies has gone up from $6.5 to $10.3 million in the last 10 years—and increases of 64 percent, about twice the rate of inflation over that period.

Another increase, a little over 2 percent is scheduled for this fiscal year. Now I wish we could get more, but the point is that there have been no cuts, and in fact, national park spending has gone way up over the past 10 or 15 years.

Another example—and there are hundreds—former Speaker Foley said on the PBS national news Friday night that Republicans had cut the earned income tax credit. Once again—not so.

The earned income tax credit cost this country $1.3 billion in 1975; $2.5 billion in 1985. Then it began exploding. We are now spending $23 billion each year on this program, and it goes to over $27 billion under the Republican budget—once again—no cut, and in fact a several billion dollar increase. Another example—spending on student loans go up from $24 to $36 billion—yet some are calling this a cut.

Most of this outcry about cuts is coming from bureaucrats or fat cat Federal contractors who are having to justify their spending or show the results for the first time in many years—if ever.

And it turns out that most of this spending is doing little good for the intended beneficiaries and instead is really benefiting only bureaucrats or government contractors.

One example, and once again—there are hundreds—the Job Corps Program—again a program that is not—repeat—not being cut.

Counting all costs, we are now spending $25,000 per year per Job Corps student. If we told one of these students that we were spending this much on them, they would be shocked.

Fifty percent drop out in the first 6 months. Seven months is the average stay. Only 12 percent end up in jobs for which they were trained.

We could give each of these students a $1,000-a-month allowance, send them to an expensive private school and still save money. They would probably think they had died and gone to heaven.

Who really benefits from this billion plus program—once again the bureaucrats and few politically connected Federal contractors.

There are two points here Madam Speaker. One is Federal spending is not being cut, and for one specific program—Medicare—we have voted to give it huge increases.

The second point, when you hear about cuts, ask two questions. Who is screaming about the cuts—it is almost always some bureaucrat who is working for the program or some contractor who is making money off of it.

The second question—ask them specifically how much they got under the first Reagan budget 15 years ago and how much will they get during this fiscal year. With very few exceptions, you will find that almost every Federal department, agency, or program has received huge increases since that time.

Ask questions—don't be deceived.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY. Madam Speaker, I rise tonight, the last day of Breast Cancer Awareness Month, to ensure that our attention to the elimination of breast cancer will continue, because one month of awareness is not enough, when over 47,000 women will die this year from breast cancer.

Our messages this evening are now without hope. In the last few years we have made substantial progress on breast cancer research, diagnosis and treatment. The gains regarding breast cancer are considerable. In this year's budget alone, well over $400 million is dedicated to breast cancer research.

□ 1900

Mammograms have decreased the death rate from breast cancer for women over 50 by 30 percent. Unfortunately the losses relating to breast cancer continue to rise and compel us to continue our battle.

In 1983, Madam Speaker, the odds of a woman developing breast cancer were 1 in 10. Today they are 1 in 8. This year there will be 182,000 new cases diagnosed. In New York City alone approximately 8,500 cases of breast cancer will be reported this year, and in the decade of the 1990's, Madam Speaker, estimates say that 1.5 million cases of breast cancer will be diagnosed and nearly 500,000 women will die of this disease.

Unfortunately an amendment to the Medicare legislation that would have expanded Medicare to fully cover annual mammograms for Medicare beneficiaries over the age of 49 failed. This denial of services is yet another reason the President must veto the Reconciliation Act and negotiate to have this AMA-approved coverage put back in. Obviously in the interest of all women's lives we need to cut our losses and increase our gains in breast cancer screening, prevention, and treatment. We must work together to eradicate breast cancer, not just raise awareness. To reach that goal we need to fight to insure increased research into the cause of and treatments for breast cancer, improved access for all women to high-quality screening diagnoses, and treatment and inclusion of the wisdom and courage of breast cancer survivors, and the influencing of research clinical trials and national policy.

For the approximately 2,750 New York City women who will die this year from breast cancer and the thousand who will be diagnosed, I call on my colleagues to join me in a call to action on breast cancer awareness. Say it, fight it, cure it, fund it.

Madam Speaker, I would like to add into the RECORD two statements from colleagues of mine from the great State of New York who could not be here tonight but who would like their remarks in the record, the gentleman from New York [Mr. KING] and the gentleman from New York [Mr. FRISA].

Mr. KING. Madam Speaker, as you know, October is Breast Cancer Awareness Month. That is why I am pleased to be joining many of my colleagues this evening to participate in a Special Order on raising breast cancer awareness.

While breast cancer is a serious problem in communities all across the country, it has enacted a particularly terrible toll in my home area of Long Island. Between 1984 and 1988, the breast cancer mortality rate for one group of women in Nassau County was 16 percent higher than that of New York State and 36 percent higher than that of the Nation. There is scarcely a family on Long Island that has not been affected by this dreaded disease.

These alarming statistics prompted Congressional action in 1993. Working closely with other concerned Members of Congress, the Long Island delegation was successful in securing authorization for the Long Island Breast Cancer Study Project. Under the auspices of the National Cancer Institute, several of New York's finest research institutions are actively investigating the impact that the environment may have on Long Island's high rate of breast cancer. I am very pleased that this landmark Study is now underway.

Earlier this year, I was approached by fellow Long Islander Diane Sackett Nannery who informed me of her crusade to win approval of a special Pink Ribbon Breast Cancer Awareness Stamp. I immediately enlisted the support of 101 of our colleagues in sending a letter to Postmaster General Marvin Runyon urging approval of the breast cancer stamp. As a result of our efforts and the tireless determination of Diane Nannery, the Postal Service has announced that it will issue a breast cancer awareness stamp in 1996.

A major goal of raising awareness about breast cancer is to encourage women to get screening mammographies. This procedure is simple, safe and the best tool available for detecting a potential problem. The National Cancer Institute recently initiated a new service designed to provide information about FDA-approved mammography facilities. By dialing 1–800–422–6237 women will receive information on the facility nearest them. Through this service, I was able to obtain information on the 59 facilities located in Nassau County.

At a time when many Federal programs are being reduced or eliminated, the new Republican leadership has identified breast cancer research funding as a top priority. Included in the fiscal year 1996 Labor, Health and Human Services and Related Agencies Appropriations bill (H.R. 2127), is a 4-percent increase in funding for the National Institutes of Health. These additional resources will result in more money for breast cancer research at the National Cancer Institute. I look forward to working with my colleagues to ensure that this critical funding receives final approval from Congress in the days ahead.

We have only just begun to fight the scourge of breast cancer. I am committed to doing all that I can to fund research, increase awareness, and make mammography screening available and accessible to women all across the country. The battle against this disease will continue to be a top priority.

Mr. FRISA. Madam Speaker, I want to take this opportunity during Breast Cancer Awareness month to thank my colleague from New York, Representative MALONEY, for organizing this important tribute to women across the country who have battled this dreadful disease.

Unfortunately, my home of Long Island has the distinction of having one of the highest rates of breast cancer in the Nation. Nationally, this disease takes the lives of 46,000 women. Each year, my home, Nassau County, loses about 300 women a year to this deadly disease.

While great strides have been made in recent years toward understanding the causes of breast cancer, and finding better ways to treat this disease, much work still needs to be done.

I want to take this opportunity to commend the efforts of Dr. Marilie Gammon and her team, who are working tirelessly on the Long

Island Breast Cancer Study Project. They have recently announced plans for a comprehensive study into environmental causes of breast cancer.

Her team will be going into the homes of every woman on Long Island who is diagnosed with breast cancer to take water, soil, and dust samples in determining if there is a common link.

I know the toll this disease takes on the women of Long Island and their families. My mother was diagnosed with this disease, and is winning her battle against it. But too many women are losing this battle every day.

We need to support these women, and the friends and family who stand behind them as they battle breast cancer. While it is important that we set aside October for Breast Cancer Awareness Month, the efforts of these women must be recognized every day.

Madam Speaker, it is my sincere hope that in the near future we will have a special order, not to honor the survivors and remember the victims, but to celebrate the discovery of a cure for this devastating disease.

Mr. FARR. Madam Speaker, I am honored to be able to talk on this subject with my colleagues.

October is Breast Cancer Awareness Month.

First of all, let's look at the numbers: By the end of this year, an estimated 17,600 California women will be diagnosed.

Four thousand four hundred California women will die.

Breast cancer is an epidemic against our wives, daughters, sisters, and mothers.

During the 1970's and 80's the incidence increased in older women by 49 percent.

Virtually all women are at risk for developing breast cancer during their lives.

But October is not Breast Cancer Awareness Month to let everyone know how many women will die, it is awareness on how to survive.

How can we protect ourselves and the ones that we love?

Through two steps:

(1) Early detection, and

(2) Increased funding for medical research.

Early detection can be achieved through screening with mammographys and clinical breast examinations.

That means making mammographys available to all women regardless of cost.

The recent cuts in Medicare and Medicaid will definitely have a terrible effect on poorer older women who are in desperate need for these tests.

Increased funding is also needed.

In 1993, the Department of Defense received an appropriation of $210 million for breast cancer research.

The National Institutes of Health plans to spend $426 million for breast cancer research.

In 1995, the funding was completely zeroed out.

These amounts are not sufficient, and I will tell you why . . .

No major treatment has been introduced.

No proven prevention methods have emerged.

The mortality rate has remained constant.

We must work together to promote early detection and to achieve increased research funding in our fight against breast cancer.

Let's extend awareness beyond October.

We owe it to the women we love.

Mr. LAZIO of New York. Madam Speaker, I rise today in honor of Breast Cancer Awareness Month. We have all heard the startling figures surrounding breast cancer; 2.6 million women are living with this terrible disease today. Breast cancer will strike 1 in 8 women during their lifetimes. An estimated 183,000 new cases will be diagnosed this year.

While we are making gains against this terrible killer, much remains to be done. Breast cancer is still the most common form of cancer among women in the United States; yet its cause is unknown and its cure remains undetermined. Today, our strongest tools in the battle against this disease are increased awareness and continued research.

Continued funding to expand research is crucial. Projects such as the Long Island Breast Cancer Study Project [LIBCSP] are essential. The LIBCSP, in cooperation with the National Cancer Institute, examines possible links between breast cancer and environmental and occupational factors on Long Island, NY, where instances of breast cancer are unusually high. My colleagues in the New York delegation and I worked hard to support this project that may someday help control the factors that lead to this disease, not only in New York, but across the country.

Early detection and treatment are the most effective methods of combatting breast cancer and increasing a woman's chances of survival. Despite these facts, many women do not know how to detect the early warning signs, or to perform a routine self-exam. Too many women living with the disease are not aware of the treatment options available to them. Breast Cancer Awareness Month offers a special opportunity to focus public attention on various treatment options, and offer more women information that is vital to their well being.

This week, the Caucus for Women's Issues will be sending a strong signal to the administration on the importance of increased awareness. I have agreed to join my colleagues in signing a letter to Health and Human Services Secretary Shalala, which calls for a "blueprint for action" to provide women with information on treatment options. The information campaign that we are recommending would serve to reduce the dramatic disconnect between the type of treatment women say they prefer and that which they currently receive. It is time to get the message out that there are viable alternatives to the mastectomy procedure.

Through information we can help women learn to detect breast cancer in its early and most treatable stages. Through information we can enlighten those who have already been diagnosed as to their options. Through research we move closer both to understanding the causes of breast cancer and to finding a cure. Breast Cancer Awareness Month is a step in this direction, but as this month draws to a close I would like to encourage continued focus throughout our Nation on breast cancer and its treatment.

Mr. FORBES. Madam Speaker, I rise today in honor of Breast Cancer Awareness Month. It is a month dedicated to increasing American's awareness of the importance of early detection and diagnosis in the fight against breast cancer. Mr. Speaker, according to the National Cancer Institute Nassau and Suffolk Counties rank first and fourth, respectively, in breast cancer mortality rates among the 116 largest counties in the United States. This staggering statistic cannot be ignored. Too many of our mothers, daughters, and sisters have been afflicted with this destructive disease and it is important that we educate women on the importance of self-checks and mammograms in order to combat the high incidence of breast cancer.

Long Island has some of the highest rates of breast cancer in the Nation and a high death rate among women diagnosed with breast cancer in Nassau and Suffolk County. The Long Island Breast Cancer Study Project will look at exposures to contaminated drinking water, sources of air pollution, electromagnetic fields, pesticides and other toxic chemicals, and hazardous and municipal waste. Research is a valuable instrument in trying to understand this devastating disease.

Mr. Speaker, over this past year I have had the honor of working with Diane Nannery, a resident of Manorville and breast cancer survivor, on increasing breast cancer awareness across the country. Working together with thousands of concerned women in Suffolk County, we were successful in getting a breast cancer awareness stamp to be created by the United States Postal Service for 1996. The breast cancer awareness stamp will serve as a constant reminder to all Americans of the urgency for awareness of this terrible disease. Every time a book of stamps is purchased at the post office, people will be reminded of the urgency for early detection of breast cancer in order to save millions of women's lives. The stamp will be printed sometime next summer.

Mr. Speaker, in 1996, approximately 184,300 new cases of breast cancer will be diagnosed and 44,300 women will die from this disease. Breast Cancer Awareness Month is dedicated to those who have survived breast cancer and those who have not. It is a time to make America aware of breakthroughs in breast cancer treatment, research, and testing. I am honored to have spoken before this body on the importance of awareness in battling breast cancer, and my heart goes out to those families who have lost a loved one to this destructive disease.

Mr. STOKES. Madam Speaker, I rise in observance of National Breast Cancer Awareness Month. In recognition of this occasion, I ask my colleagues to take time out to assess the impact that this devastating disease has had on their constituents, colleagues, families, and friends—for no one is immune to this life threatening disease.

According to the American Cancer Society, over 180,000 new cases are diagnosed each year, approximately 1 every 3 minutes. One person will be diagnosed with breast cancer just during the time span of my statement. Even more devastating, 44,000 women and 300 men are expected to die from the disease. Among women, breast cancer is the most common cancer.

While breast cancer mortality rates have declined 5.5 percent from 1989 to 1992, due to advances in therapy and screening programs, this decline was only seen among whites. Breast cancer deaths for African-American females increased 2.6 percent. We must find the

cure for and cause of the mortality differential for this devastating disease. Equally important, we must ensure that all Americans benefit from advances in breast cancer biomedical research, treatment, diagnosis, early detection, and prevention. Early detection is key to increasing the chance of cure and the benefits from more effective treatment options for the disease.

Madam Speaker, while our and our colleagues' families continue to have access to life saving screening, treatment, and prevention health care services for breast cancer, just a few days ago, here in this House, our Republican colleagues celebrated the passage of their legislation to strip those same critical life saving health care services away from millions of families by dismantling Medicaid and Medicare. That unconscionable act will have a negative impact on the progress the Nation has begun to make in ensuring that all women receive early diagnosis, screening, and appropriate treatment for breast cancer.

My heart goes out to the Nation's health care organizations and the hundreds of thousands of volunteers who have worked long and hard to achieve that progress. I applaud their steadfast leadership and commitment to expediting the search for a cure. I ask that they lend their support to me and my colleagues who are working to overturn the Republican assault on the health of the American people. It is just inhumane to force families to see their loved ones go without the critical health care services that they so desperately need.

Madam Speaker, all women must have access to the life saving screening and treatment they need to conquer breast cancer.

Ms. SLAUGHTER. Madam Speaker, I rise today to speak on an issue that is of deep concern to all Americans. Breast cancer is a dreaded and devastating disease which has reached epidemic proportions. Currently, there are 2.6 million women living with breast cancer in the United States. In 1995 alone, an estimated 182,000 new cases will be diagnosed and over 46,000 women will die of this disease.

In the past 5 years, breast cancer research has received strong congressional support. As I noted earlier this year, I am proud, as chair of the Congressional Women's Caucus Task Force on Women's Health, that we have increased research funding by 65 percent. We have begun to make important progress including the discovery of a breast cancer gene, the declining mortality rates for some segments of the population and Medicare coverage of mammograms for early detection.

Despite the progress we have made in the past 5 years, our work is not done. There is still no cure for breast cancer, there is no way to prevent it, and the treatments available continue to be invasive and damaging to the women undergoing them.

It is therefore of utmost importance that we reaffirm our commitment to further breast cancer research. Too many women still suffer and die and too many families are left struggling with their loss.

Today, on the final day of Breast Cancer Awareness Month, we remember all the women, men and children whose lives have been touched by breast cancer. This year, I have lost two young friends to this disease and while their loss can never be compensated, I can and do pledge to work to ensure the Federal commitment remains strong and that we continue to devote all possible resources to winning the battle against this disease.

SERIOUS QUESTIONS MUST BE ANSWERED BEFORE WE COMMIT TROOPS TO BOSNIA

The SPEAKER pro tempore (Ms. PRYCE). Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes.

Mr. CHABOT. Madam Speaker, I am taking time tonight, along with some of my colleagues, to talk about what I fear could become one of the most serious foreign policy blunders in memory.

Yesterday this House sent a resounding message to President Clinton. The message was simple: Do not send American ground troops to Bosnia without the approval of Congress. And I want to point out to those critics in the administration that this was a bipartisan message. Three hundred fifteen Members, including half of the President's own party in this body, voted in favor of this sense-of-the-House resolution.

Yesterday's vote was a first step, and I want to emphasize first step, in this matter, and now I am confident that this House will take even stronger action in the coming days. Our colleagues, the gentleman from Colorado [Mr. HEFLEY] and the gentleman from California [Mr. ROHRABACHER], have introduced a binding legislative bill that will require the Clinton administration to seek the authorization of Congress before deploying any ground troops into Bosnia. We are not talking politics here, as much as the President would like to make this a partisan issue. We are talking about Congress' plenary control of the power of the purse and its moral obligation to address this fundamental policy issue. I fully expect this House to exercise its constitutional authority in the very near future.

Madam Speaker, many of us in the Congress have a number of very serious questions we would like the Clinton administration to answer, and to date those answers have been few and far between. For instance, what kind of risk to our troops are we talking about? What is this operation going to cost in terms of American lives? Almost certainly there will be casualties in that treacherous and mountainous region of the world.

I explicitly asked the Vice President for the administration's casualty estimates weeks ago, but I have not yet received an answer, not one word, from the administration on this matter. What is it going to cost in terms of taxpayer dollars? And where is the money going to come from? What are the rules of engagement? What happens the first time a stray bullet hits an American peacekeeper? What is the exit strategy?

Madam Speaker, Secretaries Christopher and Perry insist that troops will be home in a year. Few believe that, but, if so, then what? An outbreak of lasting peace in the Balkans? If you believe that, I have got a bridge I would like to sell to you.

These are critical questions, and the answers, are not forthcoming from the White House.

Now I would submit that there is a reason that those answers have not been forthcoming. The reason is that there is no clear mission. President Clinton mistakenly, and apparently without consulting anybody in Congress, promised to send American ground troops to Bosnia in the event of a peace agreement. If he had bothered to ask, somebody would have told him that the last three peace agreements in Bosnia have been dismal failures and that the presence of American troops in that troubled region would likely do little to improve the attitudes of the warring parties.

Does President Clinton have the support of the American people in this instance? Absolutely not. I have received numerous calls and letters in my particular district in Cincinnati from people who have urged me to prevent United States troops from going in on the ground in Bosnia. I am still waiting for one call or one letter from anybody who thinks it is a good idea to send young Americans into Bosnia on the ground.

One of the major newspapers in my district, the Cincinnati Enquirer, published an editorial last week which I think sums up the views of most of my constituents and the constituents of many other Members in this body, and I would like to insert that in the RECORD at this point. This is a copy of the article:

[The Cincinnati Enquire, Oct. 24, 1995]

NO WAY—SENDING U.S. TROOPS TO BOSNIA WOULD BE A DISASTROUS BLUNDER

It may throw a wet blanket on the United Nations' 50th birthday party, but someone besides Russian President Boris Yeltsin should ask some tough questions about the U.N. debacle in Bosnia.

Start by asking President Clinton: How can a contortionist who twisted himself into ethical pretzels to avoid Vietnam, send 20,000 U.S. troops marching into quicksand in Bosnia?

The echoes of Vietnam are unmistakable: Another war in which unsupported troops fight for unexplained goals in an ungrateful land. For all his recent rhetoric about rescuing NATO and performing a "peacekeeping" role, Clinton still has not offered a reason why one American life—much less 20,000—should be risked for a shameful paper "peace" that ratifies the rape and plunder of Bosnia.

The fragile truce now in effect (between attacks) exists only because the Bosnian Serbs dread Croatian attacks more than air strikes or U.N. scolding. Bloodthirsty Bosnian Serbs

who bombarded unarmed cities are fleeing from the Croatian army.

So now they suddenly want to talk peace. If a real peace agreement can be worked out in talks that begin Oct. 31 at Wright-Patterson Air Force Base in Ohio, there will be plenty of soldiers on all sides to enforce it.

Sending U.S. troops into a flammable pit of ethnic hatred, where death has been a fact of life since 1992, will invite hostage taking and terrorism against our soldiers, to inflame American outrage against Clinton's policy. Somalia and the near-loss of a U.S. flier in Bosnia should be a fresh, painful reminder that it is sheer folly to gamble American blood in a game where our nation has no cards to play.

If that's not enough Clinton can recall his own protests against Vietnam.

Instead, he threatens to invoke his presidential war powers to send troops, even if Congress balks.

Clinton's crew is already squishy, backing down on promises that U.S. troops would be out in one year. Former Defense Secretary Dick Cheney told CBS, "To talk about a timetable that we will be out within a year, when we don't know what the objective is, and haven't really developed a plan for executing that, raises serious questions about the quality of the decision making process within the administration."

After leaving Bosnia policy on U.N. cruise control until it ran into a ditch, Clinton now wants to floorboard U.S. intervention. If he does, it will take more than a wrecker to pull us out.

Madam Speaker, I want to stress again this is not a partisan issue. This is an issue where first and foremost we are talking about American lives, young men and young women who may be sent to die in a foreign land. We all remember the tragedy in Lebanon. Who can forget the image of those flag-draped caskets coming home from a peacekeeping mission in a land where there was no peace? And we remember the more recent tragedies when this Government sent more of its young people on a loosely defined mission to Somalia. The image of that young American soldier's body being dragged through the streets is forever etched in our memories.

Madam Speaker, let us not commit our young soldiers to another so-called peacekeeping mission which is doomed to failure. Let us put a stop to this ill-advised Bosnian plan before it is too late.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I am honored tonight to participate in this special order, and I thank the gentlewoman from New York [Mrs. MALONEY] for her efforts in organizing this commemoration of Breast Cancer Awareness month. Most importantly, we are here to pay tribute to the women and men who fight to survive this deadly and tragic disease.

Breast cancer claims the lives of more than 44,000 women and 300 men each year. Excluding cancers of the skin, breast cancer is the most common cancer among women, accounting for one out of every three cancer diagnoses.

In 1996, over 184,000 new cases of invasive breast cancer are expected to be diagnosed.

While the statistics are daunting, there is hope.

We have learned over the years that early diagnosis and early treatment of breast cancer dramatically increases survival rates for its victims.

I know something about the importance of early detection—it saved my life.

Nine years ago, I was diagnosed with ovarian cancer. But I was lucky. My cancer was discovered early and I have been cancer free for 9 years. I am forever grateful to the wonderful doctors and nurses who saved my life and to the many researchers whose relentless and often unrecognized efforts have produced so many advancements in cancer detection and treatment.

We know that early detection is the most effective way to keep cancer from killing. Unfortunately, these services are not as readily and widely available as they need to be.

Therefore, we must continue to fight for increased funding for breast cancer research and screening. As a member of the National Security Committee, I worked hard to ensure that the House appropriated $100 million for breast cancer programs in the Department of Defense appropriations bill for fiscal year 1996.

Furthermore, we must fight for increased funding for the breast cancer research at the National Institutes of Health and the National Cancer Institute. The House appropriated a 5.7-percent increase in funding for the National Cancer Institute, which funds the Breast and Cervical Cancer Mortality Prevention programs which I sponsored.

On the last evening of Breast Cancer Awareness month, we must not allow the specter of breast cancer to lurk in the darkness. We must recommit ourselves in the upcoming year to arm our Nation's women with the information, resources and support to combat and survive this horrifying disease. Together, I know we can do it.

REASONS FOR SENDING TROOPS INTO BOSNIA NEED TO BE EXAMINED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. BROWNBACK] is recognized for 5 minutes.

Mr. BROWNBACK. Mr. Speaker, I certainly applaud the gentlewoman from Connecticut [Ms. DELAURO] in her comments, and her fight against cancer and her fight against cancer in this institution as well.

Mr. Speaker, I rise to join my colleagues to ask the President to go to the American people and tell us why we must send troops to Bosnia. It is a simple request, but it is one that must be made, and it is one that we must have the President address to the American people. I would submit, from the calls and comments that I received from the folks that I represent in Kansas, that he has not made his case to the American people. He has not make his case to the Congress. I sit on the Committee on International Relations, and we have heard from several of the Secretaries in this administration, and they fail to put forward a clear plan, a clear reason, a convincing case, a compelling case, for why we should send our young men and women into Bosnia.

Now it seems to me that we have discovered the way to handle these sorts of issues some time ago, and particularly this was exercised during the Persian Gulf war when that President, President Bush, initially said, well, Congress, I need a vote of the Congress, but then there was so much pressure he decided, no, I will get a vote of the Congress, and he took his case to the American people, and he explained why we needed to be in that region of the world, and explained it clearly and concisely, and said here is the reason, here is how we are going to go in, here is what we are going to accomplish, here is how we are going to get out, and it convinced American people and convinced this body. A vote was taken, and a supportive vote was taken, and we conducted that engagement very successfully with a great deal of support of the American people.

Mr. Speaker, we have to do that in this situation in the world, in Bosnia. The vital interests of the American people have to be explained by the Presidency, and it has not been done to date.

Earlier today a colleague of ours, the gentleman from Florida [Mr. WELDON], supplied a certain standard for sending young men and women into combat that I thought was a very good one that we should apply into this case when the President presents his case as to why we should send our troops in

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He asked the question simply this way: Would I be willing to go? Would I be willing to send my daughter or my son into harm's way for this cause?

It seems to me that is the same standard we should apply in this particular case once we get from the administration what the plan is. Why we are going in? What are the strategic and vital interests? And that has been taken to the countryside, because maybe then we will be convinced that we should be going into Bosnia, we should be protecting that region of the world.

But as of today, we have not seen any compelling case or any real case at all from the administration as to why we should go. Why should we vote or appropriate the funds or allow the use of funds to send our troops into harm's way in that part of the world, when we do not even know what our plan is to go in, to occupy, and how to get out, and what will we declare as victory once we are there.

I have a lot of questions of the administration myself. What is the deployment strategy we are going to have? Let us take that out to the American people. What are the military goals we are going to pursue in this particular area? What is the exit strategy?

Mr. Speaker, I simply ask the President of the United States to do what we have learned over years and years of the history of this country when we engage in military conflicts, when our young men and women can be sent into conflict and some can come home not alive, and that is simply this: Take the case to the American people first. Explain to the American people first what are our strategic and vital interests of why we need to be here. Why do we need to do this? Take it there first. And then, Mr. President, come to this body. Come to the Congress and ask for a vote of Congress, so each of us in our conscience can look and ask ourselves, would I be willing to go? Would I be willing to send my son or daughter into harm's way for this cause? And then let us have a vote. That is how a democracy should operate. That is how we should operate in this particular case.

I call on the administration to act that way. It is in their best interests and the best interests of the American people.

INCREASED MONEY FOR BREAST CANCER RESEARCH NEEDED

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, I believe this evening is a very important evening, and I thank the gentlewoman from New York for her leadership on this issue and for organizing this special order to save lives.

I rise tonight to speak about an issue of vital importance to all of the women of this Nation, and this issue happens to be breast cancer. As a woman and a mother, I feel there are few issues as important as the breast cancer epidemic facing our Nation.

As you may know, breast cancer is the most commonly diagnosed cancer in American women today. I recall just a few weeks ago joining in with the Susan G. Coleman Foundation in Houston, TX, where some 8,000 women, many of them survivors, gathered to fight against the epidemic of breast cancer, and to encourage more research in that area.

But the most pointed and the most striking part of it was to see mothers and daughters being able to fraternize and fellowship because of what had occurred in terms of breast cancer detection, to see the survivors, and to see that they were willing to continue the fight.

Currently there are 1.8 million women in this country who have been diagnosed with breast cancer, and 1 million more who have yet to be diagnosed. This year, 182,000 women and 1,000 men will discover they have breast cancer, and 46,000 will die from the disease. Breast cancer costs this country more than $6 billion each year in medical expenses and lost productivity.

But these statistics cannot possibly capture the heartbreak of this disease which impacts not only the women who are diagnosed, but their husbands, children, and families, and that is what we are talking about today, keeping families together by eliminating this dreaded disease.

We have made some progress in the past few years by bringing the issue to the Nation's attention. Events such as Breast Cancer Awareness Month are crucial to sustaining this attention. There, however, is more to be done. We in Congress must work with the Department of Health and Human Services to implement the national action plan on breast cancer. The plan provides a framework and a plan for activities in three major areas: The delivery of health care, the conduct of research, and the enactment of policy.

It has six major priorities that I think are key to the direction this Congress should take: Identifying strategies to disseminate information about breast cancer and breast health to scientists, consumers, and practitioners using the state-of-the-art technologies available on the information superhighway; merging all of our talents and all of our strengths to help eliminate, as I said, this dreaded disease; establishing biological resource banks and comprehensive patient data registries to ensure a national resource of information for multiple areas of breast cancer research; ensuring consumer input at all levels in the development of public health and service delivery programs; research studies and educational efforts; involving advocacy groups and women with breast cancer in setting research priorities and patient education.

That was done by the Sisters Network in my district, where one such morning they walked an inner-city neighborhood and began knocking on doors to explain to that community about early detection, and wound up at a church on Sunday morning speaking to the women there about the need for early detection. That is the kind of private help and partnership that should be going on with the Federal Government on this issue.

Expanding the scope and breadth of biomedical and behavioral research activities related to the etiology of breast cancer; making clinical trials more widely available to women who are at risk for breast cancer; decreasing barriers to participation through consumer-clinician dialog; reduction of economic barriers and other strategies; implementing a comprehensive plan to address the needs of individuals carrying breast cancer susceptibility genes; and recommending educational intervention for consumers, health care providers and at-risk patient groups.

Sadly, the death rate for breast cancer has not been reduced in more than 50 years. One out of four women with breast cancer dies within the first 5 years. Forty percent die within 10 years of diagnosis.

Furthermore, the incidence of breast cancer among American women is rising each year. For women ages 30 to 34, the incidence rate tripled between 1973 and 1987. The rate quadrupled for women ages 35 to 39 during the same period.

This Congress has stood well for solving problems. It is important for us to realize here is a problem to be solved. I am particularly concerned about studies which have found that African-American women are twice as likely as white women to have their breast cancer diagnosed at a later stage, after it has already spread to the lymph nodes. A recent study by the Agency for Health Care Policy and Research found that African-American women were significantly more likely than white women to have never had a mammogram, or to have had no mammogram in a 3-year period before development of the symptoms or diagnosis. Mammography was protective against later stage diagnosis in white women, but not in black women. It is clear that more research and testing needs to be done in this area.

We need to help all women, and particularly our inner-city women, but the most important thing is we need to help families, and breast cancer destroys families.

Mr. Speaker, I thank you for this opportunity. It is so very important for our children, our daughters, our sisters, mothers, and granddaughters, detection, treatment, and prevention. Let us help eliminate this devastating disease.

Mr. Speaker, I rise tonight to speak about an issue of vital importance to the women of this Nation. This issue is breast cancer. As a woman and a mother, I feel that there are few issues as important as the breast cancer epidemic facing our Nation.

As you may know, breast cancer is the most commonly diagnosed cancer in American women today. Currently, there are 1.8 million women in this country who have been diagnosed with breast cancer and 1 million more

who have yet to be diagnosed. This year, 182,000 women and 1,000 men will discover that they have breast cancer, and 46,000 will die from the disease. Breast cancer costs this country more than $6 billion each year in medical expenses and lost productivity.

But these statistics cannot possibly capture the heartbreak of this disease which impacts not only the women who are diagnosed, but their husbands, children, and families.

We have made progress in the past few years by bringing this issue to the Nation's attention. Events such as this month's Breast Cancer Awareness Month, are crucial to sustaining this attention. There is, however, more to be done.

We, in Congress must work with the Department of Health and Human Services to implement the national action plan on breast cancer [NAPBC]. The plan provides a framework and a plan for activities in three major areas: the delivery of health care, the conduct of research, and the enactment of policy. Its six major priorities include:

Identifying strategies to disseminate information about breast cancer and breast health to scientists, consumers, and practitioners using the state-of-the-art technologies available on the information superhighway.

Establishing biological resource banks and comprehensive patient data registries to ensure a national resource of information for multiple areas of breast cancer research.

Ensuring consumer input at all levels in the development of public health and service delivery programs, research studies, and educational efforts. Involving advocacy groups and women with breast cancer in setting research priorities and in patient education.

Expanding the scope and breadth of biomedical and behavioral research activities related to the etiology of breast cancer.

Making clinical trials more widely available to women with breast cancer and women who are at risk for breast cancer. Decreasing barriers to participation through consumer-clinician dialog, reduction of economic barriers, and other strategies.

Implementing a comprehensive plan to address the needs of individuals carrying breast cancer susceptibility genes and recommending educational interventions for consumers, health care providers, and at-risk patient groups.

Sadly, the death rate from breast cancer has not been reduced in more than 50 years. One out of four women with breast cancer dies within the first 5 years; 40 percent die within 10 years of diagnosis. Furthermore, the incidence of breast cancer among American women is rising each year. For women ages 30 to 34, the incidence rate tripled between 1973 and 1987; the rate quadrupled for women ages 35 to 39 during the same period.

I am particularly concerned about studies which have found that African-American women are twice as likely as white women to have their breast cancer diagnosed at a later stage, after it has already spread to the lymph nodes. A recent study by the Agency for Health Care Policy and Research found that African-American women were significantly more likely than white women to have never had a mammogram or to have had no mammogram in the 3-year period before development of symptoms or diagnosis. Mammography was protective against later stage diagnosis in white women but not in black women. It is clear that more research and testing needs to be done in this area. We also need to increase education and outreach efforts to reach those women who are not getting mammograms and physical exams.

We cannot allow these negative trends in women's health to continue. We owe it to our daughters, sisters, mothers, and grandmothers to do more. Money for research must be increased and must focus on the detection, treatment, and prevention of this devastating disease.

MAINTAIN COMMITMENT TO BREAST CANCER RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I want to thank my outstanding colleague, the gentlewoman from New York, CAROLYN MALONEY, for organizing this special order.

Mr. Speaker, over 15 years ago I lost my mother to breast cancer, and tonight I rise not only in honor of my mother, but of all the mothers, all the sisters and daughters, the wives, who have died of breast cancer.

Mr. Speaker, I also rise tonight to salute the many women who have survived this terrible disease—and there are many survivors. We know the grim statistics: in the last 20 years, the incidence of breast cancer has increased by 20 percent. Twenty years ago, 1 in 20 women developed breast cancer. Today, it is 1 in 8. Most Americans have known someone—a mother, sister, friend or coworker affected by this terrible tragedy.

Breast cancer is an extremely complex disease and we are unfortunately far from a cure. We have many more questions about breast cancer than answers. Solving the mystery of breast cancer is like working on an incredibly complicated and frustrating puzzle. Each piece of this puzzle solved is a small victory. The Federal Government's research is helping us to solve this puzzle and to slowly answer these unanswered questions.

One of these unanswered questions is the role the environment plays in breast cancer. Another is the importance of genetics in determining who develops the disease and who does not. Still another question is whether diet can reduce a women's risk of breast cancer.

There is mounting evidence that exposure to pesticides may contribute to breast cancer. For example, a study done several years ago at Mt. Sinai Medical Center in New York found that women with the highest levels of a pesticide compound in their blood were four times more likely to have breast cancer than other women. Another study in Israel found a 10-percent drop in breast cancer during the same time that there was a drop in the levels of pesticides in human and cow milk. The Long Island breast cancer study will help to answer many other important questions regarding the link between environmental and occupational factors in breast cancer. But again, many unanswered questions remain.

Science has also recently begun to document a genetic link to breast cancer. The breast cancer gene is thought to account for 5 percent of all breast cancer cases but 25 percent of the breast cancer in women under age 30.

Last month, researchers found a particular mutation of this breast cancer gene in 1 percent of a study of Jewish women of Eastern European background. Jewish women with a family history of breast cancer who were found to have this gene had a very high risk of developing breast cancer. However, we don't know what kind of risk women face who have this gene but do not have a family history of breast cancer. So it makes no sense to test women for this gene until we know more. Again, many unanswered questions remain.

Lastly, scientists are beginning to develop a link between nutrition and breast cancer. But again, our knowledge is scanty. We know that the risk of breast cancer increases with the degree of obesity. One small study showed that moderate alcohol use might even increase a woman's risk of cancer because of the influence of alcohol on hormones. Research continues to tell us that a low-fat, high-fiber diet may decrease our risk of many cancers including breast cancer. Exercise may also reduce the risk of the disease. But again, many unanswered questions remain.

Breast cancer poses one of the major scientific challenges of today. I urge my colleagues to look at the many unanswered questions as a challenge to continue to maintain the Federal Government's commitment to breast cancer research and the enforcement of environmental regulations. We must not abandon our commitment to the women of America.

But funding research is not enough. We must support efforts to regulate exposures to chemicals strongly suspected of being linked to breast cancer. Tomorrow we will vote on a motion by Representative STOKES to allow the EPA to enforce the Delaney clause. The Delaney clause protects processed foods from contamination by known carcinogens but Congress has voted to restrict EPA from enforcing the Delaney clause. Congress has also tied EPA's hands by cutting its budget by one-third. This is an outrage. Members have a chance tomorrow to support the Stokes motion to demonstrate that they are truly serious about addressing the breast cancer epidemic.

AMERICAN POLICY IN BALKANS A FAILURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we have witnessed 3 years of failure as far as the policy of the United States concerning the ongoing tragedy in the Balkans. During this 3 years, we have heard the screams of agony and horror. And what has American policy been? An arms embargo against the criminals who are committing the aggression and the victims alike.

This formula of treating the victims and the criminal alike had left the aggressor with all of the tanks, all of the heavy artillery, and an overwhelming superiority in arms. It led to 100,000 deaths or more. The aggressor was, naturally, not deterred by an arms embargo that prevented the victims from arming themselves and defending themselves against aggression.

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We have seen mass rapes, ethnic cleansing and genocide. It has been a tragedy. It has been a fiasco on the part of the Western democracies. It has been a lack of moral leadership from the United States in that we have put the victims and the aggressors in the same category. Yet the victims even though they have been raped and murdered and seen their families destroyed and their homes burned and destroyed have never come to the United States and asked us for ground troops, to put our young people in their place. They have not asked for our ground troops to be deployed, and they still are not asking for our ground troops to be deployed.

The plan that we are hearing about today that President Clinton is suggesting of sending 25,000 young Americans to the Balkans has not come as a result of a request from the victims. It is instead a product of the fuzzy thinking and moral relativity of those people who have formulated America's disastrous policy for the past 3 years. They have failed for 3 years, and now they ask us to trust their judgment in sending 25,000 young Americans into a Balkan meat grinder that has been getting nothing but worse due to their leadership.

No, no, hell, no. Twenty-five thousand Americans put in the Balkans. Part of their plan is to put 20,000 Russians into the Balkans at the same time. Putting 20,000 Russians and 25,000 Americans into a conflict situation like that? That is total insanity.

We have another alternative. We are not talking about isolationism versus international activism here. What we need to do is have a policy that is rational and responsible and not putting our people at maximum risk.

We have the alternative. Let us lift the arms embargo on these victims, on the Croatians and on the Bosnians who have been victimized by the aggressor, clearly the aggressor who is grabbing territory in the Balkans. We have invested in smart weapons. We have invested in bombers and aircraft. We have done this to permit us to exercise our influence while minimizing the risk.

The idea of sending so many young Americans to the Balkans carries little chance of success and an incredibly high chance of failure. Failure in this case means a major loss of American lives. The screams and agony that we will hear will not just be coming from the Balkans but will be coming from American homes when their loved ones are lost, when they find out that their loved one has been torn apart by a land mine or by some sort of artillery barrage. Thanksgiving dinner with empty seats. Wives without husbands. Children without fathers.

We should not be putting Americans at risk for such a fiasco, an adventure that has such little chance of success.

I yield to my colleague the gentleman from San Diego.

Mr. HUNTER. I thank the gentleman for yielding. Mr. Speaker, I was attracted to his very articulate statement. He reminds me that when we have the Secretary of Defense before us, the Secretary of State and other leading members of the Clinton administration, the one question they could not answer was, what happens when that one car bomb occurs and you lose 12 or 15 or 20 people? Do you stay there? Do you show resolve? Do you move out immediately?

They offered no answer beyond what has happened already in Somalia and other places. That is, that we are driven out. If we are driven out because of terrorism, then we have lost all of the important things that they talked about. Like holding NATO together, maintaining our credibility with our European allies, et cetera. They never answered that question.

Mr. ROHRABACHER. It is sad and an appropriate question to ask, because I was in the White House in the 1980's when Ronald Reagan made the worst decision of his Presidency, which was to introduce U.S. Marines into the Lebanon conflict. I remember during that time when Ronald Reagan issued the order and the Marines landed, I ran all over the White House, asking, pleading with people, why are we there? What are we doing? How can we possibly succeed?

I went to every office of the decision-markers in the National Security Council, my friends who are in various positions in the government and they said, "DANA, here is the formula. If we do this, this, and this, it will eventually lead to peace in the Middle East."

I said, "This, this and this. For all of these things to happen, the chances of that happening are very small." The chances of this turning into a fiasco, a horrible situation where we lose maybe 100 American lives, the chances are very high.

I thought they would take care of it. I thought that some of the people who understood the implications of what was going on would handle the situation. But instead we got mixed up in the Lebanon situation, in the crisis. We were mixed up in local politics. Our Marines were actually, people do not understand this, the political situation was so complicated the Marines were ordered not to have bullets in their rifles.

The situation in Bosnia is far more complex than what was in Lebanon. We lost 240 young Marines in Lebanon. Let me say, I will never forget the day when it was announced that this bomb exploded, this care bomb exploded and it was not just 20 Americans, and it was these young Marines and the first name on the list was my brother's best friend from high school, who I grew up with, and I vowed that day that I would never sit back and watch a senseless operation go forward without trying my best to save the lives of those young Americans.

Today we have that opportunity. If we try our hardest and we spread the word, this is a democracy, the President is not going to send troops overseas into a risky situation without the support of the U.S. Congress and the American people. We can deter this, we can bring some sense to this, and we can save some American lives.

I ask the American people, I hope everyone contacts their Congressman and the White House saying no troops to Bosnia, no American troops to Bosnia, unless the Congress approves of this operation.

ENDING WELFARE FOR LOBBYISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, in the coming weeks, this Congress has a chance to end welfare for lobbyists once and for all, ending the insidious practice of allowing Federal grant recipients to use taxpayer dollars while advancing their own narrow special interests.

Much has been written and debated on this issue; but, contrary to many Washington political pundits and the special interests who are desperately trying to save their taxpayer-funded subsidies, the issue is really quite simple. The American people do not want their money going to special interests to lobby Congress.

Consistent with the Republican philosophy that people, not the Government, know best how to spend their own money, the Istook-McIntosh-

Erlich language ends this abuse of taxpayer dollars being used directly or indirectly to lobby by Federal grant recipients. This ban on lobbyist subsidies will ensure the Nation's taxpayers that their money is not being used by Washington lobbyists to promote a special interest agenda they may or may not agree with.

To those who oppose this legislation, I have just one question: If you are not abusing Federal taxpayer dollars now, then what is all the fuss about?

The people who oppose this important reform legislation cannot have it both ways. On the one hand, they argue that they do not lobby with taxpayer dollars, while, on the other hand, they contend that ending their subsidy will directly impact their lobbying efforts.

Mr. Speaker, I think we owe the American people who are taxpayers in this Nation a pledge that we will not let their money be used for any special interest group to lobby in this Capitol or any State capitol around this country. Let us promise to let the people of this country decide who, if anyone, should speak for them.

It may be Halloween, but do not let the ghouls and goblins of taxpayer subsidies past scare you out of doing the right thing for our country. urge my colleagues in this House and in the other body to end welfare subsidies for lobbyists.

BUDGET RECONCILIATION PLAN HARDLY REVOLUTIONARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, last week, Congress passed an historical budget reconciliation plan—a plan that our Republican colleagues call revolutionary.

A revolution, however, involves more than change—a revolution involves change for the better, forward motion, progress. There is great doubt in my mind, and the minds of many of my constituents, that we are progressing.

While, the deed has been done, and the plan has passed, we are now in conference with the Senate, and there is still time to undo some of the damage from that plan.

If the damage is not undone, we will be left with no choice except to urge the President to veto the bill.

This evening, I want to again highlight the great harm that the Republican plan will do to rural America in the area of health care—because past pleas have been largely ignored.

Rural North Carolina, including my congressional district, like most of rural America, will be especially hard hit by these cuts.

Rural communities lack high paying jobs, often lack the infrastructure necessary for economic expansion and, on average, have incomes far below the average American. Rural communities will hurt more from the cuts.

The lack of basic resources and opportunities, such as employment, housing, education, and utility services, especially water and sewer, is compounded by limited access to quality health care and a shortage of health professionals, especially primary and family physicians.

The Republicans seem to want senior citizens to have health care that is cheaper.

Democrats want senior citizens to have health care that is better.

Cheaper and better are not the same. You get what you pay for.

They want to cut corners. We want to cut with conscience.

The Republicans want to put seniors in groups and choose doctors for them, because its cheaper.

Democrats want seniors to choose their own Health Plan or doctors, because it's better.

Under the Republican plan, many seniors in rural North Carolina will be forced to travel many more miles to find a hospital, because it's cheaper.

Democrats want to prevent rural hospitals from closing because of cuts in Medicare, because it's better.

Cheaper could cost less, it could also cost more, but it could cost lives.

Why are the Republicans pushing a cheaper health care plan?

Because they are also pushing an expensive tax cut plan for wealthy Americans.

They have voted to cut the Medicare Program by $270 billion so that they can pay for a tax cut program of $245 billion.

If the Republicans dropped their expensive tax cut plan for the wealthy, they would not have to push their cheaper health care plan for seniors.

Citizens of Rural America have incomes that are 33 percent—yes, one third—lower than their urban counterparts.

The elderly who live in rural areas are 60 percent more likely to live in poverty—60 percent.

Twenty-five percent of rural hospitals already operate at a loss, and that is because Medicare alone accounts for almost 40 percent of the average hospital's net patient revenue.

It is estimated that this plan will cost North Carolinians a loss of over $3,000 for each Medicare recipient in North Carolina between now and the year 2002, and a loss of some $900 for each recipient each year thereafter.

This cut in Medicare will reduce the size of the program by 25 percent—raising the cost of premiums and copayments to each of North Carolina's 999,000 Medicare beneficiaries.

And, when the Medicare cuts are combined with the cuts in the Medicaid Program, Federal health care dollars coming into North Carolina will be reduced by more than $15 billion.

The Medicaid cuts affect North Carolinians of all ages—the elderly, children, the disabled, the poor.

There are some 985,000 Medicaid recipients in our State. We would be forced to eliminate coverage for almost half of those Medicaid recipients.

The Medicare cuts will be especially painful, since more than 8 out of 10 of all Medicare benefits go to senior citizens with incomes of $25,000 or less.

Those who are pushing this cheaper plan fought the creation of Medicare in 1965, and now, in 1995, have voted to do what they failed to do in 1965—cut the comfort of retirement from our senior citizens.

Medicare spending in the rural areas of North Carolina will be cut by $3.3 billion—a 20 percent cut in the year 2002 alone.

Worse, rural North Carolina will lose some of the limited number of hospitals we have.

Because of poverty, rural hospitals lose money on Medicare, while urban hospitals make a small profit.

The typical rural hospital, under the Republican's plan, will lose some $5 million in Medicare funding, over 7 years.

Rural hospitals already need 5,084 more primary care physicians to have the same doctor to population ratio as the Nation as a whole.

This harsh Republican plan will mean tougher times for families and especially for senior citizens.

Mr. Speaker, the people really do want change.

But, they do not want change that takes us back 30 years, when more than one out of every two senior citizens had no health care at all.

They do not want change that forces our seniors to choose between heat and health, that is no real choice. They want change that takes America forward. They want change that is better, not cheaper. The people want a real revolution. The conferees should keep that in mind.

If not, the President should veto the bill.

THE BALANCED BUDGET DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, we hear a lot about numbers and figures and procedure and how things move through the House and the Senate and get ultimately signed into law or not signed into law; but I think it is important in this debate over a balanced budget that we not lose sight of our real objectives. The question before the American people, and the American people are going to have to answer this question: Do you want more taxes and a larger government or do you want a smaller government and less taxes?

It is hard for politicians to cut spending, whether those politicians are in the White House or in this Chamber or over in the Senate. Members of Congress and the White House have decided that if they do more things for people,

if they spend more money on more programs, if they take some pork-barrel projects, the propensity to get reelected is greater.

□ 1945

And so that is the tradition that this body has been operating under for the last 40-plus years. In the process of not increasing taxes, we have developed a huge debt for this country, not only the existing debt of $4.9 trillion that is overwhelming, but we have done more than that. We have now made so many promises that the unfunded liability for Medicare, for example, is another $5 trillion. The unfunded liability or actuary debt for social security is another $3.2 trillion. The promises we have made and not funded for civil service retirees is another half a trillion dollars.

Now recently we have promised every private pension fund that the Federal Government will stand behind that pension fund and make it solvent.

Our goal of what we have called the debt limit coalition, 160 members that have sent a letter to the President, we have also written the Speaker, NEWT GINGRICH; we have written BOB DOLE; we say we think balancing the budget by 2002 or sooner is so important that we are not going to vote to increase the debt ceiling. I mean, that is to give us, some of ourselves, the intestinal fortitude. It is to put pressure on the White House to come to this conclusion.

The Federal Government last year borrowed approximately 41 percent of all of the money loaned out in the United States. Can you imagine what would happen to interest rates if the extra demand of Federal Government borrowing was not there? Can you imagine what the additional funds in the economy for people that want to buy a car or build a home or go to college or, more importantly, expand their business? Can you imagine what a great stimulus that would be?

Alan Greenspan, the chairman of the Federal Reserve, suggested that if we have got the wherewithal to end up balancing this budget, we have got such a strong underlying economy in the United States we would see jobs and the economy take off like has never happened before.

That is why this body has got to stick to its guns and insist in the reconciliation bill and in these appropriation bills that we end up on the glide path to a balance budget.

Jim Glassman in today's Washington Post said that default just is not a great fear, many Wall Streeters say, and he quotes Mickey Levy who says the market recognizes any default would have nothing to do with economic soundness and everything to do with political game-playing. He says that the meeting that we have arranged tomorrow with Mr. Druckenmiller and Mr. Langone, who will be speaking at 10 a.m. to a joint meeting of the House and Senate, be available to the press at 11:00, be available at Heritage for a public forum at 12 o'clock and another press luncheon at 1 o'clock, are going to be saying that, look, what is important is the goal that we stick to our guns, that we ultimately have a balanced budget.

I would like everybody listening and my colleagues in the House and the Senate to attend that 10 a.m. meeting tomorrow morning. It is important for our future. We are concerned with the numbers. We are concerned with achieving what is good for America, our kids, and our grandkids, and it is not leaving them a debt and a mortgage. It is ending up with a balanced budget and a strong economy.

Mr. Speaker, I am including at this point in the RECORD at statement by Jim Glassman and also a scenario that I have written on the current debt ceiling.

The material referred to is as follows:

[From the Washington Post, Oct. 31, 1995]

WHAT TRAIN WRECK?

(By James K. Glassman)

When President Clinton sat down with advisers to plot a budget in 1993, they told him he had to convince the bond market he was serious about cutting the deficit. Then, perhaps, interest rates would fall, and the economy would prosper.

Bob Woodward relates the scene in his book "The Agenda":

"Clinton's face turned red with anger and disbelief. 'You mean to tell me that the success of the program and my reelection hinges on . . . a bunch of f-ing bond traders?' . . ."

"Nods from his end of the table. Not a dissent."

Having learned this lesson once; Clinton is applying it again. He seems to be hoping that the bond market, spooked by the prospect that a "train wreck" will cause the Treasury to default, will pressure Republicans into a budget compromise.

This time, however, the bond-market strategy is not working. Instead of panicking, Wall Street actually appears encouraged that Republicans are so serious about a balanced budget that they'll risk being blamed for the financial dislocations a train wreck could cause.

Here's what's happening. Leaders of Congress are using a time-honored weapon—the debt ceiling—to force Clinton to accept the budget they passed last week. If Clinton does not relent, then Congress won't raise the limit on the amount of debt the Treasury can issue, now set at $4.9 trillion.

The White House response has been to brand Republicans as extremists: In order to achieve their Medicare and tax cuts, these loonies would even force the United States to break promises to bondholders, both here and abroad. For example, without the ability to issue new bonds (and thus raise cash), the Treasury might have to postpone interest due on Nov. 15 on some outstanding bonds.

In the language of finance, this delay is called a default—and, in normal circumstances, it's a very big deal.

"You are talking about defaulting on the full faith and credit of the United States for the first time in the history of our country," said Treasury Secretary Robert Rubin a few weeks ago in a theme he's repeated almost daily.

Rubin's line fits into a broader White House strategy. "The idea," says Rep. Christopher Cox (R-Calif.), "is to make the Republicans look scary and them look safe."

But there may be more to it. The administration appears to be hoping that the prospect of a default will frighten Wall Street and drive down bond prices (which means driving up interest rates). Under this scenario, the Republicans, pushed by their financier pals, will capitulate and soften their budget demands.

But that hasn't happened. Instead of falling, bond prices have risen—as interest rates have dropped. The rate on the 30-year Treasury bond has fallen from 6.6 percent in late September, when Speaker Newt Gingrich made it clear that he would use the debt ceiling to accomplish his budget aims, to 6.3 percent—the lowest level since January 1994.

Default just isn't a great fear, many Wall Streeters say. The market recognizes that any default would have nothing to do with economic soundness and everything to do with political game-playing," Mickey Levy, the chief economist for NationsBank Capital markets, told me.

The market likes the GOP budget, and it likes the economy's current fundamentals—reasonable growth, low inflation. So rates are dropping. "I've talked to traders," said Levy. "They say, 'Oh God, if rates go back up at all [because of default fears], it just gives us an opportunity to buy.' "

Stanley Druckenmiller, who runs the day-to-day operations of George Soros's massive hedge funds, emphasized that. "The market deals in reality and not technicalities." Even if the Treasury technically delays some interest payments, the reality is that the "sovereign risk" involved in buying U.S. bonds will not increase. On the contrary.

Druckenmiller became concerned last month at a dinner with Sen. Pete Domenici (R-N.M.) that many members of Congress were under the impression that Wall Street feared a default. Since them, he and Kenneth Langone, who chairs Invemed Inc., a New York investment bank, and founded the Home Depot have been trying to set the record straight.

On Sept. 26, they bought an ad in The Washington Post that said: "Let's not allow fears of temporary 'market instability' to serve as an excuse for equivocating on spending cuts and entitlement reform . . . . If the so-called train wreck occurs, the markets will focus, on the eventual outcome. If the markets believe the chaos will finally lead to decisive action, they will rise."

The Congressional Budget Office, in an August report, took the opposite position. "Even a temporary default—that is, a few days delay in the government's ability to meet its obligations—could have serious repercussions in the financial markets," including "a permanent increase in federal borrowing costs."

Even conservative consultant Jude Wanniski warned that Republicans risked "political disaster" by not raising the debt ceiling and that "financial markets . . . would take a severe beating" as default loomed.

But Druckenmiller, who regularly bets billions on the direction of interest rates, scoffs at this notion. He points out that the costs of a train wreck are minor compared with the benefits of a balanced budget. For one thing, the Treasury won't have to keep borrowing. By the simple mechanics of supply and demand, bonds will become scarcer and more valuable. Rates will fall.

At the invitation of Rep. Nick Smith (R-Mich.), Druckenmiller and Langone will be speaking tomorrow to a joint meeting of the House Republican Policy Committee and the Senate Steering Committee—along with Edward Hyman of ISI, who may be the smartest economist on Wall Street, and James Capra of Capra Asset Management, a talented bond trader who formerly worked for the New York Fed.

The message they'll send is expected to be this: Don't waver on your budget goals, and don't worry about the bond market. Adopt sound policies, and interest rates will fall. So far, anyway, that's exactly what they've done.

PANELISTS

Mr. Edward S. Hyman is Chairman of ISI Groups, Inc. For each of the past 16 years, Mr. Hyman has been rated the #1 economist on Wall Street by the Institutional Investor poll of investors. In addition, he oversees the management of almost $1 billion in bond funds. Mr. Hyman is a regular guest on "Wall Street Week with Louis Rukeyser" and is widely quoted in the domestic and foreign press. ISI's broker dealer clients are institutional investors in the United States and abroad.

Mr. Stanley F. Druckenmiller is Managing Director of Soros Fund Management, a private New York-based investment management firm that serves as principal investment advisor to the Quantum Group of Funds. The Quantum Fund N.V., the oldest and largest fund within the Quantum Group, is generally recognized as having the best performance record of any investment fund in the world in its 26-year history. Mr. Druckenmiller also is chairman and founder of Duquesne Capital Management, an investment advisory firm in Pittsburgh, PA. Overseeing a combined $12 billion in assets at both Soros Fund Management and Duquesne, he serves as chief investment strategist and lead portfolio manager. As such, he is directly responsible for the funds' global currency, fixed income, and stock market position.

Mr. James R. Capra is the sole shareholder of Capra Asset Management, directing the firm's trading activities. Between January 1991 and January 1995, Mr. Capra was a principal at Moore Capital Management where he directed trading strategies in government securities. Until 1991, Mr. Capra served as Senior Vice President and proprietary trader on the government securities desk at Lehman Brothers. In addition to being one of Lehman Brothers' most profitable traders, Mr. Capra also served as chief strategist for the fixed income group. Between 1980 and 1983, he was an officer at the Federal Reserve Bank of New York, where he served as Director of Domestic Economic Research. Between 1974 and 1980, Mr. Capra was the Chief of Budget Projections at the Congressional Budget Office where he coordinated the preparation of budget estimates for annual congressional budget resolutions. His budget projections unit was in charge of CBO calculations of interest on the public debt and the status of the debt relative to the debt limit.

Mr. Kenneth G. Langone is Chairman and Managing Director of Invemed Associates, Inc., a New York investment bank. Mr. Langone is the founder of The Home Depot, Inc., of Atlanta, and he currently serves on the Home Depot Board and Executive Committee. He is Chairman and Chief Executive Officer of Salem Nationalease Corp., of Winston-Salem, NC. Mr. Langone also serves on the boards of Unifi, Inc., of Greensboro, NC; St. Jude Medical, Inc. of St. Paul, MN; Baby Superstore, Inc. of Greenville, SC; and GMIS, Inc. of Malvern, PA.

DEBT CEILING UPDATE

(By Congressman Nick Smith)

The debt ceiling is now close to becoming binding on the Department of Treasury. The latest indication from Treasury is that they will be able to get by the Social Security payments due the first week in November. However, Treasury is arguing that they will not be able to proceed with the regularly scheduled auctions for the week of November 6 without an increase in the debt ceiling. These actions raise cash which allows for settlement of the interest payments due November 15. It is the November 15 interest payment of approximately $25 billion that Treasury will have difficulty making without a debt ceiling increase.

Our best estimates from the private sector indicate that without disinvestment of trust funds or other extraordinary measures Treasury will face a $15 billion to $30 billion problem on November 15. Thus, it is possible that failure to increase the debt ceiling will force extraordinary measures on the Department.

OPTIONS

There are at least three options that we have come across in our discussions with Wall Street analysts. As might be expected, each option has its negatives and its positives. While not advocating any particular option at this time, we thought it would be useful to share what our research has yielded.

1. Temporary Increase in Debt Limit: The first option is to provide for a short term increase in the debt ceiling. This might be justified if Treasury can demonstrate to the Congress that it will be faced with extraordinary measures prior to Congress' passage of the reconciliation bill. In providing for a temporary increase we must be careful not to lose leverage for passage of reconciliation. Some investment analysts have indicated that if Treasury can get by the November 15 layout, it is possible for them to get to the end of February without another increase in the debt ceiling. This would require getting by a low point in the cash balance in early December, but January is a positive cash flow month, and some delay of income tax refunds might provide the opportunity to extend their cash position for several weeks.

Thus, some analysts have suggested a temporary increase in the debt limit which would return to the $4.9 trillion at a date certain. They note that as Treasury settlements of at least $25 billion occur each Thursday, it is important which day of the week is chosen for the end of the debt limit extension. They recommended a Friday, as this gives time to reach agreement on a reconciliation bill.

2. Specified Authority to Disinvest Civil Service Retirement Fund: An alternative would be to provide specific statutory authority to allow for a limited disinvestment of the Civil Service Retirement and Disability Trust Fund. This fund has more than $330 billion available. Under 5 U.S.C. §8348, the Secretary of the Treasury may suspend investment and redeem the assets of the fund "before maturity in order to prevent the public debt of the United States from exceeding the debt limit." When the debt ceiling is finally increased, it can be increased sufficiently to restore the Trust Fund with interest. This has been the procedure in the past.

Doing this would allow the debt ceiling to remain at $4.9 trillion. The disadvantage is that there might be a conflict with those who felt that this would set a precedent allowing Treasury to tap into trust funds for amounts which make the debt ceiling irrelevant. However, our preliminary research indicates that Treasury can already tap into this fund. We could limit the amount by which disinvestment may occur and accomplish the purpose of retaining leverage for the reconciliation. We will be investigating this option further.

3. Allowing Treasury to Securitize Assets, such as the Federal Financing Bank, and Allow Civil Service Retirement Fund to Invest in the Assets: Treasury holds assets, such as the Federal Financing Bank. These assets are capable of being securitized. If the Civil Service Retirement Funds were allowed to replace, say $30 billion of its Treasury debt with these assets, then the Treasury could go into the markets and raise cash. We are just beginning to explore this option.

LOSS OF LEVERAGE

It is important to examine whether Treasury can manage the cash after November 15 with no need for an increase in the debt limit for several weeks. If this were the case, then a veto of the reconciliation bill could serve the President until several months into the current fiscal year and jeopardize the seven year balanced budget. There are two December problems. One is an early December interest payment which would require cash. The second is a late December coupon settlement with Social Security that, under normal conditions, would increase the debt by required issuance of Government Account Securities. We are currently trying to obtain reliable cash flow estimates for December and January. Of course, requiring the debt limit to return to $4.9 trillion on a day certain under the first option, and similarly limiting the length of time under the second and third options would protect against this scenario.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore [Mr. FOX of Pennsylvania]. Under a previous order of the House, the gentleman from Minnesota [Mr. MINGE] is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, October is breast cancer awareness month. I wish to briefly address this Chamber on that important subject, since it has taken on an imminency for myself and my family in recent months.

Seven and one-half months ago my wife learned that she had breast cancer. This has had a dramatic effect on us. Yet it is altogether too common, and I wish to emphasize some important points.

First, hope. I think that altogether too many Americans feel that cancer is a death sentence. Indeed, that is not the case, especially with breast cancer. If early detection occurs, the long-term survival rate is high. In fact, it is dramatically high, and it indicates that, indeed, treatment is available. Treatment is within the reach of all Americans. The important thing is to actually learn whether or not you have a malignancy.

This brings me to the second point I would like to emphasize, and that is that one must face the situation realistically. Women and, yes, even men, must be aware that they can contract breast cancer and that they should have mammograms. Women should have mammograms, and they should otherwise check to determine whether or not there are lumps or thickenings that indicate the possibility of a malignancy and have checkups. See a physician. Certainly that is something that is widely publicized in this country but, on the other hand, it is altogether too easy to ignore the advice. If the advice is taken and early detection occurs, then hope is a realistic opportunity.

The third point I wish to emphasize is care in our life-styles. Certainly there are indicators of the risk of breast cancer, a history in the family, other considerations. But still a significant majority of the breast cancer cases cannot be predicted based on these indicators, the family history and other considerations. It appears that it is important for us all to lead responsible lives and to avoid habits which increase our risk of cancer and other health problems.

At this point I think that it is safe to say the Federal Government has become a very active participant in assisting women in determining whether or not they have a malignancy and encouraging mammograms and providing assistance for mammograms and establishing standards for mammography. The Federal Government has been very active in helping give hope, that is, developing treatment programs, sponsoring research on what treatment is effective, and I know that we will continue to be very active and aggressive at the Federal level in the research and encouraging treatment.

But that does not mean that the Federal Government can do everything. We certainly have learned over the last several years that that is not a realistic expectation, and I do not think any American has that expectation. We must assume personal responsibility, personal responsibility for healthy lifestyles, personal responsibility for regular checkups, and personal responsibility for following through on recommended treatment regimens.

In closing, I wish to reemphasize the point that problems do not go away if they are simply ignored, but instead we must be vigilant, and whether it is budget discussions such as have occurred here on the floor earlier this evening and I am sure will continue, or matters concerning health care, we must continue to take responsibility for our lives, to encourage our family and our friends to take responsibility for their lives and, finally, to be supportive of individuals who find themselves in this tragic and unfortunate situation.

TRIBUTE TO THE HONORABLE ROBERT K. DORNAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. SAM JOHNSON, is recognized for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I will enter into a colloquy with the gentleman from California [Mr. HUNTER].

I want to talk about a friend of mine, BOB DORNAN from California, and the reason I want to talk about him is because he was a great fighter pilot. At one time, he flew F-100's out there, and you know, I always said fighter pilots do it better than anybody. And BOB came up here and proved it, and in fact, the gentleman from California, Mr. HUNTER, and I and the gentleman from California, Mr. CUNNINGHAM, and DORNAN consider that name that he stuck on us as Tiger Flight as a real honor to be a part of a group like that.

Let me just tell you what he did, because we are talking about Bosnia now and the possibility of sending troops in. Every time you turn around, DORNAN is in there at the hot spot trying to find out what really went on, and let me just refresh your memory about Somalia, which was a disaster for the United States.

He flew in there in a chopper over the site where our chopper was shot down and those troops were killed, and found out that they could have very easily gotten those guys out, very easily blocked the troops, brought pictures back which I saw, and with two or three tanks they could have locked them up and rescued our forces. They did not do that.

Do you know why? Because they were under U.N. control, and the U.N. faulted in their chain of command, which we face here in Bosnia, the same sort of thing, even though it is NATO. There were Italian tanks there, but they were unable to do the coordination to get them there in time.

BOB DORNAN brought the evidence back. Guess what, we pulled out of Somalia with those losses and just wrote those guys off. I do not think that we want to write off any more Americans anywhere in this world.

It was kind of a quagmire over there, and BOB went over there, "Bullet Bob" as they called him, because he is fast on the trigger and he shoots at liberals without an instant's hesitation.

I yield to the gentleman form California [Mr. HUNTER].

Mr. HUNTER. I thank my friend for yielding.

You know, I am reminded, in Somalia, because BOB DORNAN is a guy who really dedicates himself to this Chamber and to his obligation as a U.S. Congressman, and while the rest of us were doing a few things on Somalia, we were getting the briefings, we were participating in the few areas where Members of Congress were given some leave by the administration to register our feelings, but BOB DORNAN went to Somalia.

Going there and back, I think is about a 40-hour plane ride which none of us would look forward to, and in the end, BOB DORNAN contacted every family of a uniformed service member who was killed in Somalia, and he talked to them, and he let them know how much they were appreciated, and their loved ones were appreciated. He did a total analysis of the situation and reported back to those of us on the Committee on Armed Services, in fact, to the whole Congress in great detail.

Mr. SAM JOHNSON of Texas. Did he not go see some of them?

Mr. HUNTER. Absolutely. He went to see a number of the family members of people who had died and members of people who had been wounded, members of the uniformed services who had been wounded. I can remember members of the families sitting, coming, driving or flying from their homes around the United States to be here in this Chamber and meet BOB and listen to his description of what happened.

So BOB was a great ambassador, not just for the uniformed service members themselves but for their families. I think that is representative of everything he has done. He has been, as you said, to every single military hot spot around the world. He goes there when it is hot.

He went to Vietnam literally dozens of times, and a person who really cares about the security of this Nation. You know, he is the only Member of this body who is running for President, and I think he is a great candidate. And he is a guy who, it is kind of interesting that BOB DORNAN is probably the most unpolitical for a guy who has been in Congress for 20 years or more, the most unpolitical Member of this body, because he rarely does things that make sense purely from a political standpoint, from an analytical, how will this advance my career, how will this help me, how will this position assist me from my standpoint.

I can remember when I was a freshman in this House, and we were competing for the Armed Services seat that came up in California with the retirement of one of our senior Members, and all of those who were competing for that seat, myself included, would get up and make a speech. Then we would have, at the end of the speeches, we would have a vote by the members of the California delegation as to who got that seat, and BOB DORNAN got up and started to speak for himself as all the rest of us had. We all were self-promoters except BOB. Halfway through the speech, he stopped and said, "You know, we really should give this seat to DUNCAN HUNTER, a Vietnam veteran from San Diego." He gave about 5 reasons why we should vote for me. He said. "I am voting for DUNCAN," and sat down. I won the seat as a result of that.

I think Members of the body looked at BOB and said, "Why would you do that? That was the most unpolitical thing you could do. You had a good chance of winning it yourself."

But a few years later, here is BOB DORNAN back not only as a member of that committee, the Committee on National Security, but also the chairman of the Personnel Subcommittee where he has done a lot this year to make lives better for our military families, and he is also the chairman of a very important subcommittee in the Intelligence Committee, which is the Technical and Tactical Intelligence Subcommittee.

□ 2000

As the gentleman mentioned, BOB DORNAN has a lot of smarts with respect especially to national security. I thank the gentleman for yielding.

FURTHER TRIBUTE TO ROBERT K. DORNAN

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I will be happy to yield to the gentleman from Texas, SAM JOHNSON, the famous fighter pilot.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman from California for yielding to me.

They call the gentleman from California [Mr. DORNAN] B-2 Bob. I think that he has been an armed services advocate for this Nation and has kept our forces strong, especially the Air Force's. I think that this is one case where we are not supposed to be going to Bosnia, and I would like to get on that subject again, if I can, for just a second, because that is a place where the President has offered 25,000 of our troops as a bargaining chip before there is ever any agreement, before the United States has ever been involved.

Mr. Speaker, it has been pointed out earlier that NATO, as an organization for protection of NATO nations, which we are a part of, but I do not believe Bosnia is a NATO nation. I think that is right, is it not, Mr. HUNTER?

Mr. HUNTER. Mr. Speaker, I thank the gentleman for asking, and no, it is not a member of NATO.

Mr. SAM JOHNSON of Texas. Therefore, why are we there? I have asked the question, is this Nation really taking a good look at itself. Who are we, why are we there? Whose side are we on, and what are we going to do once we get there without a plan to get out. I think this President ought to start listening to this Congress and to the American people, and I know BOB DORNAN feels the same way.

Mr. HUNTER. Well, I thank the gentleman. BOB DORNAN is my candidate. I am endorsing my great seatmate and buddy just north of the San Diego County line, BOB DORNAN. His motto is faith, family, and freedom. The gentleman from California [Mr. DORNAN] has run under that banner for a long time.

We just saw his effect as a conscience, one of the House consciences along with HENRY HYDE and CHRIS SMITH of the pro-life value and ethic in this Congress, how he has been such a leader there. He has a great family, and that faith, family, and freedom is something that always resonates, at least when I see BOB, because I think of his great family.

Sally, I call her Sally Kay Dornan, it is really Sally Hansen Dornan, is a wonderful person. I know her very well, and she helps to preside over their five children, Robin Marie Griffin, Robert Kenneth, II, Teresa Anne Cobin, Mark Douglas and Kathleen Regina Penn, and they have eight grandchildren and I am going to name them, since we have them right here. Richard K. Cobin, Terry Cobin, Kevin Gary Griffin, Collin Robert Griffin, Anna Victoria Cobin, Erin Marie Griffin, Haley Olivia Dornan. Of course, BOB DORNAN's uncle was the "Tin Man", Jack Haley, in the "Wizard of Oz," so that is where Haley comes from, and of course rounding off with Robert K. Dornan, III.

Let me tell you, if you go to BOB DORNAN's house, you do not see any of what the national news media complains about as being a mean demeanor or tough or ill-willed, all of the tough stands that he takes when he sees real liberalism on the horizon. You see a grandfather who lives for those kids. You drive up to that big ex-hockey player's house out there in McLean and you will see BOB DORNAN coming down, if it is in the wintertime, a bobsled run that would challenge what we have in the winter Olympics, and he may have a camera mounted on the front of his helmet and have four or five grandkids cuddled in his arms, or he may be throwing water balloons at them out of the top story of that house. BOB DORNAN lives for his family.

He has a great family. I can remember once watching the Larry King Show, a detractor sitting there and talking about taking on BOB DORNAN in a race, and the phone rang and Larry King took it and it was Mark from California. That was Mark Dornan, his son. When Mark Dornan finished with that particular guest, it was clear who had won. That is how close that Dornan family is.

So faith, family, freedom. BOB DORNAN has a lot to offer this country, and I think he has injected a lot of value, a lot of ethics and a lot of real conservative spirit into this presidential race. I would be happy to yield, having talked so long, to the great fighter pilot, the gentleman from Texas Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. I just want to thank the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, we had a great time in Texas, incidentally, talking to all of the defense industry in this last year with myself and the gentleman from Texas, Mr. SAM JOHNSON, and we had BOB DORNAN there that time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, if the gentleman would yield, he was there, yes.

Mr. HUNTER. Mr. Speaker, DUKE CUNNINGHAM also, and a lot of the ideas that we had for preserving the defense industrial base of this country, we have started to carry out in this Republican-led Congress, and you have been a big part of that.

Mr. SAM JOHNSON of Texas. Mr. Speaker, it has been a revolution for the military.

Mr. HUNTER. So I thank the gentleman from Texas so much, and God bless ROBERT DORNAN. I hope you are out there campaigning hard today, BOB.

OUT-OF-CONTROL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, this House has performed some groundbreaking work by ranging in on the Nation's out-of-control budget. Before we passed a reconciliation bill last week, Americans had been weighed down by the annual deficits that exceeded $200 billion a year. Their children were saddled with a national debt of almost $5 trillion. On its way to that historical reconciliation bill which balances the Federal budget in less than 7 years, Members of this House made some difficult decisions to lift that weight from Americans' shoulders and to free future generations of a lifetime of government servitude.

However, Mr. Speaker, the House's work is not finished. There is one more tough decision left on the table, the decision to lift and end subsidies for special interests. This welfare program is actually a Federal grant system. Under this system, Federal agencies award money to private organizations to perform various services. Unfortunately, these services and the agencies that are paid to perform them, are not always the wisest use of taxpayers' dollars. Expense amounts, and this expense, and this is important, this expense amounts to $40 billion a year.

Fortunately, just as Americans called on Congress to balance the Federal budget, so they have called on Congress to end this unofficial entitlement for special interests. The interests I speak of are those who represent advocacy groups that, because they are

classified by the Internal Revenue Service as tax exempt, see themselves as charities. But some of these organizations do not practice charity. Charity is generosity, helpfulness, relief given to needy or suffering people.

What some of these advocacy groups practice, however, is really greed and influence. These organizations do not extend a helping hand to the poor and the needy, they extend their open hand, palm up, to the taxpayers for a handout. Many times, this money goes directly into the organization's coffers to hire more lobbyists who, in turn, ask Congress and Federal agencies for even more money and more legislation and regulations sympathetic to their organization's political agenda.

Americans cannot afford to have special interest charities double-dipping from the public trough, using the net gain from this tax-exempt status to pay lobbyists to hit Congress up for additional money and power. Americans are no longer interested in funding this profane grant system.

A national study performed just last month showed that a strong majority of Americans do not believe that special interest groups who receive funding from the Federal Government should be using these funds, either directly or indirectly, to lobby the Federal Government. By a margin of 70 to 26 percent, Americans agree that tax dollars should not be used to fund political activities. Of course, many of these nonprofit advocates claim that they are not using Federal money to lobby Congress. They maintain that there is a law against such a practice, and that they follow this law. But there is no way to verify this, because no group is required to open their books to Federal inspection.

What is wrong here, and what is wrong with this picture? If an organization is going to use a taxpayer dollar, especially at a time when the dollar is spread so thin, then the organization should account for every penny and prove that the money is being spent appropriately and as it was supposed to be spent.

Mr. Speaker, there is legislation pending in this House that would bring integrity to the Federal grant system and end this unofficial entitlement for lobbyists. Members will soon have an opportunity to vote on the Istook amendment to the Treasury-Postal conference report. If passed, any portion that receives more than one-third of its revenue in Federal funds, could spend no more than $100,000 on advocacy activities. Any nonprofit group with able activities of 300 million or more that engages in political activities will be prohibited from receiving Federal grants.

Mr. KINGSTON. Will the gentleman yield?

Mr. GUTKNECHT. Yes, I do.

Mr. KINGSTON. Mr. Speaker, I wanted to mention to the gentleman from Minnesota that in the Treasury-Post Office conference committee I offered an amendment to the Istook-McIntosh bill that said groups and organizations that spend less than $25,000 a year on lobbying efforts and government outreach and contact would be exempted. That actually exempts 96 percent of these groups that we do need to have input from homeless shelters, museums, art galleries, symphonies and so forth, and that amendment takes away so much of the argument against the Istook bill that people have been giving us, where we need input, and we said okay, we have an amendment that took care of that.

You know, I agree with the gentleman that the big, big money involved in this has been abused by people who say well, we are not lobbying. If they are not, why not support the bill?

Mr. GUTKNECHT. I was just going to get to that, that the amendment that you offered would exempt 96 percent of those groups. What we are really talking about is a handful of people that have abused this system. But frankly, the abuse could amount to $200 million a year. It is time for it to stop. We cannot afford a subsidy for special interests. I think most people agree that it is wrong, and we will have an opportunity in the next several weeks to end subsidies for special interests.

Mr. Speaker, I see my time has expired. I yield back the balance of my time.

BUDGET RECONCILIATION IMPORTANT FOR OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, happy Halloween. What I wanted to talk about tonight, and I am joined by the gentleman from Minnesota [Mr. GUTKNECHT] and some others perhaps later, this reconciliation process, this huge budget, this huge bill that we have been hearing so much about in the House and why it is so important. It is a massive bill, it is an important bill. It is right that all eyes of the Nation should be watching this particular piece of legislation. It is the bill that calls for a billion dollar budget, calls for Medicare reform, reforms that say protect and preserve Medicare. It changes the way we do our Medicaid allocation.

It has welfare reform in it, it has medical savings accounts and a tax cut for the hardworking middle class America. It is a very important bill, and it is one that we all have a horse in the race on, and so I wanted to talk about that a little bit tonight.

Let me yield the floor to Mr. GUTKNECHT. He has been a valuable part of this as a freshman Member of this House. He knows that it was the freshman class who put the majority agenda forward, starting with the Contract With America, 10 items, 9 of which have passed the House, and then went to work on the 13 appropriations bills, even after the other body voted to end the balanced budget amendment, working on the 13 appropriations bills, saying that it is clear that the American people want a balanced budget.

That is what your freshman class ran on and that is what you followed through on, was a balanced budget. So let me yield the floor to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I said to the people of my district that it was a very historic day when we passed that reconciliation bill. It really is what an awful lot of us came here to do. This is what we promised we were going to do when we ran for election, and I am so delighted that we finally got the opportunity to keep that promise. My sense is that if the President hears from the American people, once they understand what really is in this bill and how the bill was put together and they begin to tell the President and the administration how they feel about it, my sense is that the President will reconsider, and he will actually sign this bill or one that looks almost like it.

If I could say to the gentleman from Georgia, I want to just talk a little bit about what we are really doing, because we have heard so much demagoguery and so much rhetoric about these draconian cuts and how this is going to hurt this group or that group. But the truth of the matter is, what we have taken is a fairly simple approach to how we are going to balance this budget. It breaks down into, in my opinion, three categories. First of all, with defense spending, we have adopted essentially a flexible freeze on defense spending.

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On domestic discretionary spending we have made targeted cuts. We have eliminated 300 programs, which I think most people would agree were not very effective anyway.

Mr. KINGSTON. Mr. Speaker, let me interject quickly. Many of these cuts are real cuts. Others are just slowing down of the increase and still others are consolidating programs.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield, he is absolutely correct.

Then on the entitlement side, and this is where there is so much fear mongering going on out there with the senior citizens and other groups, for the most part whether we are talking about school lunches or talking about Medicare or the other entitlements, what we are really talking about is

slowing the growth rate to approximately the inflation rate.

The good news is if we do that, if we make targeted cuts in domestic discretionary spending, put a flexible freeze on defense and allow the entitlements to grow, but at a slower rate than they have in the past, the good news is we get to a balanced budget, under the plan that we have, scored by the CBO, in 7 years. My own sense is it is going to be about 5½ years, because we will see economic growth at a higher rate than is currently expected and we will see interest rates at a much lower rate than is currently expected.

The net of that is we will get to a balanced budget in about 5½ years, not 7 years. But the even better news, for those of us with children, is that we will have an opportunity, if we can stick to that discipline, which I do not think is a bitter pill to swallow. It is not tough medicine we are talking about. But if we can stick to the basic budget plan, not only will we balance the budget in 5½ years, the great news is if we stay on that path we will pay off the national debt in about 25 years.

Mr. KINGSTON. Mr. Speaker, I want to go back to a conversation that the gentleman from Minnesota and I had earlier today, and that is the basic premise of this whole bill, which is balancing the budget, and why should we balance the budget?

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would yield once more, the interesting thing is some people have turned this into an arithmetic exercise. It is not about arithmetic. It is not about a lot of the things that we are reading about. It really is about preserving the American dream for our children.

President Kennedy said we all cherish our children's future. We all want our kids to have a little better life than we had. But if we stay on the path we are on now at the Federal level, if the Federal Government continues to mortgage our children's future, what we do is we guarantee that our kids will have a standard of living that will be less than ours.

As a matter of fact, we promised them, or we are promising them under the current circumstances, if we do not make changes, that they will face sure bankruptcy for the Federal Government and our economy.

Mr. KINGSTON. Mr. Speaker, I would ask the gentleman, is it not true that if a baby is born this year, in fact, I have one, little Walker Watson, who is my nephew, he was born in April. Now, I understand his share of the national debt, should he live 75 years, which I am hopeful that he will and beyond that, he will owe $187,000 on the national debt in his lifetime, just interest. Just interest. Not paying down the principal but just interest.

And we also know that the interest on the national debt is almost $20 billion a month. Does the gentleman happen to know offhand what the budget of Minnesota is? The annual budget.

Mr. GUTKNECHT. Mr. Speaker, the annual budget for the State of Minnesota is about $10 billion.

Mr. KINGSTON. Mr. Speaker, the same for Georgia, it is about 10, a little over $10 billion a year. So each month we spend on interest, the budget of Minnesota plus the——

Mr. GUTKNECHT. Mr. Speaker, I would tell the gentleman that is the total budget.

Mr. KINGSTON. The total budget of Minnesota, plus the total budget of Georgia, we spend their annual budgets, combined together, just on interest on the debt. All that money that could be going to health care, that could be going to Medicare, that could be going to education, or, best of all, back to the taxpayers. But it is going straight to the creditors.

Mr. GUTKNECHT. Mr. Speaker, the interesting thing, and I use this example sometimes in my district, because my district borders the Mississippi River. We are just a little west of the Mississippi River. I tell people this, and this gets their attention. I say if they forget everything else that I say they should remember this. Every dollar in personal income taxes collected west of the Mississippi River now goes to pay the interest on the national debt.

That is an amazing statistic. And when the gentleman used the other one, the one he just mentioned, $187,000 in interest for every baby born in America today, that is disgraceful, and I think we all know it is morally wrong.

Mr. KINGSTON. So, Mr. Speaker, if we are building the case, then, we need to balance the budget, the gentleman mentioned a minute ago about the interest. Alan Greenspan, before I think a Senate committee and I believe a House committee as well, said that if we balanced the budget, because the Federal Government would not have to borrow as much, then, as a big fish in the lending marketplace, it would ease up the drive to increase interest rates to the private sector and the interest rates would actually fall 1 to 2 percent.

If that is the case, then the American taxpayers, who are paying monthly car installments, mortgages each month on their home, credit card, or whatever else they are borrowing on, their interest rates will in turn go down, will they not?

Mr. GUTKNECHT. Oh, absolutely. The interesting thing is, when we look at the benefits long term of a balanced budget, and they accrue to everybody. It is not going to benefit just the rich or benefit just the old or the young. I think some of the biggest beneficiary factors, and we have heard a lot of complaints about what will happen to student loans.

The truth of the matter is, the changes we have made in student loans, if someone borrows the maximum, work out to about $7 a month. But let us talk about that college student. They are better able to find a job because the economy will be stronger according to all the leading economists we have heard from. But if they borrow money to buy a car, a $15,000 car loan, annually, the difference in interest rates because we have a balanced budget, will work out to about $180.

That is good, but what gets great is the difference on a $100,000 mortgage. If that college student goes out and gets a $100,000 mortgage, and if interest rates drop by 2 percentage points, that will save that college student $2,162 a year. On a 30-year mortgage we are talking lots and lots of money.

So, Mr. Speaker, for what we are doing with college loans and some of the other targeted cuts we are making in this budget, it seems to me that long term those benefits to those college students are going to be absolutely astronomical. The people who should be leading the debate or leading the fight for this budget ought to be young people. They should be saying, "this is the kind of thing we need to save our future."

Mr. KINGSTON. Mr. Speaker, I agree with the gentleman.

Mr. GUTKNECHT. Mr. Speaker, we are delighted to be joined by some of our colleagues.

Mr. KINGSTON. Mr. Speaker, I see we have the distinguished president and chairman of the "theme team," the gentleman from Ohio [Mr. HOKE], and the distinguished freshman gentleman from South Carolina [Mr. GRAHAM] and then we have the guy from Arizona that shows up regardless.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would yield, I really appreciate the fact that he treats me with such respect when we come to these things.

Mr. KINGSTON. Mr. Speaker, I do not remember anyone yielding.

Mr. HOKE. Mr. Speaker, I wonder if the gentleman from Minnesota might yield for a moment.

Mr. GUTKNECHT. Actually, the gentleman from Georgia [Mr. KINGSTON] controls the time.

Mr. KINGSTON. Mr. Speaker, I will yield.

Mr. HOKE. Mr. Speaker, I wanted to ask the gentleman. Actually, I thought I heard the gentleman say that there were going to be cuts in spending on education. Is that what the gentleman said?

Mr. GUTKNECHT. No, what I said is we are going to change the way student loans are administered, and the absolute maximum that it will cost the average college student is $7 a month.

Mr. HOKE. That is the amount more. I think it is really important. We keep hearing this language over and over and over again about cuts. The amount of money that we are spending on the

student loan programs and education goes from $24 billion in fiscal year 1995 to $36 billion in fiscal year 2002, which everywhere in the world, except within the Federal City, is clearly an increase of $12 billion. $12 billion out of $24 billion is a 50 percent increase. We are increasing spending on college loans 50 percent over the next 7 years.

Mr. KINGSTON. And, Mr. Speaker, we are spending more on Pell grants that we ever have and keeping historically black colleges at a level amount. Those are not being cut.

We have also level funded the TRIO program, which includes the important Talent Search Education Program and Upward Bound.

So the gentleman is absolutely correct. There will be more students participating in student loan programs than ever before in history. And yet I hope they are smart enough to maybe tell some of our Democratic colleagues that that does not constitute a cut.

Mr. HOKE. What is disturbing, Mr. Speaker, with all the student loans, one would hope there is more arithmetic being taught than what is apparently being taught around here.

The only thing I wanted to point out about the idea of cuts is there has been a cut in the Federal budget. There absolutely has been a cut, and that is in the area of international aid. Of foreign aid.

We voted on this conference report today. We have cut $1.5 billion from 1995 to fiscal year 1996.

Mr. KINGSTON. And we voted on the legislative branch. The U.S. Congress has taken a cut. We have reduced our staff one-third.

Mr. HOKE. That is absolutely right.

Mr. KINGSTON. Now, Mr. Speaker, the gentleman from South Carolina [Mr. GRAHAM] better get more aggressive, because if you want floor time, we do not yield readily.

Mr. GRAHAM. Mr. Speaker, I tell my colleagues that I come from a very quiet polite district, and if my friends want me to talk, I will be glad to.

Mr. KINGSTON. Mr. HAYWORTH, it is your turn.

Mr. HAYWORTH. Well, I simply wanted to say in defense of the gentleman from South Carolina, knowing his district well, and the golden corner from Pickens and Oconee County, on down through Aiken and down to North Augusta, I know that he, beneath that calm, cool exterior, has a rather tenacious trait and is one who stands up for the working people of his district.

Indeed, I think that is the point we want to make tonight, that we are foursquare behind the working people.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman.

Mr. KINGSTON. Does the gentleman see why we do not yield to him?

Mr. GRAHAM. If the gentleman would yield, I will go over the $10.08 billion in savings we achieved in the student loan program, because I am on the Committee on Economic and Educational Opportunities.

It goes back to the student lunch program. That was the biggest lie in this Congress. We put more money in the lunch program, the federally funded lunch program, than the President did, but we got accused of cutting.

The student loan savings entail the following: We save $1.2 billion of the $10 billion from doing away with direct lending. Direct lending is the best opportunity to recreate the great society that I have seen since we have been in Congress. Direct lending has the Federal Government borrowing the money, allowing the Department of Education to lend it out and become bankers.

The opportunity for the Department of Education to grow under direct lending is unbelievably large. We are in debt. We are having to borrow money we do not have and lend it to replace private capital. We save $1.2 billion by reducing the bureaucracy of the Department of Education by getting rid of direct lending.

Mr. HOKE. If the gentleman would yield for one point on that. It might be helpful to point out to the Speaker, because I see the Speaker was not here when this law was made, when that direct lending program was entered into.

I suppose, being on the committee, the gentleman could probably could tell us that. If he cannot, I can help out.

Mr. GRAHAM. Mr. Speaker, direct lending is a Bill Clinton program that is trying to replace private sector capital. There are literally hundreds of banks in America that provide money that the Federal Government guarantees to provide access to student loans.

Bill Clinton wants to get rid of the guaranteed loan program and replace it with direct lending, where the Federal Government becomes the bank. They have to borrow the money to replace the capital in the private sector. And the bankers will be people who run the Department of Education.

I do not know about my colleagues, but if I was to start a bank, I would not go to the Department of Education to hire people to run the bank.

Mr. HOKE. Mr. Speaker, the gentleman obviously knows his history. He is absolutely right: 1993 budget resolution.

Mr. GRAHAM. Mr. Speaker, if the gentleman will continue yielding, we have not even warmed up yet, $5 billion of the $10 billion came from the banking institutions.

I will readily admit that the guaranteed loan program in this country needs to be reworked. It was a deal negotiated by our brethren on the other side who built the Great Society.

Listen to this. Under the guaranteed loan program, the Federal Government was reimbursing 100 percent of any default prior to this Congress. Excuse me, two Congresses ago. Now it was at 98. We have come into 95. We have doubled the amount of risk that the private sector has in the student loan program.

Do the other gentleman think they would spend much time on a defaulted loan if they knew somebody was to pay them 100 percent of the default? We have doubled the amount of risk that banks have, we have doubled the amount of money we charge for them to participate in the student loan program. We have $5 billion by renegotiating a deal for the American taxpayer with the banking institution. Sixty percent of the savings came away from reducing government and renegotiating a bad deal with the banking world that our brethren on the other side negotiated.

Mr. KINGSTON. Mr. Speaker, the bottom line is we save taxpayer money and we get more student scholarships out there. What could be better?

Mr. GRAHAM. Absolutely. And let us get where the students become involved.

The gentleman from Minnesota [Mr. GUTKNECHT] hit it right on the head there. What we have done from the student aspect is that, from the time a student graduates until 6 months after he graduates, there is a grace period where we forgive the interest. What we have done is we have allowed the interest to run during that 6-month period and saved $3.5 billion for the American taxpayer.

If an individual borrowed the most money there is to borrow for the longest period of time, his payment would be affected, at the most, $9. The average student will have to increase payments by an average of $4 per month, but it saves $3.5 billion to the American taxpayer.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would repeat that, because I think it is the central part of our debate. I think it is very important. If the gentleman would repeat the terms that we have changed here.

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Mr. GRAHAM. The only thing we done to a student participating in the student loan program is the 6-month grace period where we have forgiven the interest in the past, the interest will continue to run. You do not have to pay the interest if you cannot afford it, but it will run in that 6-month period. And when we look at all the loans out there, it adds up to $3.5 billion savings for the American taxpayer and no one student will be affected over $9 a month.

If we have gotten to where students cannot afford to help $4, $5, $9 a month to help balance the budget and lower the interest rate 2 percent, we are hopelessly lost in this country. Two-thirds of the high school students go into the workforce. What about their families?

I got a student loan and my sister got Pell Grants when my parents died. We paid the loans back. I am thankful for the Pell grants, but what we have done is put more money in the Pell grants, but we focused to the target population. We have reduced the income level so that we are really helping people that need it the most. We have stopped being everything to everybody. That is what has happened in the last 40 years. We are giving away government money faster than we could print it.

The last $500 million savings comes in this fashion. Every parent in America can go and borrow money under the PLUS Program. What that does is if your child, because of your income, is ineligible for student loans, you can go to the Federal Government and borrow money for a college education yourself. We have increased the interest rates from 3.1 to 3.9 percent above the Treasury rate, which is still better than anything you can get on the open market. That saves $500 million. That will affect the average payment of a family $3.

That is the $10.08 billion. Sixty percent of it came from the banking institutions and reducing the Department of Education. No one student will pay over $9 a month more. The average student will pay $4 a month more to save $3.5 billion to help balance the budget.

Mr. HAYWORTH. I have to salute the gentleman from South Carolina, because even on this All Hallows Eve, he again demonstrates that facts will overcome fear. And how sad it is that our liberal friends, so bereft of ideas, so divorced from a reasonable discussion on different philosophies of policy, only turn time and again to fear mongering and scare tactics.

I think the fact that our friend from South Carolina has brought forth these items of information in a reasonable, rational way, really befits the entire revolution that is going on here. Because it is revolution, as we know, built not on anything more than what is reasonable and rational and long overdue for the hard-working men and women of this country who are paying the bills. Government does not supply this; taxpayers supply this.

Mr. KINGSTON. The gentleman touched on a point about working versus not working, and I have often heard someone say the difference between a Republican and Democrat is that a Democrat gets money from Washington and Republicans send money to Washington.

We have earlier in the day been talking about welfare reform, big welfare reform legislation tied up into the reconciliation bill. You gentlemen have been involved in that. There are four basic components: No money for illegal aliens; State block grants for flexibility; discouraging teenage pregnancy; and work requirements.

Let us just talk about that for a few minutes. There are some other things in her that we want to talk about. Mr. GUTKNECHT?

Mr. GUTKNECHT. I would just say the byword of the welfare reform, and perhaps the byword or the expression of this whole Congress, is how do we convert this welfare State that has been created over the last number of years into an opportunity society?

I think that is what we really trying to do. The real issue is how do we get away from government responsibility for everything, where everybody is blaming the government and everybody is going to the government for more funding and more programs and so forth, and how do we get more personal responsibility?

At the end of the day I think we all know that we cannot have a system that relies on the government for all of the answers. The government has done such a poor job. When we look at the welfare system, and the welfare State if you will, the war on poverty has spent something like $5.3 trillion over the last 30 years. And the real tragedy of our welfare system and the tragedy of the failure of the welfare State is not that its cost $5.3 trillion. The real tragedy is that it has denied so many human beings of the dignity of work and responsibility.

What we are really trying to do is convert the welfare State into an opportunity society and rebuild those basic values and those basic principles of faith, family, work, and personal responsibility. That is what we have got to have. That is what we want. That is what the American people want.

Mr. KINGSTON. Mr. HAYWORTH has been a champion of the working man and that this is the working man's Congress. Does that fit into this?

Mr. HAYWORTH. As the gentleman from Georgia knows, because he hears it from his constituents, I will point out what I hear time and again from the people of the Sixth District of Arizona. From people who are working hard to set up their own businesses; people who are working hard in the private sector to create more jobs; people who are working hard to put food on the table and build a future for their families. They are absolutely enthused that with this new Congress, we see the end of business as usual in Washington.

Oh, the protestations from the other side are sometimes cacophonous, that is, loud. But, that central truth remains very prevalent. When we consider the fact that in 1948, the average American family of four sent 3 percent of its income in the form of taxes to Uncle Sam. Then to have that accelerate for an average family of four in 1994 to almost one-quarter of that family's income, almost 25 percent, 24 percent, is absolutely unconscionable.

What I am hearing from the people of the Sixth District is this simple fact: They work hard for the money they earn. They are patriotic Americans. They believe in this country. They are not upset about doing their fair share, but that is exactly the point. What is their fair share?

I think as the gentleman knows, again, a lot of disinformation bandied about by our friends on the other side, and indeed some in the fourth estate who seem to be almost in complicity with them, repeating what can only be described as falsehoods. The gentleman at the other end of Pennsylvania Avenue characterizes our welfare reform package as, quote, "Cutting off benefits to teenage mothers."

Well, there is one 4-letter word that the President forgets, and it is not a bad word. It is an important word. C-A-S-H, cash benefits, for mothers under the age of 18. We have not moved to eliminate the Women, Infants and Children's program. We have not moved to eliminate those things that truly provide a safety net. But what we have sought to do is to end what appears to be an endless subsidization of illegitimacy in this country.

Not to demonize any young lady, not to demonize any particular group, but simply to say, as my friend from Minnesota points out, over $5 trillion on the war on poverty. That eclipses our national debt. Clearly it has not worked and there is another route to take is that is what we are doing.

Mr. KINGSTON. The gentleman from South Carolina actually has been on the Committee on Economic and Educational Opportunities. The gentleman has been involved in this debate. Is it moving in the right direction? Are we helping the working man?

Mr. GRAHAM. I think the most complaints I get about welfare come from the recipients themselves. We have created a system somehow over the last 40 years that if recipients want to live together as man and wife under the same roof, they get punished because the income levels may go up a dollar too much and the dad or the mom have to live separate and apart to maintain their benefit package.

If recipients want to work part-time, they are trying to get off of welfare and create a resume, a job portfolio, they go to work part-time and they make a dollar too much, they lose their Medicaid. The number one reason people stay on welfare is the Medicaid, the health insurance.

We have created a system where recipients have to pick and choose between working. In Aiken, South Carolina, two weeks ago I went to a housing project to listen to people about the reforms that we are engaging in. There was a young woman on the front row who was going to college part-time. She had a young child. She was receiving AFDC. She was living in the public housing unit. She was very proud of the job she was doing working part-time.

She told me she made $20 over the guidelines and they were going to take her house away and her Medicaid, so she quit her job.

Never should she ever have to do that again. Our bill allows recipients to work part-time, get in the job market, and receive some benefits so they do not have to pick and choose.

What we did in the Committee on Economic and Educational Opportunities with the WIC, Women Infants and Children's program, many States like South Carolina, we have one of the highest infant mortality rates in the country. We have a lot of low-weight babies born. We have a large population of nutritionally disadvantaged children. But categorical grants limit the way we you can use the money.

We have school breakfast programs required by the Federal Government, but we do not have enough participation in many counties to justify the school breakfast. It would be nice to take that pot of money that was going to school breakfast where there was no need and move it over to help children where there is a need.

That is exactly what we have done in this Congress. We have given the people at the local level more discretion to move money from one account to the other to help the target population. They have to report back to us that the target population is being served. It is good common sense. Categorical granting is wasteful. It is bureaucratic approach.

What we have done in our block grant is look at a target population of nutritionally disadvantaged children, collapsed the money into one block grant, require reporting back from the State level, but allowing money to be used where it can best be used in South Carolina, because Georgia may be a different situation; Arizona may be different; it may be different in Ohio. Every State has different needs. We are allowing States to be more flexible, and to me that is the best thing to improve the quality.

Mr. KINGSTON. Let us hear from the gentleman from Ohio. I also wanted to recognize the gentleman from Michigan [Mr. CHRYSLER] next. He has an interesting tale. We want to talk about another thing in this reconciliation, which is the abolishment of the Department of Commerce.

I wanted to let Mr. HOKE talk about Ohio and welfare quickly.

Mr. HOKE. When I have talked to folks in Ohio about what we are doing with the welfare reform bill, I talk about my own children. And I have a daughter who is 17. She is going to go to college next year. It is a though I were to say, the way that the current welfare program is that Uncle Sam works, it would be as if I were to say, Sweetheart, you know that I will always there for you. I am always going to support you and you can go out and I will take care of finding a place for you to stay. You can have a place to stay and I will make sure that you have medical treatment. If you want to have children, you can have children and I will be there for you and I will support that. But I have a couple of conditions. The first condition is that you cannot get married, and the second condition is that you cannot get a job. As long as you do not get a job and do not get married, I will be there for you. I will continue to support you. As many kids as you want to have, that is fine, and I will continue to do that for you.

And if I were to say to my sons, I have two sons, one 13 and one 15, but when they get a little older I were to say to them, Listen, boys, now that you are young men, I am going to take care of you and you can go out and have as many kids as you want. Father as many kids as you want, but I have a couple of conditions for you too. Number one is you cannot get married and I do not want you to take care of these kids. You are not going to be financially responsible. Second of all, I do not want you to get a job. As long as you do not get a job and you are not financially responsible for the kids that you father, I will take care of you.

What do you think you get out of that if that were the way that you were going to treat your children? I can guarantee we would get a lot of illegitimate babies. That is what we have gotten in this country right now. There are a lot of people that seem to think that this is only a problem that exists in the minority community, and they are absolutely wrong.

Mr. KINGSTON. The illegitimacy among whites is going up faster than the blacks' illegitimacy rate.

Mr. HOKE. That is exactly right. Right now overall in the country one out of four Caucasian babies is born out of wedlock and two out of three babies in the minority community are born out of wedlock. Fully one-third of all the babies in this country are born illegitimate.

In my opinion, that is, A, exactly what we have bargained for with respect to the Federal programs that we have created; and B, and I will not say that the Federal programs have done this solely. I think it would be silly and simplistic to suggest that Federal programs are the sole reason for that, but it is a piece of the puzzle. It is part of why this has happened. But the other thing is I honestly believe that going into the 21st century the largest problem that we have to face as a nation and community and society is the problem that comes along with these incredible numbers of illegitimate births.

Mr. KINGSTON. Generally, the children who are born to mothers who are children, not age-appropriate to be mothers, these kids go on to be dependent, to be school dropouts and drug users. That is statistically a fact and something we have to deal with.

I want to recognize the gentleman from Michigan [Mr. CHRYSLER]. I wanted to say this about him, and stop me if I am incorrect on this. Mr. CHRYSLER did not go to college and started immediately after high school working for an automobile customizing company. Within a number of years of hard work, he ended up buying the company from his employer, selling it, and reselling it, and going on and owning other businesses and has certainly lived the American dream.

Along the way, had no help from the Department of Commerce, which is there to help businessmen like Mr. CHRYSLER somewhere out there, hypothetically, to become entrepreneurs. He did it somehow without their help. Now his number one goal is to abolish the Department of Commerce. He has succeeded in that. We passed that in the reconciliation bill in the House.

□ 2045

We have got some problems in the Senate, but Mr. CHRYSLER, we are delighted to have you here and delighted to have people like you in Congress.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Certainly, it is a story that you only can hear in America. Certainly that is why I am here in Congress, because I want to make sure that my kids and certainly your kids and MARTY's kids all have that same opportunity, because when it is their turn, they at least deserve the opportunity.

MARTY, when he was talking about his daughter, we really have changed this system and it has been a tremendous bill that the House passed. Because we have given the opportunity now to people to get on that bottom rung of that economic ladder, start climbing up out of that dependency on welfare and getting there and not have to lose their child or day care, not losing their health care and not losing their educational opportunities while they are doing that. So it is a dramatic change, and I think it is something that 88 percent of the American people are saying, please change this welfare system from a system that has trapped people on dependency to where we are going today.

It is interesting to note, by the way, that last May we heard a huge hue and cry about the school lunch program. The Republicans were going to eliminate the school lunch program. We are going to take the food out of the children's mouth. But, in fact, guess what happened in August? We started another school year, did we not? Not one story about a school lunch program or a child going without a lunch.

So I guess, digressing a little bit, and going back to the Commerce Department, I did business in 52 countries

around the world, never called the Commerce Department. They never called me. That was fine. And I am proud to say that these freshmen that we have here tonight, J.D. and LINDSEY and certainly MARTY and yourself, JACK, all helped us to put a bill through this House that gave us welfare reform, gave us Medicare reform, gave us tax cuts, gave us a balanced budget in 7 years and gave us medical savings accounts in this country and dismantled a complete cabinet level position for the first time in the history of this country.

The legislation went through 11 committees in this House. I testified in front of those committees. It was unprecedented to be able to bring legislation through there. But it was a very simple and easy story. If the Department of Commerce was in fact the voice of business, as you alluded to, JACK, then they would be right now supporting the balanced budget, the capital gains tax cut, the tort reform, the regulatory reform, because that is what American businesses need. They need to have the Government get off of their backs and let them produce their products, quality products at a good price for the American public. In fact, just the opposite, they are diametrically opposed to all of those things.

The Commerce Department was made up of 100 different programs; 71 of them duplicated someplace else within the Federal Government. And we took it one program at a time. We looked at them and we said, we are going to eliminate the programs that we do not need; we are going to consolidate the duplicative programs. We are going to privatize programs that can be better done by the private sector. And we are going to streamline the operations that we needed to keep.

Mr. KINGSTON. What was the bottom line savings on this dismantling of the cabinet?

Mr. CHRYSLER. About $6 to $47 billion, but more importantly, the Commerce Department is set up to give away about $1 billion a year, corporate welfare it is called, Robert Reich calls it corporate welfare. So if we do not have a Commerce Department for 50 years, we just do not give away $50 billion. That is the real savings to the American public. They get a better bang, certainly, for their buck.

We need to have a little less government, lower taxes, we need to let people keep more of what they earn and save. And we need to let people make their own decisions about how they spend their money.

Mr. KINGSTON. I think the gentleman from Ohio, Mr. HOKE, and I are curious because our freshman class had some reforms. How did your freshman class, how did you decide to dismantle the Department of Commerce, how do 72 Members come together on an idea like this? Because it is certainly revolutionary.

Mr. HAYWORTH. First of all, we have to tip our caps rhetorically, at least, to you gentlemen who preceded us. There were too few of you to have a majority. As our friend from Michigan supplied, we all wore pins for a good deal of time during the transition that called us the majority makers. As the late Walter Brennan used to say on the western show, this is no brag, just fact. I will spare the vocal intonations.

Mr. KINGSTON. I thought that was Jack Webb who said, just the facts.

Mr. HAYWORTH. This is no brag, just facts.

This is a major story in American history. The fact is that a class of 73 coming in to change and help symbolize and really do more than symbolize a historic shift in the balance of power simply rested upon the power of ideas. And it is a tribute to the gentleman from Michigan, who, as you very gratefully and very articulately detailed, worked his way up. Let us also pause here, despite his last name, his benefactor is not the Chrysler Corp. Am I right about that?

Mr. CHRYSLER. The gentleman is right.

Mr. HAYWORTH. So those sitting at home saying, oh, sure, he had Lee Iacocca helping him every step of the way, are sorely mistaken. His business was a home grown business. But he took that same type of drive and discipline and working with other Members of the freshman class through a group known as the New Federalists did the heavy lifting. And when people said it could not be done and when it got bogged down in institutional inertia, the fact is that Members of this new majority, including several of you folks who have been here for awhile, stepped forward to say this is too important to leave to the institutional business as usual.

And the important thing to note is that, several Presidents have come to that podium here in this Chamber during joint sessions of Congress, during the respective State of the Union Message, talking about reducing the Cabinet-level agencies. And yet, because there was an unwilling majority on this hill that always believed in the growth of big government, those best laid plans were put aside. They were put on the table. And now, ironically, it is the legislative branch serving as the catalyst to reform and downsize the executive branch and actually all of Government. So my friend from Michigan is to be commended.

Mr. CHRYSLER. It is important, because the freshman class set our actually looking at four different departments: Departments of HUD, Energy, Education, and Commerce. Three of those, I am proud to say, passed and went into the budget resolution act by the Commerce on the Budget: Education, Energy, and Commerce. Unfortunately, we could only get the Senate to pass the Commerce. And now we are having a problem with the Senate getting that one in reconciliation because of a thing known over in the Senate as the Byrd rule. I think there is a little difference between running for reelection every 2 years rather than 6 years.

Mr. KINGSTON. That bird is an ostrich, I have come to the conclusion.

Mr. GRAHAM. I remember when we first got together as a class, I did a survey, I think it was in Baltimore. Would you be in favor of abolishing the following departments, and the four that you named are about 85-percent agreement on those issues.

Our class as a whole drank the same water, from South Carolina to Maine to California to all over this country. We could have taken our campaign literature and I think made overlays. It was remarkable to me how much consensus there was among 73 people from different parts of the country who viewed the problems in Washington, DC, very similar.

Most of us have limited our own terms. Over half of us have never been in politics. When we add our class with your class, there is about 100 votes in this institution to really change the way you define compassion.

To me compassion is not how much money you can spend or how many agencies you create in Washington. At the end of the day, how many people have you helped? If that is the standard, we have done pretty poor with this model of government.

Mr. KINGSTON. I know Mr. HOKE and I, if you remember when we were sworn in 3 years ago, we had all these great hopes. I think we have pushed some things through. But we really did need to merge our fighting 48.

Mr. HOKE. The reality is that this is a winner takes all institution and that if you are going to change things, you have to have the majority on the opening day.

You get to name the Speaker. The Speaker, names the committee chairs. And to be in the minority in this institution is to be certainly about to do things and to help constituents, but it is to be largely marginalized. The fact is that you could, it would be very difficult to overstate the importance of taking over the majority in the House of Representatives.

Mr. KINGSTON. Let me modify that. I know that the gentleman is saying. The majority is the party in here who agrees with the American people. One party in here does not make the majority. One party plus the American people. And I believe that is what we had when we defeated the socialized medicine plan last year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). The Chair will remind Members to address themselves

through the Chair by the stated designation and not by the first name.

Mr. KINGSTON. I am amazed that the Speaker is still awake at this hour. I guess I did something wrong. I yield to the gentleman.

Mr. HOKE. I am nonplussed.

I think we were talking about the significance of this change. In fact the numbers that the gentleman from South Carolina [Mr. GRAHAM] is talking about, are very important because we are talking about over 110, more like 115. It is a big voting block. It is actually about 50 percent of the majority conference right now, the Republican Conference.

Mr. CHRYSLER. If I could, from the gentleman from Ohio, the number is actually 54 percent of the Republican majority are freshmen and sophomores, so we are of the majority. That really makes a difference, everybody certainly.

Mr. HOKE. I think what the gentleman from Georgia [Mr. KINGSTON] said is absolutely true. I would not want the Speaker to think that we are not aware of this. That is that the American people spoke very, very clearly with respect to the kind of representation that they want. That is what this is all about.

Mr. GRAHAM. Mr. Speaker, if the gentleman would continue to yield, I would like to talk about what reconciliation means, what the appropriation bills mean because you hear these words a lot.

What we need to do is be honest with people at home? If 80 percent of the public wants a balanced budget, there is one way to go about it. About two-thirds of the Federal budget is in entitlement spending. Welfare programs are entitlement programs. Medicare are entitlement programs, which means that the money gets burped out every year.

There is not a whole lot of debate about what goes on. It automatically gets funded. If you did away with all discretionary spending, you would not be close to balancing the budget. So when you talk about reconciliation, you are talking about controlling the entitlements that are two-thirds of the budget.

So maybe we could talk a minute about why we have gone to Medicare, why we have gone to welfare to make these programs more efficient, serve people better and save money because, if you want the Federal budget balanced, you have got to take a 1965 Medicare program, bring it up to 1995 standards. It has grown 11 percent. The private sector is at 3 and 4. You can actually serve people well without spending the amount of money we are spending up here, and you can balance the budget. If there is anybody out there who is not getting a student loan, call my office because it has got nothing to do with the $10 billion we saved.

Mr. KINGSTON. Mr. Speaker, let us quickly go over Medicare. I think that the hour is getting late and the time has about run out. Maybe starting with Mr. CHRYSLER, trustees, April 3, 1995, three of them are Clinton appointees, they say Medicare is going bankrupt in 7 years. What do you do?

Mr. CHRYSLER. In fact, it is going to start spending a billion more than it takes in, started really October 1, that just passed, this year. And so that is why we had to take immediate and decisive and effective action over that item.

Of course by 2002, it is totally bankrupt. You cannot take money from the general fund to fix it. You have to take money out of the trustees fund. That is the reason it was so terribly important. We need to act to preserve and protect and save the Medicare system, and that is exactly the action that was taken. We have done our homework on this much.

It is so important because I know, when I have talked to senior citizens and I have said, here is the system you have now, which is about a 1964 Blue Cross plan that has been codified into law, and this is what you will have under the better Medicare System. I call it the better Medicare System because, if you are not for the better Medicare System, then you must be for the worse Medicare System. But it is the better Medicare System. And when you show that to senior citizens and lay it out in front of them, 85 to 90 percent of them say, absolutely, let me at it. It is great. We only need to move about 14 percent in order to meet the CBO projections.

Mr. KINGSTON. There are some of those options that your parents and mine will be able to get under MedicarePlus.

Mr. HAYWORTH. Mr. Speaker, I think my friend from Michigan makes a very valid point here. The point we should make is that those 14 percent will not be compelled by some capricious action or the big hand of government upon their shoulder to be forced into any program. Quite the contrary, what makes this such a unique program is summed up in its name MedicarePlus. It provides choice.

The gentleman from Georgia alluded just moments ago, health maintenance organization. But really undergirding it all is this notion that I think is very important and we cannot mention it enough. If you like traditional Medicare, if you want to keep the System you have now, you can absolutely keep the current System. But if you would like to try a health maintenance organization and indeed with some of the current insurance, medigap insurance in Arizona, some seniors are absolutely enjoying and enthralled with some limited HMO coverage. If they have that opportunity, they get that. Also the notion of a medisave account so that seniors can have control of their health care dollar.

□ 2100

Just a couple of options, and time would not permit me to go much longer, being a veteran of television.

Mr. KINGSTON. If the gentleman would yield, then we will go through for a wrap-up, but we are running out of time.

Mr. GRAHAM, why do you not say something on Medisave accounts?

Mr. GRAHAM. I am glad you mentioned that. My aunt and uncle worked in the textile industry all their life. social Security is their chief source of income. They have a paper route where they make about $500 a month in addition to that. Medicare is their chief medical service. If they had the medical savings account option available to them, they would have saved over $6,000 in the last 3 years because of this. They pay $46 and a dime out of their check to go to part B premiums. That is what senior citizens pay for part B, the doctor portion of Medicare. They pay $120-something a month; excuse me, $220 a month, total for Medicare supplement policy. They have never in the last 3 years spent over $500 for doctor or hospital bills. They have been lucky, they have been healthy. Under the savings account plan they would not have paid the $46.10, they would not have to have the supplement policy. The Federal Government would have provided a sum of money around $5,000. They would have bought a $10,000 deductible catastrophic illness policy. There would have been some money left over in the account for their routine medical needs. That $220 a month they would not have to spend. In their case they would save $6,600 over the last 3 years if they had had that option.

Mr. KINGSTON. Gentlemen, any final words on Medicare or reconciliation?

Mr. HOKE. I guess the only thing that I would say, and I appreciate the question, is just that, as my colleagues know, one of the things that responsible legislators have to do is they have to look at the reality, they have to deal with reality, and then they have to deal with the reality in a way that will preserve a program that we believe in, and we clearly believe in the Medicare Program, and we will preserve it not only for today and this generation, but the next generation as well. That is exactly what we have done. it has been used politically against us because the opposition made the decision early on that this was some sort of an Achilles' heel.

I personally believe that we have been effective at letting the people know that this is a program that was going bankrupt, not according to us, but according to the President's own trustees, that the only responsible

thing was to preserve it, to protect it and save it, and frankly, finally at the end of the day, to improve it for America's seniors. That is what we have stepped up to the plate to do. I do not know if we have done it perfectly, I am not saying we have done it perfectly, but we have done it responsibly, we have done it thoroughly, and in fact we have also taken the political risk of doing it at this time because you know what? If we did not do it, if we did not take that political risk, we would not be doing what the American people expect of us.

Mr. Speaker, I could not be more proud of what we have done with Medicare and, frankly, of the way that we have done that as a model for everything that we have been doing in this Congress in terms of being thoughtful, and responsible and reasonable in going about reshaping the Federal budget.

Mr. KINGSTON. Does the gentleman from Michigan have any closing comments?

Mr. CHRYSLER. Just again, from a real-world perspective, certainly I have in my company, I have medical saving accounts. Seventy-seven percent of my employees got back over a thousand dollars after the first year of operation, and it gives them total control over their health care dollars, and it brings that consumer back into the loop, which is what has been missing in health care in this country as doctors, and hospitals, insurance companies have taken over the health care field and where you and I, the consumer, do not even get a say, and this medical savings account program is one of the major breakthroughs that this Congress has passed, and I am just proud to be here with all of my freshman friends tonight to talk to the American people about that.

Mr. KINGSTON. The gentleman from Arizona?

Mr. HAYWORTH. Understand that we are profoundly changing the way this Government operates, not to hurt anyone, but to empower the American citizenry to help confront the next century. That is what we are doing through reconciliation. That is what we are doing in our 7-year goal to balance the budget. That is what we are doing by reducing the rate of growth, finding real savings, but not radical cuts. It is not what is radical, it is what is rational and reasonable, and it is what the new majority is doing.

Mr. KINGSTON. Mr. GRAHAM.

Mr. GRAHAM. I have options as a Congressman to choose from several health care plans. Senior citizens deserve the same thing. My aunt and uncle would have saved over $6,000 in a 3-year period if they had an option of creating this plan. You can spend less money from Washington, DC and still provide a quality of life better than it exists today if you use good business sense, and that is what has been missing, and we are going to use good business sense.

Mr. KINGSTON. Mr. Speaker, on behalf of the gentleman from Ohio [Mr. HOKE], the gentleman from South Carolina [Mr. GRAHAM], the gentleman from Arizona [Mr. HAYWORTH], and the gentleman from Michigan [Mr. CHRYSLER], this concludes our special order. The bottom line is in reconciliation: What is in it for the American people? Welfare reform, saving, and protecting, and preserving Medicare, Medicaid grants, a middle-class tax cut, medical savings account, but, above all, tackling the balanced budget and going after a budget that will even out after 7 years.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mrs. MALONEY, for 5 minutes, today.
Ms. ROYBAL-ALLARD, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Ms. JACKSON-LEE, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.
Mrs. LOWEY, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Ms. SLAUGHTER, for 5 minutes, today.
Mr. FARR, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. CHABOT, for 5 minutes, today.
Mr. BROWNBACK, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. FORBES, for 5 minutes, today.
Mr. STEARNS, for 5 minutes, today.
Mr. KING, for 5 minutes, today.
Mr. LAZIO of New York, for 5 minutes, today.
Mr. BARR, for 5 minutes, today.
Ms. ROS-LEHTINEN, for 5 minutes, on Nov. 1.
Mr. DELAY, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, today.
Mrs. MYRICK, for 5 minutes, today.
Mr. SCARBOROUGH, for 5 minutes each day, today and on November 2.
Mr. ROHRABACHER, for 5 minutes, today.
Mr. DIAZ-BALART, for 5 minutes, today and on November 1.
Mr. LONGLEY, for 5 minutes, today.
Mr. MCINTOSH, for 5 minutes, today.
Mr. HAYWORTH, for 5 minutes, today.
Mr. GRAHAM, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes each day, today and November 1.
Mr. HUNTER, for 5 minutes, today.
Mr. JOHNSON of Texas, for 5 minutes, today.
Mr. CUNNINGHAM, 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. PALLONE) and to include extraneous matter:)

Mr. POSHARD.
Mr. WARD.
Mr. MILLER of California.
Mr. ROEMER.
Mr. TORRICELLI.
Mr. ORTIZ.
Mr. CONYERS.
Mr. COYNE.
Mr. GEJDENSON.
Ms. SLAUGHTER.
Mr. DOYLE.
Mr. LANTOS.
Mr. SERRANO.
Mr. LEVIN.
Mr. JACOBS.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. GALLEGLY.
Mr. COOLEY.
Mr. DUNCAN.
Mr. LIVINGSTON.
Mr. RADANOVICH.
Mr. PACKARD.
Mr. SOLOMON.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. BARCIA in two instances.
Mr. MCHUGH.
Mr. PASTOR.
Mr. NEY.
Mr. DOOLEY.
Mr. HAMILTON.
Mr. FOX of Pennsylvania.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 1, 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:

1574. A letter from the Comptroller General of the United States, General Accounting Office, transmitting the list of all reports issued or released in September 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

1575. A letter from the Administrator, General Services Administration, transmitting

the Administration's report on cost savings for official travel by Federal employees, pursuant to Public Law 103-355, section 6008(c) (108 Stat. 3367); to the Committee on Government Reform and Oversight.

1576. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the seventh annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1577. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1578. A letter from the Secretary of Transportation, transmitting the annual report on Transportation user fees, fiscal year 1994, pursuant to 45 U.S.C. 447(e); to the Committee on Transportation and Infrastructure.

1579. A letter from the Secretary of Transportation, transmitting the Department's biennial report entitled "Status of the Nation's Surface Transportation System: Conditions and Performance Report," pursuant to 49 U.S.C. 308(e)(1); to the Committee on Transportation and Infrastructure.

1580. A letter from the Under Secretary of Defense, transmitting notification of fund transfers authorized by sections 9006, 8006, and 8005 of the Department of Defense Appropriations Acts for fiscal year 1993, fiscal year 1994, and fiscal year 1995, respectively, and sections 1001, 1101, and 1001 of the Department of Defense Authorization Acts for those same years; jointly, to the Committees on Appropriations and National Security.

1581. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 1997, pursuant to 45 U.S.C. 231f; jointly, to the Committees on Appropriations, Ways and Means, and Transportation and Infrastructure.

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. REGULA: Committee of conference. Conference report on H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-300). Ordered to be printed.

Mrs. WALDHOLTZ: Committee on Rules. House Resolution 251. Resolution providing for consideration of the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions (Rept. 104-301). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 252. Resolution providing for consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-302). Referred to the House Calendar.

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. YOUNG of Alaska:

H.R. 2561. A bill to provide for an exchange of lands located near Gustavus, AK; to the Committee on Resources.

By Mr. STEARNS (for himself, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. TOWNS, Mr. QUINN, Mr. MCHUGH, Mr. PAXON, Mr. WALSH, Mr. HOUGHTON, Mr. HANCOCK, Mr. BOEHLERT, Mr. FRELINGHUYSEN, Mr. CLINGER, Mr. MCHALE, and Mr. TALENT):

H.R. 2562. A bill to repeal section 210 of the Public Utility Regulatory Policies Act of 1978; to the Committee on Commerce.

By Mr. LONGLEY:

H.R. 2563. A bill to authorize certain operations of Canadian oil spill response and recovery vessels in waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. CANADY (for himself, Mr. FRANK of Massachusetts, Mr. SHAYS, and Mr. MCHALE):

H.R. 2564. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Government Reform and Oversight, Rules, 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. HORN (for himself, Mr. INGLIS of South Carolina, and Mrs. SMITH of Washington):

H.R. 2565. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in House of Representatives elections and for other purposes; to the Committee on House Oversight.

By Mrs. SMITH of Washington (for herself, Mr. MEEHAN, Mr. SHAYS, Mr. MINGE, Mrs. ROUKEMA, Mr. BEREUTER, Mr. POSHARD, Mr. CARDIN, Mr. LEACH, Mr. HORN, Mr. INGLIS of South Carolina, and Mr. FORBES):

H.R. 2566. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. STOCKMAN and Mr. BLUTE.
H.R. 228: Mr. STUPAK.
H.R. 325: Mr. BOEHLERT.
H.R. 789: Mr. WATTS of Oklahoma.
H.R. 891: Ms. NORTON and Mr. HILLIARD.
H.R. 911: Mr. FOLEY, Mr. DURBIN, Mr. HOKE, Mr. TALENT, Mr. POSHARD, and Mr. FRAZER.
H.R. 941: Mr. DEFAZIO.
H.R. 958: Mr. MATSUI, Mr. TRAFICANT, Mr. CRAMER, Mr. TORKILDSEN, Ms. ROYBAL-ALLARD, Mr. LAZIO of New York, Mr. DURBIN, and Mr. TORRES.
H.R. 963: Mr. ROSE and Mr. HOKE.
H.R. 969: Mr. ACKERMAN.
H.R. 1619: Mr. KASICH.
H.R. 1690: Mr. MATSUI, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON, Mr. ZIMMER, Mr. STUPAK, and Mr. ENGEL.
H.R. 1733: Mr. SMITH of Texas, Mrs. LOWEY, and Mr. HINCHEY.
H.R. 1748: Mrs. THURMAN.
H.R. 1947: Mr. SHAYS.
H.R. 1955: Mrs. THURMAN.
H.R. 2019: Mr. BONILLA and Mr. BURTON of Indiana.
H.R. 2024: Mr. GREENWOOD and Mr. LIGHTFOOT.
H.R. 2071: Mr. MATSUI.
H.R. 2098: Mr. SALMON, Mr. HUTCHINSON, Mr. ENGLISH of Pennsylvania, and Mr. GREENWOOD.
H.R. 2166: Mr. STOCKMAN, Mr. LUTHER, Mrs. CHENOWETH, and Ms. KAPTUR.
H.R. 2190: Mr. KLINK, Mr. SALMON, Mr. ROYCE, Mr. CREMEANS, Mrs. MYRICK, and Mr. QUILLEN.
H.R. 2240: Mr. PAYNE of New Jersey.
H.R. 2276: Mr. FRANKS of New Jersey and Mr. BREWSTER.
H.R. 2416: Mr. RAMSTAD, Ms. MOLINARI, Mr. FOX of Pennsylvania, Mr. HILLEARY, Mr. LIPINSKI, and Mr. FOLEY.
H.R. 2420: Mr. FROST, Mr. FATTAH, Mr. ACKERMAN, Mr. MANTON, and Mr. TOWNS.
H.R. 2472: Mr. DIAZ-BALART, Mrs. ROUKEMA, and Mr. TORRES.
H.R. 2476: Mr. BARRETT of Wisconsin and Mr. GENE GREEN of Texas.
H.R. 2506: Mr. PAYNE of Virginia and Mr. DURBIN.
H.R. 2535: Mr. JONES, Mr. FUNDERBURK, Mrs. CHENOWETH, Mr. BAKER of California, Mr. POMBO, and Mr. BONO.
H.R. 2540: Mr. DORNAN, Mr. BARR of Georgia, Mr. SALMON, Mr. BUNN of Oregon, Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, Mr. MICA, Mr. DOOLITTLE, Mr. HERGER, Mr. BRYANT of Tennessee, Mr. TAYLOR of North Carolina, Mr. DUNCAN, and Mr. POMBO.
H.J. Res. 114: Mr. JACOBS.
H. Con. Res. 50: Ms. FURSE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Mr. POSHARD.

PETITIONS, ETC.

Under clause 1 of rule XXII,

45. The SPEAKER presented a petition of the Syracuse Common Council, Syracuse, NY, relative to the Low Income Housing Tax Credit Program; which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

CALLS WAITING

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. COOLEY. Mr. Speaker, the telecommunications industry is undergoing tremendous change. The advent of new technology has brought both new opportunities, and new anxieties, to millions of Americans.

Recognizing the tremendous shift in telecommunications, the U.S. Congress is on the verge of passing sweeping legislation which would free companies from years of stifling government regulation. Although I applaud these efforts, we must be cautious not to assume that fair and open competition will be the immediate result.

So that we may all be more aware of the potential difficulties in transitioning to an open market, I commend to you an article recently printed in the Wall Street Journal. This article should force us to approach the question of telecommunications deregulation cautiously, and with the proper consideration to the hundreds of thousands of Americans who rely on a vibrant, competitive communications industry for their livelihood.

[From the Wall Street Journal, Oct. 24, 1995]

CALLS WAITING: RIVALS ARE HUNG UP ON BABY BELLS' CONTROL OVER LOCAL MARKETS

(By Leslie Cauley)

GRAND RAPIDS, MI.—The color-coded maps pinned to office walls tell the story of US Signal Corp., which has struggled for more than a year to get a toehold in the local telephone market here.

"This is where we are," says Martin Clift, US Signal's director of regulatory affairs, as he points to a small patch of yellow covering 10 downtown blocks. "This is where we want to be," he adds as he motions to the entire 238-square-mile service area. "But they won't let us."

"They" are executives at Ameritech Corp., the Chicago-based regional Bell that holds a monopoly on service here in US Signal's hometown. US Signal says Ameritech has fought nearly every step of the way as the upstart tries to expand into this community of 500,000 in the heart of Ameritech territory.

US Signal hoped to cover half the city by now, but has been able to lease only about 1,700 of the thousands of lines it wants from Ameritech. For most of the past year, the Baby Bell has refused to let it branch out unless US Signal installs expensive gear US Signal says it doesn't need. The smaller rival accuses Ameritech of dragging its feet in processing orders, trying to levy bogus fees and refusing to refund $240,000 for services it never provided. The bickering has cost US Signal more than $1 million in legal fees—far more than the revenue it gets in the market. US Signal Executive Vice President Brad Evans says: "We are at the end of our rope."

Ameritech denies that it has treated US Signal unfairly.

ARSENAL OF TACTICS

More than a decade after the federal government broke up the old AT&T empire, spinning off the seven Baby Bells to end anticompetitive, behavior, the Bells employ an arsenal of tactics to keep competitors at bay. Rivals say the Bells have stalled negotiations, imposed arbitrary fees and set Byzantine technical requirements that jack up costs and cut profits.

"They can virtually make competitors' lives hell," says Terrence Barnich, formerly the top telephone regulator in Ameritech's home state of Illinois.

The Bells insist they play fair and say they have an obligation to protect their shareholders and the huge investments in their networks. While rivals often target only the most lucrative customers, the Bells alone have the responsibility to provide service for everyone, even the poorest and most hard-to-reach customers. It is critical, therefore, that new regulations don't unfairly favor newcomers merely for sake of encouraging competition, they say. "We don't believe standing up for fair rules is anticompetitive," says Thomas Reiman, an Ameritech senior vice president.

RACE TO DEREGULATE

Now Congress is racing to deregulate the nation's telecommunications markets. Bills have cleared the House and Senate, and a conference committee is hammering out joint legislation. Passing a new law will be the easy part. Unraveling the government-sanctioned local monopolies—and ensuring that the Bells play by the rules—will be far more difficult.

"It will be extremely messy," says Eli Noam, director of the Institute of Tele-Information at Columbia University in New York. "It will take a long time for a new competitive equilibrium to be reached—if ever."

Congress wants to let the Bells enter the lucrative long-distance business after they meet a "checklist" showing their local markets are open to competition. Yet local service still provides more than 90% of their combined annual profits. Rivals fear the Bells will exploit vagueness in the legislation (what constitutes "fair" pricing and "timely" negotiations?) to protect their turf.

Ameritech, which serves a five-state region in the Midwest, takes pride in being the first Bell to embrace opening up the local monopoly. Its "Customers First" plan, unveiled two years ago, hailed "a fully competitive communications marketplace." It embodied the basic Bell pitch to Washington: We will let rivals in—if you let us into long distance. The Bells were banned from that market under the terms of the 1984 AT&T split-up.

NEGOTIATING PLOY

But US Signal and other competitors say Ameritech fails to live up to its Customers First plan. The Baby Bell says it has treated US Signal fairly and rejects assertions that it drags out negotiations or hinders rivals. It says it tries to accommodate them as best as it can and that most complaints are a negotiating ploy.

"There are fundamental issues on which we aren't going to lie down and die, just for fear of being branded as anticompetitve," says Ameritech's Mr. Reiman. Steve Nowick, president of its long-distance unit, says rivals expect the Baby Bell to juggle "27 variations" of the same request. "There is a lot of complexity here. We're dancing as fast as we can."

Ameritech has abundant company in the litany of complaints lodged against the Bells. For example:

Nynex Corp. last year touted itself as the first Bell to sign a contract letting a competitor hook up directly to its network. But last week the rival, Teleport Communications Group, asked New York state regulators to "investigate Nynex's attempt to stifle local telephone competition." The pact was supposed to be implemented within 60 days. Sixteen months later, most of the terms still haven't gone into effect.

Nynex denies the charges and accuses Teleport of "grandstanding." It also says the rival is behind in paying its bills, which Teleport denies.

US West Inc. of Denver tried to convince a rival—believed to be AT&T—that they should avoid each other's markets, a lawsuit in Delaware Chancery Court alleges. US West denies the charge, leveled two weeks ago by its partner-turned-adversary, Time Warner Inc. AT&T declines to comment.

In a complaint filed with the Justice Department this month, LCI International Inc., of Reston, Va., says US West shut off service to 4,000 LCI customers in the Denver area, prompting 24% of them to cancel. It says US West hurt LCI in several markets by failing to provide services as promised. When some customers called US West to complain, they were told LCI had gone belly-up, the complaint says.

US West concedes that "errors occurred" but says they were inadvertent.

SBC Communications Inc., the San Antonio-based Bell, charges huge markups when selling network equipment to rivals, MFS Communications Co. of Omaha, Neb., contends. Other Bells let rivals buy gear elsewhere and pay the Bell to install it. SBC requires that they buy from SBC. It charges $137,000 for a pair of "multiplexers" that usually cost $67,000; and $21,000 for running a cable that typically cost $900, MFS claims.

SBC says it marks up prices by 25% at most, as allowed by federal rules. It declines to release any specifics and says its rates are confidential.

UNEQUALED POWER

Conflicts with the Baby Bells, however, underscore the unequaled power the Bells have in dealing with rivals. The Bells still lock up 98% of local revenues in their regions. That stems from their control over millions of phone lines that reach into homes and businesses—an infrastructure that took $100 billion and most of the 20th century to put in place.

For new entrants, duplicating these "local loops" that run from Bell switching centers to customer sites would be financially impossible. So they try to lease Bell lines at "fair" rates, count on the Bells for seamless technical links and access to switching sites, and depend on them to fix things when service goes down.

That sparks clashes on seemingly small items. Teleport, which serves business customers, accuses Nynex of hoarding phone numbers. In a complaint to the Federal Communications Commission last week, Teleport, of Staten Island, N.Y., says it asked the Bell for 60,000 numbers in Manhattan's 212 area code but got just 20,000. Some big accounts can use 5,000 at a crack. It sought an additional 20,000 numbers in the Bronx but says Nynex refused to provide them until Teleport installs an unneeded switch at Nynex's Bronx site.

Nynex's director of regulatory planning, Larry Chu, questions whether Teleport "really needs" 60,000 numbers in Manhattan. He says the Bronx incident was a "misunderstanding."

INTERCONNECT TO NETWORK

If a newcomer wants to sidestep Bell lines and partner up with, say, the local cable-TV system, it still must "interconnect" to the Bell network so calls can go through. In negotiating interconnection agreements, rivals say the Bells often drag out the talks to thwart them. Only a few deals have been reached.

Most Bells won't let rivals near their own equipment once it is installed, unless they have a Bell escort. That adds to rivals' expenses and ensures that the Bells know exactly what the newcomers are up to.

When a Bell installs a rival's gear, it charges rent for the space the electronic boxes occupy. The fees "can be more expensive than a penthouse at Trump Tower," quips Andrew Lipman, an MFS senior vice president. Setting up in a 10-by-10 foot space, cordoned off with chain-link fencing, can run $60,000 up front, plus charges for power, cabling and rent that can add up to $2,000 a month.

Once inside, rivals don't exactly get the welcome mat. Bell Atlantic Corp. employees in Philadelphia once refused to let MFS workers use the restrooms because they weren't required to by the FCC. "To us, that epitomized the kind of obstacles we face every day," MFS's Mr. Lipman says.

Bell Atlantic spokesman Eric Rabe responds: "I'm sure when Wendy's shows up next to McDonald's, they don't exactly roll out the red carpet. That's the nature of competition." He says the company is getting better at working with rivals.

AT&T IN CHICAGO

Even giants haven't fared well in negotiating with the Bells. AT&T, one of the world's most powerful telecommunications companies, has been trying to break into the Chicago market under Ameritech's Customers First plan since last spring, to no avail.

AT&T says Ameritech won't disclose where "conduit space" is available for AT&T to install new lines, thereby hindering AT&T in designing its network. The long-distance giant has resorted to having its engineers walk the streets, peeking under manhole covers to find the space.

Although AT&T had hoped to launch local service later this fall, it now says it doesn't know when it will proceed.

"This process just hasn't worked," says William Clossey, an AT&T regional vice president.

Tom Hester, Ameritech's general counsel, says of AT&T: "Here they are, one of the world's largest corporations with a tin cup expecting us to fill it up."

US Signal had hoped to avoid such experiences in Grand Rapids. Local entrepreneur Ron VanderPol founded the closely held company in 1983, aiming to get into long distance in the wake of the AT&T split. US Signal now derives about $80 million a year in long distance, mostly in Ameritech's region. It figured its hometown would be the perfect place for getting started in local service.

The city ostensibly was one of the nation's most open local phone markets. A 1992 state law—supported by Ameritech—required local phone companies to let rivals hook up to their networks.

MAJOR HURDLES

US Signal filed for state approval as a local carrier in April 1994 and planned to offer service by the fall. But after US Signal's first meeting with Ameritech later that month, "we knew we had major hurdles," US Signal's Mr. Clift says.

The Bell balked at leasing out any of its phone lines, depriving US Signal of a way to reach customers.

Ameritech negotiators also wanted to charge US Signal $4.40 per name to list customer phone numbers in Ameritech directories. Yet US Signal says the Bell pays phone companies in adjacent areas 30 cents apiece to list the other companies' customers' numbers.

US Signal also says Ameritech refused to refund $240,000 that it had paid it to install gear in five switching sites. The gear was never put into place. Ameritech says it spent the money preparing the sites, then decided against installing the equipment. It did so after a federal appeals court in Washington struck down FCC rules ordering the Bells to let rivals install and maintain their own gear.

In August 1994, US Signal formally complained to Michigan regulators. In February, regulators ordered Ameritech to file new prices and terms for interconnection agreements.

Ameritech did—five times in the succeeding eight months. State officials rejected all of the proposals. A sixth attempt, filed this month, is under review. Representatives of the Michigan Public Service Commission say Ameritech tried to set exorbitant prices, dictate how rivals must set up their networks, and impose charges the state doesn't allow.

For example, Ameritech proposed charging rivals $20.37 a month plus 8.2 cents a call for a customer who wanted to leave Ameritech but hold on to the old phone number.

Regulators ordered Ameritech to reduce that monthly fee to about a dollar.

After pressure from state officials, US Signal says Ameritech made a new offer: Set up your network the way you want, but we will lease you only 96 lines per switching site—instead of the thousands per site that US Signal wanted. Do it our way, Ameritech said, and you will get as many lines as you want. "We just couldn't possibly believe they were serious," Mr. Clift says. "But they were."

TRIAL BASIS

This month, Ameritech backed down a bit. It dropped its demand for extra fees for directory listings. The Bell also agreed to lease all the lines US Signal wanted, regardless of how US Signal set up the network. Just one catch: This will be on only a six-month trial basis, leaving the Bell free to rescind the deal next year.

Two weeks ago, Ameritech filed a motion in the Michigan court of appeals, challenging the authority of regulators and legislators to force the Bell to open up its network. That seems to fly in the face of the company's self-styled image as a crusader for competition in the local phone business. "I don't really understand it," says Mat Dunaskiss, a state senator who helped draft the open-market law. He calls the Bell's action "a step backward."

Ameritech says it filed because it felt regulators "went beyond their authority" in ordering the Bell to provide rivals with connections that Ameritech says are priced below its costs. But Ameritech says it still supports "full and fair competition."

US Signal argues otherwise. One day earlier this month, the tiny rival was besieged with complaints from dozens of customers who kept getting rapid busy signals when they dialed. Engineers checked the system and concluded that Ameritech hadn't set up enough lines to handle the calls.

Mr. Clift says Ameritech readily conceded its error and took care of the problem, which Ameritech says also affected its customers that day.

Customers are beginning to blame US Signal for the foul-ups, even though the company has no control over such matters. "Customers say it's our fault, and let us know they never had these problems with Ameritech," says Mr. Clift, who worries some will make good on their threat to go back to the Bell.

"They haven't left us yet," he says with a sigh. "But they're threatening."

JACK LASKOWSKI, A TRUE LEADER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. BARCIA. Mr. Speaker, many of us know how important the labor movement has been for the improvement of working conditions and fair compensation for millions of Americans. None of this would have happened if it had not been for tireless, visionary individuals who were willing to work on behalf of their coworkers. Jack Laskowski, the current director of UAW region 1D, has been such an individual who was honored for his dedication at an event last Friday.

Jack has been a member of UAW Local 362 since 1958 when he started to work at General Motors's CPC Powertrain plant in Bay City. He followed on the traditions established by his father, Walter "Bullet" Laskowski, who took part in the UAW's first strike at the Chevrolet plant in Bay City in 1936, which led to the formation of Local 362.

Since 1958, Jack has served as a member of the bargaining committee, chaired by his father. He also was a benefit plans representative and editor of the local paper until he joined the staff of the international union. Jack served on the staff of 1D since 1971, and then became the assistant director in June, 1986, and finally director on June 17, 1992. He has been a vital component of labor's presence in Saginaw, Bay City, and the northern portion of Michigan's lower peninsula.

Jack's involvement in matters affecting people extend beyond his activities in the UAW. He has served as a member of organizations like the NAACP and the Coalition of Labor Union Women. He served a 3-year term as a city commissioner of Bay City. He has throughout his adult life been active in the Democratic party, including his current membership of the Kent County Democratic Party Executive Committee.

He and his wife Sally also raised three wonderful sons, Greg, Tim, and Mike, who have become a bilingual special education teacher, a director of labor at Occupational Health Care, and another generation of GM worker and member of UAW Local 2031, respectively.

I have had the good fortune to know Jack personally for many years. I consider him to be a friend, a capable advisor, and someone I am proud to know. Now, he is going to join the UAW leadership at Solidarity House as a vice president for the UAW. His dedication and devotion will be applied for even a broader range of UAW members.

Mr. Speaker, in recognition of a career of devotion and a lifetime of leadership, I urge you and all of our colleagues to join me in wishing Jack Laskowski the very best in his new position, and thank him for his years of service on behalf of his brothers and sisters with the United Auto Workers.

A SPECIAL THANK YOU TO CLYDE LEWIS

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. McHUGH. Mr. Speaker, it is my privilege to pay tribute to Clyde Lewis of Plattsburgh, NY, one of the most outstanding patriots of the 24th District of New York and perhaps our Nation.

The residents of northern New York and leaders throughout the Air Force know Mr. Lewis as the Father of Plattsburgh Air Force Base. Mr. Lewis was instrumental in bringing the Air Force to Plattsburgh and over the years helped make Plattsburgh Air Force Base the best of the best. He has also helped the community endure the recent closing of Plattsburgh Air Force Base with grace, pride, and dignity.

Mr. Lewis formed the original Air Base Liaison Commission in July 1952. Its purpose was to represent Plattsburgh and help establish an Air Force based in the area. The commission succeeded in bringing the air base to Plattsburgh and on January 29, 1954, groundbreaking ceremonies were held. While the Air Base Liaison Commission changed its name to the Air Base Liaison Committee in 1958, its duties and firm support of the Air Force did not change. As chairman of the commission and committee, Mr. Lewis committed steadfast support for the men and women of the Air Force and their mission at Plattsburgh.

Mr. Lewis understood that Plattsburgh Air Force Base would be key to a strong national defense and that support from the community would be crucial to the success of the mission as well. Mr. Lewis, himself, had a long and distinguished career in the military. During World War II, he enlisted in the Army Air Force and was appointed an aviation cadet. He earned his wings and was commissioned in March 1943 and served two tours less one mission with the 401st Bomb Group of the 8th Air Force. Mr. Lewis served successively as a flight commander, operations officer and B–17 squadron commander.

Mr. Lewis received numerous honors throughout his military career, including the Distinguished Flying Cross with two oak leaf clusters, the Air Medal with seven oak leaf clusters, the Distinguished Unit Citation with one oak leaf cluster, France's Croix de Guerre with palm and the European Theater of Operations Campaign Medal with six battle stars.

Mr. Lewis has also been involved in numerous civic activities and professional organizations. In 1948 the New York Chamber of Commerce honored him as Outstanding Young Man of the Year and in 1949 he was named National Commander in Chief of the Veterans of Foreign Wars, the first World War II veteran to serve in that position. He continues to be active in the VFW on the national level. He served as chairman of the Plattsburgh Air Base Liaison Commission from 1952 to 1959 and from 1959 on, he served as chairman of the Air Base Liaison Committee. In 1975 Mr. Lewis participated in the National Security Forum, Air War College and in 1978 the Department of Defense Joint Civilian Orientation Conference. He is a member of the Elks Club, Knights of Columbus, and the U.S. Strategic Institute and Defense Orientation Conference. He is also a member of the Clinton County, New York State, and American Bar Associations.

Mr. Speaker, Clyde Lewis is an inspiration to every American. He is a true leader and an example to each and every one of us of what can be accomplished with persistence, faith and dedication. And for all that he has done, and will continue to do, we owe him a great debt of gratitude.

HONORING AMERICAN LEGION TONY F. SOZA POST 41

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. PASTOR. Mr. Speaker, I rise today to salute the American Legion Tony F. Soza Post 41 in Phoenix, AZ, on the occasion of its 50th anniversary and its history of service to the community. Since its original pledge at the inception of Post 41, originally named Thunderbird Post 41, to serve the disabled, the distressed, the widowed, and the orphaned, it has dutifully served those groups and far exceeded its mission. Post 41 has gone on to fund services and charities and provide a home for many organizations. It also has helped organize projects for the betterment of the Phoenix community.

In October 1945, Post 41 was organized with a membership of only 16 dedicated veterans. Largely, the founding group was of Hispanic descent due to geographical and cultural circumstances. By November of that year, it received its charter. The post's first Commander, Ray Martinez, soon asked some prominent citizens to serve as an advisory committee and began lobbying for the property to build the post's home. Soon, construction of the post was finished and, with patriotism and dedication in their hearts and souls, the group moved on to other goals.

They saw a great need for a baby clinic and in 1948, they set out to build one. It was the first baby clinic in the community. Post 41 also made commitments to children and youth programs like high school oratorical competitions, baseball, Boys State, scholarship and school awards, Scouting, flag education, emergency assistance, and community service. They made holiday baskets for needy families and took on a city bond campaign to fund parks and recreation programs to help combat juvenile delinquency.

And the post continued to grow. In 1957, it constructed the Rhonda Room, exclusively for members, which quickly became a popular gathering place for veterans and their families and friends. In 1961, it dedicated the Frank Fuentes Hall, a spacious hall with a separate bar and stage. The post also became a local meeting place for other organizations such as the Unit 41 Women's Auxiliary, the Airborne Luciano Maldonado Chapter, the American GI Forum, and the Vietnam Veterans organization.

In 1990, the post built a new kitchen, dining room, and auxiliary quarters and since then, remodeling and new additions have enhanced the building and its services to its membership of more than 1,000 veterans.

Throughout its history, Post 41 has undertaken huge and numerous tasks and accomplished them proudly. The organization has earned prestige and honor over the decades and earned an unparalleled reputation in the annals of American Legion history throughout the State of Arizona. Although most of its founding fathers have gone the way of old soldiers, they have left behind a strong inspiration that proudly drives the current members in their ongoing mission to serve their community.

I am proud of the accomplishments of the American Legion Tony F. Soza Post 41 and for these reasons I hope that my colleagues join me today in wishing the post the very best in its continued service to veterans and the community.

MAKING CHILDREN'S DREAMS COME TRUE

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. ROEMER. Mr. Speaker, I rise today to speak out on behalf of a truly wonderful organization, the Children's Wish Foundation International. I cannot think of a cause more noble than the desire to grant a wish to a fatally ill child. We all look back on our childhood, reminiscing over happy, sad, and exciting events that helped shape the individuals we are today.

There are thousands of children who never reach their 18th birthday; they never have the opportunity to look back on their childhood. Often times their only memories are of chemotherapy, doctor visits, and hospital stays. The Children's Wish Foundation gives these children something to look forward to, a dream come true, a special event or gift to brighten their days.

The tragic loss of our innocent youth is not restricted to the United States alone. Many

countries around the globe are coping with the loss of their children. The Children's Wish Foundation would like to recognize the courage of these young children and the volunteers who help make their dreams come true by designating November 26 to December 2 as International Children's Wish Week.

Mr. Speaker, I encourage this body to provide its full support for this endeavor. It is unfortunate to lose a life at such a young age, one full of promise and potential; but even sadder when an opportunity to bring a smile and a special memory to one of these children is missed.

I am blessed with two healthy boys. Not all parents are so fortunate. I know that if there was one specific wish my child dreamed of, I would do everything in my power to make sure that wish came true. The Children's Wish Foundation International assists parents in fulfilling a dream, no matter how large or small, from buying pink hair ribbons for a little girl who is waiting for her hair to grow back after chemotherapy or sending a little boy to Disney Land to meet Mickey Mouse.

I would like to commend the Children's Wish Foundation on its heartwarming work on behalf of those children and families who need it most. I am certain that the memories made through the granting of each child's unique wish will be ones the families hold close to their hearts for the rest of their lives.

TRIBUTE TO SUE SELLORS FINLEY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. ORTIZ. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to a pillar in my community, Sue Sellors Finley, of Corpus Christi, TX, who died far too soon at the age of only 57.

It is often said that the measure of one's life is noted in the number of lives they influence. If that is the case, the measure of Sue Finley's life is enormous—and her legacy of enriching the lives of young artists in the Coastal Bend is abundant. For more than a decade, Sue worked at Del Mar College in Corpus Christi enhancing the lives of students in the drama department. She literally built up the drama department at Del Mar—set by set, play by play, and class by class.

Under her stewardship, Del Mar had the first season of theater in over two decades, beginning in 1986. The next year, she accepted a full time teaching position as an assistant professor and coordinator of drama. She left us a host of achievements to enjoy and by which to remember her. She founded the Del Mar Mime Crew in 1977, in addition to the annual summer Shakespeare Fest.

In 1986, the college decided to build a new fine arts center and Sue led a delegation of architects to leading theaters across the United States to obtain design ideas. The result of her efforts is the Nell Tribble Bartlett Theater at Del Mar University. The University recently established a scholarship in her honor, the Sue Sellors Finley Endowed Theater Arts Scholarship, created with a $50,000 anonymous donation, making it the largest endowment in drama at the college. This scholarship is a fitting legacy to Sue's love of dramatic arts.

In the course of her short but very full life, Sue's vast array of accomplishments and talent gained great notoriety. In the 1960's, she was renowned in Dallas for her work in "Little Mary Sunshine," and was awarded the Dallas Entertainment Award for best comedienne. She won a Sammy award for best actress for her performance in "Legendary Ladies of Texas," a one-woman, original production. Just this year, she was awarded the YMCA Careers Award honoring her years as a pioneering educator, director, and actress.

Easily, her best and proudest productions are her children, Valerie and Buck. She is survived by her children and her husband, George, who shared her victories and her humor. Mr. Speaker, my community has lost an artistic giant, and I ask that you join me in commemorating her accomplishments here today.

ESSAY BY JOSHUA BARRETT GREEN

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. COYNE. Mr. Speaker, I would like to share with the Members of the House the experience of one recent graduate of the House Page Program. I include the essay at this point in the RECORD.

PERSONAL STATEMENT

(By Joshua Barrett Green)

During the summer of 1995, I had the honor of serving as a page in the United States House of Representatives. This unique experience provided me with an unparalleled opportunity to live in a community of my peers and work in the paradigm of democratic government. Through the valuable friendships I made and the many debates I witnessed, I gained an understanding of America's diversity, a definite respect for our government, and, indeed, a sense of clarity in my own ambitions.

The Congress of the United States is representative in structure to ensure that the diversity of American society is reflected in its government. Just as diversity is evident in the representatives, so too was that same diversity evident in my fellow pages. Issues, such as farmers' subsidies, illegal immigration, and teen pregnancy, to which I had previously given no thought, suddenly became real to me through the concerns of my new friends who brought together the views of their respective communities and, collectively, the diverse views of this nation.

One common misconception regarding modern day politicians relates to their work ethic: they are considered to be lazy. I learned, quite to the contrary, that they are extremely hardworking. One specific example can be found through examination of the Congressional Record for June 28, 1995: this verbatim account of Congressional activity does not record the conclusion of daily business. In fact, there was no conclusion. The House was in session from 9:00 A.M., June 28, until 9:00 P.M., June 29: thirty-six hours straight. Being one of the two pages responsible for the bell system which alerts Congressmen of votes, I was required to be present for the first twenty-four hours. In the debates of that grueling night, I recognized a beauty in the American political system: Congressmen who collectively respect the institution of representation, through their integrity, serve to ensure that each individual will be heard.

Despite friends' predictions of my disillusionment with modern government through my witnessing of back-room political dealings, I was, in fact, impressed by the dignity of public service. What most believe to be corrupting of principles in government, I now recognize as the compromise of individual interests for those of the common good. I am now, thus, firmly committed to service through government, and I plan to be a leader in the government of future generations.

Though representatives are transient as they are voted in and out of office, Congress is not. For two hundred years, Congress has been the center of America's democratic system of government and, despite the rampant skepticism which pervades today's society, the United States House of Representatives retains its nobility of character and preserves the diversity of the American people. By seizing the opportunity to explore the government from within as a page, I learned about this country, I learned about democracy, and I learned about myself.

AWKA, NIGERIA—NEW SISTER CITY OF SAGINAW, MICHIGAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. BARCIA. Mr. Speaker, I rise today to call attention to the new sister city partnership that is being established between Saginaw, MI, within my congressional district, and Awka, Nigeria. I want to welcome the visiting officials including His Royal Highness Chief Ikwe P. N. Anugwu, traditional ruler of Mbaukwa, and Chief Alex Ekwieme, former vice president of the Federal Republic of Nigeria.

Sister cities programs are familiar to many of us who appreciate the cultural bounty and value in having one of our communities establish a relationship with another community outside of the United States. The diversity of experiences, the history and richness of each other's traditions, and the feeling of partnership create a new tradition for both communities that enriches both communities equally.

I am particularly happy for the young people of both Saginaw and Awka who now will have the opportunity to learn more about each other, developing understandings of and appreciations for each other that will help mold their abilities to be leaders in the future. Already several young people from Saginaw have experienced the wonders of traveling to another country, coming back feeling as if they have been treated as very special people, a feeling that will be with these young ambassadors for the rest of their lives.

Two visits to Nigeria this year by officials of Saginaw and our young ambassadors have helped to pave the way for the sister city signing ceremony that will soon be held. Efforts to establish partnership programs that will have

real impact on the lives of people in both Saginaw and Awka are underway. Affiliations between universities in both areas, including Saginaw Valley State University, will also have lasting value.

Mr. Speaker, at a time when we need to have greater understandings of diverse cultures and ways of life, at a time when we want our young people to be informed and see their intellectual capabilities grow, programs like Sister Cities are more important than ever before. I urge you and all of our colleagues to join me in wishing Saginaw and Awka a successful partnership, and offer the warmest welcome to our new friends from Nigeria.

CONGRATULATIONS TO ST. MARY'S SCHOOL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. POSHARD. Mr. Speaker, I rise today to congratulate St. Mary's School in Mattoon, IL. St. Mary's has been named the 1995 State Champion of Illinois for the President's Council on Physical Fitness and Sports.

In this nationally recognized competition, St. Mary's finished as the top school in Illinois with enrollments between 101 and 500 students. In fact, St. Mary's performance during the 1993–94 school year, in which 62.4 percent of students performed at the 85th percentile rank, was the best among all Illinois schools.

St. Mary's commitment to excellence in physical fitness is known throughout the community. Mr. Speaker, Mike Martin, a local conservation officer, volunteers his time to ensure that St. Mary's School has a physical education program on Monday and Friday mornings. Mr. Martin has not only invested his time, but has also built an obstacle course and weights, out of plaster of Paris and tin cans, so that the students can be in their best possible physical condition.

Mr. Speaker, on Friday, Nov. 3, 1995 these award winning students will be officially recognized for their exceptional performance in four areas: A 1 mile run/walk, which builds heart and lung endurance; curl-ups, which strengthen the abdomen; a sit and reach stretch to flex muscles; pull-ups for upper body strength; and a shuttle run for agility. I am proud to join with the parents, teachers, and friends of these outstanding young people in congratulating them on making physical fitness a priority.

TRIBUTE TO SETON HALL UNIVERSITY AND UNIVERSITY INTERNATIONAL BUSINESS AND ECONOMICS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to two educational institutions. On October 24, 1995, Seton Hall University of South Orange, NJ, and the University International Business and Economics of Beijing, China [UIBE], recognized the importance of their 15-year-long collaboration.

Fifteen years ago, Seton Hall and UIBE organized a joint venture which facilitated the opening of China and led to followup investments by several American-based companies. This is the 15th anniversary of the delegation which started this joint venture.

These two schools confirm their commitment to continue and improve this mutually beneficial relationship. Their bond is based on their common desire to foster a better understanding of the cultural and business environment of the United States and of the People's Republic of China.

Through the continuation of their established faculty and student activism, Seton Hall University and the University of International Business and Economics will continue to dedicate themselves to new initiatives that are responsive to the needs of the global community in the 21st century.

I congratulate both entities on their commitment to promoting a program which involves culture and education, and that has contributed to the success of American-based business overseas.

TRIBUTE TO THE AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. DUNCAN. Mr. Speaker, I rise today to pay respect to a medical association that most of us know very little about, but rely on every day when we walk into a hospital or medical clinic for diagnosis of an injury or treatment for cancer. This society has existed for 75 years with most of us taking for granted the fine professionals who are committed to the safety of patients receiving x rays, ultrasound, and radiopharmaceuticals. Therefore, it seems befitting in this centennial year of the discovery of the x ray that we pay tribute to these radiologic technologists, therapists, and sonographers.

1995 commemorates the 100th anniversary of the discovery of the x ray by Wilhelm Conrad Roentgen and celebrates the 75th year of the oldest radiologic technologist society in the world. Roentgen's discovery revolutionized medicine allowing doctors to view the inner workings of the human body like never before. The American Society of Radiologic Technologists was the first to establish professional standards for radiologic technologists performing x rays, emphasizing quality techniques and radiation protection for both patient and technologist.

With more than 200,000 radiologic technology professionals nationwide, the American Society of Radiologic Technologists is on the forefront in promoting patient safety and technologist education. Society founder, Ed Jerman, brought together 13 technologists in 1920 to form an association that would advance the profession and the technologists working in radiologic technology. His dedication to professionalism and service remains the foundation of the society.

Technologists, therapists, and sonographers operate the equipment and deal directly with patients to produce the images that physicians use to diagnose and develop treatment plans. Radiologic technologists' skill and professionalism in performing exams influences the quality of patient health care from excellent images, to accurate diagnosis and treatment, to effective follow up.

For 75 years the ASRT has responded to the issues challenging radiologic technologists and the profession. Ed Jerman was the first to standardize radiographic techniques in the 1920's. The ASRT helped establish uniform educational and accreditation standards in the 1950's. The testimony of the ASRT's leaders assisted in the passage of the Consumer-Patient Radiation Health and Safety Act in 1981. Today, the society continues to promote radiation safety by supporting licensure at the State level and continuing education for all radiologic technologists. The ASRT's dedication to high standards in safety and education acknowledges the vital role of radiologic technology professionals as members of today's health care team.

Mr. Speaker, it is with great honor that I pay tribute to such a hard-working, dedicated group of professionals represented by the American Society of Radiologic Technologists.

TRIBUTE TO FOWLER SCHOOL DISTRICT NO. 45

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to the Fowler School District No. 45 in Phoenix, AZ, on the occasion of its 100th anniversary.

The year was 1895, Grover Cleveland was President of the United States and Arizona was a territory. Phoenix was a ranching and farming community with a population of about 4,500. On the west side of the Valley, F.M. Fowler established a home, butcher shop, and freighting business in the 1880s. The Fowler family donated land to build a new, brick school building on the present-day corner of 67th Avenue and Van Buren Street in Phoenix after the old wood-frame building burned. Phoenix School District No. 45 was renamed and will always be known as the Fowler School District.

By today's standards, the school's beginning was modest. But for its time, the Fowler School was considered to be the best countryside school in Arizona Territory. On Friday, November 1, 1895, the Phoenix Daily Herald reported on "An Elegant School House". The article stated:

> The main class room of the school house is 30 x 50 feet inside with ceiling 14 feet high. It is well lighted on all sides and the ventilation is perfect. The main entrance to the building is approached by a flight of stone steps and is 6½ feet wide with an arch overhead. Inside is a short hall with cloak and

hat rooms at either ends one for the lads and the other for the lasses. Over the left cloak room which has an elegant bay window is the bell tower surmounted with a flag pole from which the stars and stripes will float on every school day. The building is surrounded by play grounds of four acres donated to the district by the Fowler brothers.

There are about forty-six scholars in the district who will be welcomed to the new school house about the 20th of the month.

Fowler family members served on the school's trustee board into the 20th Century. In 1916, the Fowler Women's Club organized. Beginning in 1933, the club sponsored free meals for children during the depression era. The Fowler PTA began in 1926 and continues today without interruption.

The school district purchased 3¼ acres of land in 1929. A new schoolhouse was constructed with six classrooms, four small rooms, an auditorium, a basement for heating facilities which also provided a place for teachers to retreat and smoke that forbidden cigarette. As Phoenix grew, so did the Fowler School District.

In 1942, new classrooms, a kitchen, and dining hall were added to the grounds. A bus barn and new classrooms were built after World War II. The 1950s and 1960s were decades of tremendous growth for the historic school district. New laboratories, eight new classrooms, administrative offices, a school nurse and teachers lounge were constructed on this bulging campus. Portable buildings were added in the 1970s to meet the students' needs until 1983.

Sunridge School was built in 1983 to house the kindergarten, first, second, and third grades while new classrooms and laboratories were added at the old Fowler school site. By 1987, the old main building was declared unsafe and was torn down. A new building with a kitchen/cafetorium and five new classrooms were built in its stead. Ever expanding, the Fowler School District opened Santa Maria Middle School for sixth, seventh, and eighth grade students in 1994.

A school that opened with 46 students in 1895 educates 1350 students in 1995. This 1895 modern, one-room school house on four acres of desert land grew to 29 classrooms, auditoriums, laboratories, and new schools on 20 acres of land. The Fowler School District has produced many local community members whose entire lives center around it.

I am proud of the continuing success of the Fowler School District and salute them on the 100th anniversary. I hope that my colleagues will join with me today in wishing them and the people of the Fowler School District the best of anniversaries.

TRIBUTE TO MARION WINSTEAD

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. WARD. Mr. Speaker, I rise today to honor Marion Winstead and to commemorate the establishment of Marion Winstead Drive, dedicated on October 17, 1995 at Riverport in my district of Louisville, KY.

In February of 1945, Marion Winstead became a member of the Teamsters, Local 89 and, in April of 1952, he became an assistant business agent of that same chapter. In December of 1955, Mr. Winstead was elected secretary and treasurer of the Teamsters, Local 89 and in 1976, he was elected president of this chapter.

Marion Winstead's election as president of the Teamsters, Local 89 was only the beginning of his service to Louisville. In 1976, Mr. Winstead was appointed by then Kentucky Governor Julian Carroll to the governor's Economic Development Commission and one year later, he was appointed to the Governor's Commission on Products and Liability. Marion Winstead also served on the Louisville and Jefferson County Tourist and Convention Commission, the Kentucky Labor Management Advisory Council, the commission's of corrections and community services, the Governor's Task Force on Workman's Compensation, the Kentucky Job Training Coordinating Council, the Kentucky Port and River Development Commission, and, in 1995, he was appointed to the Enterprise Zone Authority of Kentucky.

Mr. Speaker, this new street marks another chapter in the growth and job creation which have made Riverport such a success story for our community. Marion Winstead, as chairman of the board of the Louisville/Jefferson County Riverport Authority, led the authority during tough times. Fortunately, he had the steadfastness and determination to see this industrial park through its rougher days. Today, we see the results of all of the hard work done over so many years. Our community is benefiting from the jobs and prosperity created by this thriving industrial park. Mr. Speaker, it is most appropriate that future employees and visitors who come to Riverport will drive on Marion Winstead Drive, for it is Marion Winstead, perhaps more than any other individual, who has made Riverport what it is today.

IN SUPPORT OF RELOCATING THE U.S. EMBASSY TO JERUSALEM

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. DOYLE. Mr. Speaker, I rise today in strong support of the action taken by the House last week in support of moving the United States embassy in Israel from its current location in Tel Aviv to its rightful place in Jerusalem. As a cosponsor of the original House bill on this matter, I am pleased that we are able to move forward with this legislation in such a timely manner.

Situating the United States' embassy in the Israeli capital is a long overdue acknowledgement that a unified Jerusalem represents the vitality of the nation of Israel. Jerusalem has been under the administration of the Israeli Government for over 25 years, and by moving our embassy we will add to the stability of this situation.

Another reason I endorse this action is simple diplomatic protocol. Of all our hundreds of embassies throughout the world, from Albania to Zimbabwe, this is the only instance where the United States has not located its embassy in the host nation's capital. Certainly Israel, which is one of our closest allies in the world, deserves the respect that would accompany having our official diplomatic representation in their capital city.

Furthermore, the relocation of the U.S. embassy is consistent with the our Nation's support for the ongoing peace process in the Middle East. I am a strong supporter of this process and am sensitive to any possible adverse impact that this or any other related action would have on that process. I am satisfied that the transfer of our embassy will not have any negative consequences in that regard.

In conclusion, I am proud to be a supporter of efforts such as this, which are based on sound public policy goals and are accomplished in a bipartisan manner.

OCTOBER—DOMESTIC VIOLENCE AWARENESS MONTH

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. GEJDENSON. Mr. Speaker, October is Domestic Violence Awareness Month and I rise today to observe this occasion. By now, almost everyone has heard the staggering statistics—6 million women are beaten each year by their husbands or boyfriends and 4,000 women die as a result, every 15 seconds a women is beaten by her husband or boyfriend, 20 percent of women who visit emergency rooms have injuries caused by their husbands or boyfriends, 28 percent of violence against women is committed by the victim's intimate, and 1 in 4 women in America will be assaulted by a domestic partner in her lifetime.

Unfortunately, while Congress has made some progress with passage of the Violence Against Women's Act [VAWA] last year, funding for the important programs created by VAWA has lagged. Earlier this year, the House approved the Commerce, State, Justice appropriations bill which provided $124.5 million for VAWA programs. This figure is $50 million more than originally recommended by the House Appropriations Committee, however, it is still $50 million less than the amount authorized by VAWA. This is appalling.

Last year, Congress appropriated $10 billion to help the survivors of the Los Angeles earthquake. In 1991, we sent $900 million in aid for victims of Hurricane Bob. After the Los Angeles riots in 1992, the Federal Government contributed to the cleanup efforts. In the same year, Congress provided assistance for many victims of Hurricane Andrew. Spending this money was necessary and I supported it. But just as we assist victims of periodic natural disasters, we must also help the victims of the on-going tragedies which occur in our backyards everyday—survivors of domestic violence.

Domestic Violence Awareness Month is an opportunity to inform the public about this devastating crime. But more needs to be done. We, in Congress, have an obligation to ensure the safety of all women in this country and I will continue to work toward this goal.

ABUSE OF PROCESS ON OMNIBUS RECONCILIATION BILL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. HAMILTON. Mr. Speaker, I am deeply concerned about the process the House followed in considering the omnibus reconciliation bill. Those concerns are outlined in my statement before the Committee on Rules on this bill.

I believe that this process represents an unprecedented attack on this institution. I hope my colleagues will keep in mind the concerns outlined in my statement as the House and Senate meet to conference this bill.

H.R. 2517, THE OMNIBUS RECONCILIATION BILL

Mr. Chairman, Mr. Moakley, and other members of the Committee on Rules, I appreciate the opportunity to appear before you on H.R. 2517, the omnibus reconciliation package.

I am here today because I am troubled by the pattern of abuse of the legislative process that has been developing during this Congress. This bill exemplifies that abuse.

Now I know that reconciliation bills under Democratic majorities were not pure. Problems with the process have been growing over the years, given that the original reconciliation bill dealt with $8 billion, and today we cannot even estimate the total sums both "reconciled" and authorized in this package.

This reconciliation bill enters a new universe in its breadth, the sheer number and complexity of proposals, and the extent to which committees of jurisdiction—and thus, all Members of the minority—were shut out of developing this package.

The reconciliation package contains three large items and several smaller provisions that fall within the jurisdiction of the International Relations Committee.

First, H.R. 2517 contains a major legislative proposal dramatically changing the configuration of the Commerce Department. The Committee has jurisdiction over international trade issues, so the dismantlement of the Commerce Department causes great concern. The Committee never considered the measure.

Second, the bill "deems" enacted the entire foreign affairs agencies' reorganization bill. Action has not yet been completed in the Senate.

Third, the bill contains the text of H.R. 927, the Cuban Liberty and Democratic Solidarity Act, approved by the House last month. This bill was altered substantially by the Senate, and should be scheduled for conference.

The purpose of a reconciliation bill is to bring direct spending in line with the targets set by the budget resolution. Among the many problems with this bill, these items in the jurisdiction of the International Relations Committee have nothing to do with budget reconciliation. These items will cost money.

Quite simply, this is the wrong way for the House to go about its business.

PROBLEMS WITH THE PROCESS

(1) This process places enormous power in the Leadership, who will consult only with those persons and groups they want to include.

The Committee is bypassed, an entire House of the Congress is bypassed. All decisionmaking about the issues occurs behind closed doors in a group formed by the leaders of the majority. Final decisions are made by the Speaker. You have created a largely secret system.

This is a system which reduces accountability. It is an entirely closed process. The average American has no way of learning which Members are involved, which special interest groups are consulted or locked out, and what positions Members have taken on a proposal until it is too late and the House has voted.

Many members of both parties with significant expertise were simply not welcome to contribute to the process.

(2) This process bypasses and undermines the entire committee system.

When the Chairman decides to waive consideration of bills that are central to the committee's jurisdiction, most Members—including all Members of the minority—are shut out. The Commerce proposal in a case in point. Our Committee had no role in developing that proposal. We held no hearings on this proposal, there was no debate, we had no markup, no amendments were permitted, we did not vote. We defaulted on our responsibilities.

The Committee is also stripped of its responsibilities when items that it has considered and moved through the House are included in the reconciliation package. Moving the Committee's foreign affairs reorganization bill or the Cuba bill through the reconciliation bill removes the Committee from meaningful participation in a conference. It puts these major foreign policy bills into a conference with a mix of 1000 other domestic items. The substance of these bills will not likely be discussed in a reconciliation conference.

In the last Congress, Republicans and Democrats working on congressional reform talked about streamling, modernizing, rationalizing, and enhancing the committee system. Congressman Dreier and I worked many long hours on these issues. But we did not talk about what has come to be in the Congress: bypassing committees on major policy issues.

(3) This process produces a monster bill.

This bill is simply overwhelming. What we have before us—all 1754 pages—is not really the entire bill. It does not yet include the Medicare package. There are several other bills that are hundreds of pages themselves—such as H.R. 1561 and the welfare reform package—that this bill incorporates by reference.

This reconciliation package will include bills that majority votes in committees rejected. The "Freedom to Farm" bill, for example.

It includes bills the bulk of which the House has rejected, such as the mining patents and national park concessions proposals.

It includes bills such as the Cuba bill, that have passed the House and Senate in very different forms. There is every reason to send this bill to conference under regular process.

It includes bills—for instance, the Commerce proposal—created by a task force made up only of Members of the majority party, after committees have reported out different measures and some committees—such as the International Relations Committee—were apparently instructed by the Leadership not to act at all.

(4) This process will include a tightly constrained rule.

Reconciliation bills traditionally impose severe constraints on time for debate and the opportunity to amend. You will undoubtedly prescribe a restrictive rule, a rule designed to keep the package intact.

The Senate accords only 20 hours of debate (12 minutes per Member) on the bill. In this bill, that means just over one minute per page.

We have had only a few days to digest this enormous bill. And the contents of the bill we take up on the floor are anyone's guess—I expect your rule will include significant "self-executing" changes.

We will probably know even less about the contents of the reconciliation conference report before we must vote on it.

(5) This process is not defensible because the ends do not justify the means.

I understand that the current Leadership has a very different view of the committee system. If the Leadership is driven only by outcome then process is irrelevant. Having the votes at the end of the day is all that matters.

I believe that the essence of democracy is process, and that the end does not justify the means, that the means is as important as the end.

That means a process that guarantees that all Members will have an opportunity to be heard, if they do not have the chance to prevail.

It means a process that allows every Member to offer amendments and to vote, and every constituent to track how their representative has voted as a bill winds its way from committee, to the floor, to conference, and to the President.

It means a process that allows those who have spent time developing expertise in a particular area to have a seat at the negotiating table.

Eliminating consideration by committees, by one House, silencing voices, reducing the number of people at the negotiating table may get bills through the House faster. You may get bills out of conference more quickly. But in the end we will not get better laws. And we will erode the foundations of this institution.

CONCLUSION

We are subverting the entire legislative process here, decision by decision. We are taking bills to the floor that have not been written or even considered by the committees of jurisdiction and expertise.

Protecting the committee system in this House should not be a partisan issue. Safeguarding the legislative process is not partisan.

For these reasons, I urge you to support Mr. Hall's efforts to strip the foreign affairs reorganization provisions from H.R. 2517. I would also support any efforts to strip the Commerce and Cuba provisions from this bill.

And I ask that you think very seriously about the entire way you're planning to move this reconciliation package. Subverting the legislative process does a grave disservice to this body, and to the American people.

TRIBUTE TO HTC ALBERT MONROE ON 20 YEARS OF NAVY SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. SOLOMON. Mr. Speaker, I don't need to tell anyone in this Chamber about my high

regard for veterans, and for the men and women who serve in the Armed Forces. That service is always rendered at great sacrifice, and often at considerable danger. The entire country owes a debt of gratitude to the Americans who have served.

I'd like to single out one of those patriotic Americans today. HTC Albert Monroe of Ballston Lake, NY is retiring after 20 years of outstanding service in the U.S. Navy.

Mr. Speaker, geography makes this a maritime Nation, situated as we are between two large oceans, with the responsibility, as leader of the free world, of keeping our sea lanes free. This places a primary burden on our Navy. The backbone of that Navy, Mr. Speaker, is its noncommissioned officer corps, of which Chief Monroe is a shining example of leadership and service. To the usual burdens of military life are added occasional long deployments at sea, where the psychological pressures would multiply without such leaders as Chief Monroe.

The Navy looks to its chief petty officers as the most important link in the chain of command, the transmitters of orders and monitors of morale. Chief Monroe has met these challenges, as proven by the award of five Good Conduct Medals: a Meritorious Unit Commendation, and Navy Commendation Medal, among his other decorations.

Mr. Speaker, I have inspected our new, all-volunteer Armed Forces on every continent and on most of our U.S. installations. They are the best-trained, best-equipped, and most motivated military forces in our history, and I am proud of them. That level of excellence is directly due to the presence of career personnel like Chief Monroe.

I congratulate Chief Albert Monroe for his 20 years of service, and wish him, his wife Susan, and children Craig and Holli all the best in the future. Mr. Speaker, I ask you and all Members to join me in a salute to this outstanding American.

MORE THAN A DIFFERENCE OF DEGREES

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. RADANOVICH. Mr. Speaker, a respected leader of California's agriculture community, Bill Mattos, has hit the nail on the head. Indeed, Mr. Speaker, the rule he rightly ridicules is one that tolerates as fresh chicken sold to consumers that is frozen so stiff it could drive nails.

For the enlightenment of our colleagues and to illustrate once again the folly of letting frozen masquerade as fresh, because that is what Government says, I take pleasure in presenting the following editorial expression by Mr. Mattos that was published in the Capital Press Agriculture Weekly on October 27, 1995.

POULTRY LABEL CHARADE CONFIRMS PUBLIC'S CYNICISM ABOUT POLITICS

(By Bill Mattos)

When is a frozen chicken fresh?

One newspaper says, "When it's got the political muscle of the 800-pound gorilla that is the poultry lobby."

I guess that's the same frozen poultry thawed on its way to California from some of the nation's largest poultry processors.

Believe it or not, Congress spent more than four hours recently debating chicken labeling, then barred the U.S. Department of Agriculture from enforcing truth in labeling.

Congress just doesn't get it. Voter anger, so visibly demonstrated in the last two federal elections, was not simply about one party vs. the other. Rather, it was directed at the status quo—a sense that in Washington, the concerns of deep-pocketed special interests outweigh the common good.

Recent action in both the House and Senate shows the lengths members will go to please special interests. In the midst of hefty debate on a welfare "revolution" and Medicare "overhaul," Congress found it necessary to vote on whether chicken that has been frozen to rock-solid temperatures can be thawed and called "fresh."

After weeks of serious debate, with California's representatives arguing the merits of freshness, Congress decided that yes, indeed, it should be legal to label defrosted poultry as "fresh."

This legislative squawking is ludicrous. But it means serious, added profits to a few big chicken producers in the Southeast who use these "fresh" labels to sell chicken to unsuspecting consumers nationwide at a higher price.

Consumers who buy fresh food believe it has never been frozen. That's why USDA officials in August announced that chicken producers can no longer put deceptive "fresh" labels on poultry that has been iced to below 26 degrees, and subsequently thawed for sale in grocery stores.

USDA policymakers didn't create this rule overnight. Two years ago, they began studying the issue. They tested the freezing point of poultry—and discovered the meat becomes crystallized at 26 degrees. They held field hearings in cities throughout the country. They drafted a rule and published it in the Federal Register to solicit public comments.

And the public responded: USDA's mailbox received thousands of letters from irate consumers, all of the leading consumer advocacy organizations, as well as chefs, who felt the rule was important enough for them to write in.

Congress held its own hearings, which included testimony by noted chef Wolfgang Puck, who pounded a so-called "fresh" chicken that was rock-solid on a table in front of a House committee. Members participated in chicken bowling with "fresh" chickens that were hard as bowling balls.

The point consumers were trying to make was simple: A "fresh" chicken has never been frozen. Shoppers in search of fresh vegetables bypass the freezer case and go to the produce department. Likewise, those in search of fresh seafood head straight for the lobster tank. So why on earth did the Senate vote to provide an exception for poultry?

The answer: It puts lots of dollars in the pockets of giant poultry corporations in a few states like Arkansas and Mississippi, and costs 40 cents to $2 more per pound for consumers who buy this "fresh" (actually, thawed) chicken.

Southeastern senators whose constituents include the largest chicken-producing conglomerates went to the Senate floor to say it was them vs. California, a state where consumers purchase lots of fresh chicken. Maybe they had a point—but only on the Senate floor. Off the Capitol grounds, it was the Senate vs. millions of consumers, and consumers lost.

In fact, the vote in the Senate was 61 to 38 in favor of defrauding consumers. Senators from the frozen-chicken states locked arms and relied on the old network to reverse a scientifically based USDA rule that was two years in the making. Subsequent objections to this ridiculousness raised elsewhere in Congress were overruled.

Kudos to Sen. Thad Cochran, R-Miss., and Sen. Dale Bumpers, D-Ark., or this legislative feat. Cochran is the chairman of the Senate subcommittee on Agriculture Appropriations, the panel that holds the purse strings for the USDA. He got the ball rolling by slipping language into an appropriations bill before his committee that would prevent the department from using its funding to implement or enforce its truth-in-labeling rule.

But it was Bumpers who, during debate in the Senate, revealed the true thrust of the big chicken lobby's argument: economics. He said it was difficult to ship chickens from Arkansas without freezing them, claiming that "economically, that is not doable." So in pursuant to additional profits for several large companies, Congress overruled conventional scientific wisdom.

These actions typify what is wrong with Washington. The Congress overturned in a matter of weeks a pro-consumer, commonsense ruling by the USDA that took two years and many hours of public input, to make.

In the end, Congress chickened out and voted for the best interests of special interests, hoping consumers didn't notice.

Well, consumers and fresh poultry producers did notice, and we were disgusted.

This isn't a choice between fresh and frozen. It's a choice between consumers' interests and hard-ball politics as usual. What will it be, Washington?

SCHWARTZ, KARSIF & CO., P.C. MARKS 35 YEARS OF SERVICE

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. FOX. Mr. Speaker, when Bill Karsif and Sid Schwartz decided to enter into an accounting partnership, the two CPAs flipped a coin to determine the name of the firm. Sid Schwartz won the toss.

Since that time, some 35 years ago, Sidney A. Schwartz and William Karsif, both 67, have never looked back and have been consistently progressive in operating this CPA and financial planning corporation which still carries their names.

Schwartz, Karsif & Co., P.C., currently has offices at the Executive News, Building L, 2300 Computer Avenue, in Willow Grove, PA.

These two talented CPAs who have specialized in providing accounting services and financial planning for small businesses, will mark their 35th anniversary together on December 12 of this year with a special reception for all of their clients, business associates, and friends.

The two became friendly as a result of their membership in the Adelphi Lodge of B'nai B'rith and their neighborhood association in the East Oak Lane section of Philadelphia.

Schwartz is a graduate of the University of Pennsylvania Wharton School and Karsif is a

graduate of Temple University. Both are members of the American and Pennsylvania Institutes of CPAs. Schwartz is also a certified financial planner and is active in the CFP Institute.

When they decided to form a partnership, Karsif was working in his own private practice and teaching at Pierce Business School, while Schwartz was also in his own private practice. Schwartz teases about earning $40 per week back then, while Karsif muses about earning $5 per hour.

The two businessmen joined together with one small office located in Center City Philadelphia and an office in the Mt. Airy section. "We knew that together we could offer better services for our clients," they note.

Through the decades that followed, their general accounting practice grew from the original partners, with one junior accountant and a secretary, to a multimillion dollar professional corporation with 24 professionals plus clerical and support staff.

SK&Co grew and acquired an expertise in many areas of small businesses including scrap metals, commercial contract cleaning services, commercial and residential real estate and construction, professional corporation in medicine and law, manufacturing, laboratory research, boarding homes, and personal care facilities. Their current client list spans businesses and corporations in some 25 States.

The firm has expanded its offices three times since its inception in 1961, moving to Cheltenham, PA, in 1971; Rydal, PA, in 1982; and finally to its spacious modern office complex in Willow Grove.

Schwartz says that the company was one of the first to run personal income tax forms on an in-house computer system and has never farmed out client work to outside service bureaus, specifically to maintain absolute confidentiality.

In the late 1980's, following on the heels of its latest expansion, the firm added SKC Financial Planning Inc., an affiliated company, to its services. Schwartz, Karsif & Co. was one of the first accounting corporations to provide asset management and financial planning for the benefit of its clients.

Schwartz and Karsif now hold the title of co-chairman of the board and spend their time mainly in tax and financial consulting. They are also active in the area of succession of family-owned businesses. They share the overall responsibilities for expanding the firm's client base.

The current day-to-day operational responsibilities are now being managed by Martin G. Kalos, 44, of Melrose Park, PA, who is the new president and managing shareholder, and Doris C. Liu, 48, of Washington Crossing, PA, who is secretary-treasurer and shareholder. Kalos has been with the corporation for 18 years and Liu has been a part of SK&Co for some 14 years.

TRIBUTE TO MADELEINE HERLING: AN EXTRAORDINARY WOMAN WHO GAVE THE GIFTS OF LOVE AND HOPE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in appreciation and celebration of the life of Madeleine Herling. Annette and I were very saddened by her passing, for the world was graced by her extraordinary life.

Madeleine had an insatiable good will—she could not do enough for her fellow human being. She worked tirelessly as a leader at the Emmanuel Foundation, where she was a vigilant guardian of the lessons of the Hungarian Holocaust and an invaluable advocate for the rights of Hungarian Jews.

Madeleine's contagious warmth and optimism could overcome any dark situation. She used these qualities to bring hope and happiness to those who seemed beyond hope, such as the occupants of an old Jewish nursing home for survivors of the Holocaust. She gave every person she met her undivided attention and devotion.

Mr. Speaker, I rise today to pay tribute to the memory of Madeleine Herling. Please join me in taking a moment to remember the many accomplishments of this extraordinary woman.

FRIGHT NIGHT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. PACKARD. Mr. Speaker, tonight officially marks Halloween—Fright Night. However, my colleagues on the other side of the aisle have waged their scare campaign for months. They have no proposals to balance the budget, save and strengthen Medicare, and change welfare. Instead, my Democrat colleagues, have chosen to spend their time and energy dressing up our Republican proposals in exaggerations and falsehoods. Then, they come to the floor of this Chamber to spring their distortions on the most vulnerable members of society—kids, seniors, and the less fortunate.

Halloween or not, today the masks come off and the truth comes out. Last week, my Republican colleagues and I passed a budget which balances by 2002. This package reins in 40 years of reckless spending, we save Medicare from bankruptcy by strengthening it for today's and tomorrow's seniors; and, we provide tax relief for families struggling to provide a strong future for their kids.

While my Democrat colleagues try to trick the American people with stories of impending doom, the truth is that a balanced budget brings nothing but treats for this country. Lower interest rates translate into more affordable housing, car, and student loans. A balanced budget means a higher standard of living for all Americans.

No tricks, no lies. My Republican colleagues are serious about keeping our promises and changing the culture of Washington to increase opportunities for all Americans.

A TRIBUTE IN MEMORY OF FORMER MEMBER OF CONGRESS B.F. SISK

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. DOOLEY. Mr. Speaker, I ask my colleagues to join me today in remembering a former Member of this body and a true leader from California's Central Valley, B.F. Sisk, who died last week at the age of 84. As one who follows the tradition of moderate Democrats from central California who are dedicated to furthering the cause of valley agriculture that Mr. Sisk helped establish, it is an honor for me to offer this tribute.

Mr. Sisk ran for Congress in 1954 while working as a tire salesman in Fresno and went on to become one of the most influential Members of the House by the time he retired in 1978. His contributions ranged from serving on the House panel that led the way to our country landing on the Moon to being one of the Rules Committee members who ensured that President Kennedy's civil rights and education initiatives were enacted.

But back home, Mr. Sisk was perhaps best known for his dogged work that led to the building of the San Luis unit of the Central Valley project. The San Luis unit includes 115 miles of canals and the 2 million acre-foot San Luis Reservoir—the largest reservoir in the world without a natural stream.

Because of the San Luis unit, millions of acres of farmland on the valley's west side have been brought into production. It is now one of the most productive agricultural regions of the world. In honor of Mr. Sisk's leadership, the dam creating the San Luis Reservoir has been renamed the B.F. Sisk Dam.

Along with a host of other projects he helped bring to the valley, Mr. Sisk also left behind a political legacy. One of his top aides, Tony Coelho, was elected to replace Mr. Sisk when he retired in 1978. As we all know, Mr. Coelho went on to become the House majority whip. Throughout his career, Mr. Coelho cited the mentorship of Mr. Sisk as one of the keys to his success.

Less directly, Mr. Sisk also had an impact on many current Members of Congress, myself included. He set an example of a nonpartisan, moderate Democrat who put accomplishments for his district ahead of party politics. It is an example that I and many others have tried to follow.

Again, I ask my colleagues to join me in paying tribute to the memory of B.F. Sisk.

TRIBUTE TO CARLOS GARCÍA

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. Carlos García, a remarkable journalist and a dear friend, who was honored on October 20 at a banquet dinner in commemoration of the 10th anniversary of Guayaquil 85, Inc., in Queens, NY.

Mr. García, who was born in Ecuador, came to the United States in his youth. With perseverance and dedication, he started an exceptional career as a reporter.

During his 23-year career, Mr. García has been able to inform members of the Hispanic community, who like him, were always anxious to learn about the latest news on Latin America, the United States, and their immediate communities.

Through accurate and timely reporting, Mr. García gained the recognition of his peers and became news editor at Noticias del Mundo, one of the most widely read newspapers in Spanish in the New York City area. He also worked for the Spanish radio station Radio WADO, and continues to produce the morning news program "Buenos Dias America."

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Carlos García for his 23 years of work as an outstanding journalist and for his service to the community.

DR. FRANK P. LLOYD RESIGNS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 1995

Mr. JACOBS. Mr. Speaker, the following editorial published in the Indianapolis News this past weekend, does not overstate the accomplishments and the goodness of Dr. Frank P. Lloyd. It would be impossible to say too much good about this magnificent man:

[From the Indianapolis News, Oct. 28, 1995]

A ONE-IN-A-MILLION LEADER

Too often, the work of a soft-spoken leader goes without due recognition. Such is the case with Dr. Frank P. Lloyd, who resigned last week from the White River State Park Development Commission.

Lloyd has served tirelessly on that body since 1979, when it began its work to create an urban park for the people of Indianapolis. His work for the commission, however, is just one of many of his efforts to better this city.

Upon hearing of Lloyd's resignation, U.S. Rep. Andy Jacobs, Jr. called him a "civil saint" and one of "God's nobleman."

A summary of a few of his accomplishments explains that description.

Lloyd, who will turn 76 this month, received his medical degree from Howard University in 1946 and built a career as an obstetrician. Along the way, he also became involved in many community projects.

In 1968, Lloyd got the idea to give Indianapolis its first radio station with a goal to serve the black community. He and 11 Democrats put their money together and bought a license and began to broadcast on WTLC-FM.

Lloyd also was the chairman of Midwest National Bank, where he put high priority on opening up lending opportunities for minorities.

In a 1993 interview with News reporter Marion Garmel, he said: "What I believe as a black male is that if you're going to try to do something in a community at all, you need three things: access to media, access to money and access to the political world."

He has been successful at all three.

Lloyd has served on the boards of many organizations, including Indiana Bell Telephone, Ameritech, the Christian Theological Seminary, Community Leaders Allied for Superior Schools and the Indiana Advisory Board of the U.S. Commission on Civil Rights.

He was president of the Metropolitan Planning Commission in the 1970s and was chairman of the prestigious American Planning Association, which develops urban policy.

Lloyd also has recognized women deserving a leadership positions. During his stint at Methodist Hospital, from which he retired as president and chief executive officer, Lloyd promoted two women to senior management positions, something that had not been done before.

He also has mustered support for health programs for women and children. When Sen. Richard Lugar was in Indianapolis a few weeks ago, he praised Lloyd during a luncheon speech, crediting him for his work.

"I remember Dr. Frank Lloyd, when I was mayor, said that the best index of the civilization of this city is the infant mortality rate. It tells you very rapidly the sense of concern that people have for each other in a community sense," said Sen. Lugar.

Lloyd clearly has a strong sense of concern for the people of Indianapolis. His accomplishments—there have been far to many to list here—bear that out.

Although he would not seek out recognition for his good deeds, we choose to acknowledge them here, as well as offer a heartfelt thank-you on behalf of the entire community.