Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

SENATE—*Wednesday, December 6, 1995*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, take charge of the control center of our brains. Think Your thoughts through us and send to our nervous systems the pure signals of Your peace, power, and patience. Give us minds responsive to Your guidance.

Take charge of our tongues so that we may speak truth with clarity, without rancor and anger. May our debates be an effort to reach agreement rather than simply to win an argument. Help us to think of each other as fellow Americans seeking Your best for our Nation, rather than enemy parties seeking to defeat each other. Make us channels of Your grace to others. May we respond to Your nudges to communicate affirmation and encouragement.

May we all march to the cadences of the same Drummer. Help us to catch the drumbeat of Your guidance. Here are our lives. Invade them with Your calming spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity in our diversity. In our Lord's name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, in a few moments, I will make a motion to proceed to the consideration of calendar No. 195, Senate Joint Resolution 31, regarding a constitutional amendment prohibiting the desecration of the flag. By a previous order, at 5 o'clock today, we will resume consideration of H.R. 1833 regarding partial-birth abortions and the pending amendments thereto. I assume we will have rollcall votes throughout today's session in regard to either of these matters.

Just for the information of my colleagues, on the tentative schedule, we would like to finish the constitutional amendment on flags and complete action on the partial-birth abortions bill and consider any available appropriations conference reports between now and sometime on Friday.

Next week, the State Department reorganization bill will come to the floor, S. 1441, unless we reach some agreement prior to that time. We have been trying to reach an agreement here for several weeks, and we have had no success. I think the chairman of the Senate Foreign Relations Committee, Senator HELMS, has been very patient, and I am determined to bring the bill up again. If we cannot get the votes, we cannot get the votes. So we will start that up on Monday.

In addition, next week we will have available appropriations conference reports. We hope to have a welfare reform conference report. We also will take up H.R. 660, the fair housing exemption bill. There will be a short time agreement.

Next week, we will bring up the resolution on Bosnia, and I hope we might complete that under some time agreement. But that should come next week. We are still working on the language, as we have indicated in the last couple of days. That language has now been, I think, submitted to a number of our colleagues. We hope we can reach some agreement. We do not expect everybody to support the resolution. Some people have different views and different motives, but we hope that we can pass a resolution that indicates our strong support for United States forces, notwithstanding our strong disagreement with the President's Bosnian policy, which we have said from day one, the past 30 months, it has been bipartisan—we voted time and again to lift the arms embargo, to give the Bosnians a chance to defend themselves. Had we done that, we would not be talking about sending 20,000 American troops to Bosnia. The President has repeatedly rejected the bipartisan view of the House and the Senate, and he has indicated that troops will go notwithstanding any opposition from Congress.

I hope we can work out some resolution that would support the forces and let him proceed with his commitment, even though we may not share his view on either the agreement in Dayton or the Bosnia policy.

One thing we hope to achieve is an exit strategy. It is our view that unless we have some exit strategy, we are not certain how long American Forces and other forces might be there. We believe it is very important that the Bosnians be armed and trained so that in 6 months, 8 months, or a year, we will be able to leave that part of the world and come back and bring our forces back to America, and the Bosnians will be in a position to defend themselves. It sort of all gets back to what we have been talking about in the last couple of years. We should have lifted the arms embargo in the first place. They would be in a position today to defend themselves, and we may not be asking Americans to make these sacrifices. That will come up sometime next week.

UNANIMOUS-CONSENT REQUEST—SENATE JOINT RESOLUTION 31

Mr. DOLE. I ask unanimous consent that the Senate turn to the consideration of calendar 195, Senate Joint Resolution 31, proposing a constitutional amendment regarding the desecration of the flag of the United States.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there objection?

Mr. BINGAMAN. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I move to proceed to the consideration of Senate Joint Resolution 31.

The PRESIDING OFFICER. Is there debate on the motion?

Mr. DOLE. Mr. President, I know there will be debate on the motion. I do not know how long the Senator from

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

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New Mexico wishes to debate. But I hope that we can go to the bill itself in the next couple of hours. This means we will have to be here longer this evening. We would like to complete action. We are going back to partial-birth abortion bill at 5 o'clock and will try to finish that tonight.

Hopefully, if there is some time or any requests for time on the amendments, we can continue that debate tonight and finish this bill by noon tomorrow.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I did object to proceeding with the debate on the flag amendment because I believe that we have neglected some other very important constitutional duties. Specifically, we have neglected to provide our advice and consent of ratification of START II and also on confirming the nomination of ambassadors to nations, which include over a third of the world's population. That has now been delayed many months.

I have been told this morning that a deal which would allow for the Foreign Relations Committee to meet tomorrow and report the treaty and these nominations, which will allow the Senate to approve them next week and deal with the State Department authorization bill, as well, may be at hand. I would be delighted if that proves to be true, and I would gladly yield the floor and allow the Senate to proceed with debate on the flag amendment as soon as we can get some kind of unanimous-consent agreement to that effect.

But, for the moment, I think that I have no choice but to talk for a period here about the constitutional obligations we have to provide advice and consent on treaties and with regard to the appointment of ambassadors.

Mr. President, before we amend the Constitution, I hope we will not amend the first amendment, as proposed in the flag amendment, for the first time in the history of this Republic. I believe we should not go on to consider that before we get about the business of carrying out our current responsibilities under the Constitution.

Article II, section 2 of the Constitution deals with the powers of the President. The second paragraph says:

> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . .

Mr. President, I have a couple of charts which I would like to refer to here just to make the points that need to be made. This first chart deals with the chronology of events related to the START II treaty. This treaty was signed by President Bush on January 3, 1993. It was submitted to the Senate by President Bush on January 15, 1993. That was almost 3 years ago.

Until last December when the issues were resolved that allowed the START I treaty to enter into course, perhaps it was appropriate not to proceed with the ratification of START II. Once that treaty was overcome, then everyone expected that the START II treaty would be dealt with by this body early this year—early in 1995.

The last hearing of the Foreign Affairs Committee on the treaty took place on March 29 of this year.

Senator LUGAR, at a conference the next day on March 30 said,

> I chaired the final Foreign Relations subcommittee hearing in the Senate yesterday on the START II treaty. The committee will seek to mark up the treaty after the April recess. We will look to potential floor action during the middle of the month of May. It is a good treaty, but it is one thing to have reached agreements and understandings, another to have fully implemented.

Mr. President, next week we will be in mid-December, fully 7 months behind the schedule that was outlined by the senior Senator from Indiana, whom I greatly respect for his leadership on our policy toward Russia. I wish we had held to the original timetable. Obviously, we have not.

I fear the delay has only complicated the prospects for treaty ratification in the Russia Duma. We have provided an obvious excuse for inaction for 7 months now. We should not make that excuse, extend that excuse, for 8, 9, or 10 months.

As Senator LUGAR went on to point out in his March 30 speech,

> To reach the START II limits by the year 2000 or 2003 will require enormous effort and cost, particularly on the Russian side. This will be difficult in the best of times but it is particularly challenging given the political and economic revolution engulfing Russia today.

The genius of the Nunn-Lugar cooperative reduction effort has been to face the facts squarely and try to help where we can in the Russian's effort to dismantle their nuclear stockpile. Months of inaction on our part cannot have improved the prospects for ratification in the Duma.

In the elections in Russia in less than 2 weeks we are likely to see a more conservative Duma emerge, where one Start II ratification will be more difficult as a challenge for President Yeltsin.

Mr. President, I believe our delay in carrying out our constitutional duties on START II has consequences and they are potentially very bad consequences for our security and for our relations with Russia.

Similarly, I believe the delay in carrying out our constitutional duties on ambassadorial nominations has consequences.

I have a second chart here I want to go through. This is a list of the ambassadorial nominations that have been delayed. This is from the time that they were submitted to the Foreign Affairs Committee. We have the names of the ambassadors whose papers are entirely in order and who could be confirmed rapidly if the Foreign Affairs Committee were to hold a business meeting. There are 18 names on the list. We can go into them in some detail later on in the morning or later in the day.

Together, we have also listed, of course, the countries that they would be ambassadors to and the date that the nomination was sent here to the Senate.

Most of these people, 14 of them to be precise, are Foreign Service officers. Four of them, Jim Sasser, Sandra Kristoff, James Joseph, and John Gevirtz are noncareer political appointments. Many of these nominations have been ready to move since July.

Mr. President, the lives of these people and their families have been disrupted by our inaction. Our ability to carry on our diplomatic efforts with these nations and in these parts of the world have been disrupted, as well.

The signal that we send to the rest of the world when we fail to have ambassadors in key capitals is not a good signal. Look at the list of nations that we have here, Mr. President: China, Indonesia, Pakistan, Thailand, Cambodia, Malaysia, Sri Lanka, our Ambassador to the Asia Pacific Economic Cooperation Organization—APEC, which met recently, and we were not represented by an ambassador at that meeting. The Vice President attended in lieu of our President because of the difficulties here in getting agreement on a budget.

What sort of signal are we sending to Asia when we will not carry out our constitutional duties here in the Senate in a timely fashion? These nations include over a third of the world's population and some of the world's fastest growing economies. We have important and very critical interests in these nations, yet we cannot get around to confirming our ambassadors to them.

Many of the other nations listed are in Africa: South Africa, Cameroon, Rwanda, et cetera. Again, what sort of a signal are we sending? In the case of South Africa, again, the Vice President is there on a trip this week.

I am sure that our neglect of our responsibilities in the Senate is much bigger news in those nations than it is here, but what we are doing or failing to do in my view is wrong and my point this morning is that we need to get agreement in the Senate to take action on these nominations and to take action on START II before we proceed with other less pressing business.

Mr. President, the proposal that the majority leader would like to move to

today is the amendment to the Constitution dealing with flag burning. Whether a particular Senator opposes that amendment or favors it, I think all of us would have to agree that it is not urgent for the Senate to act on that proposal.

We have survived as a nation now for about 206 years without that amendment being adopted. I am a fairly regular reader of the newspaper. I read the newspaper this morning. I could find nothing in there indicating that people are burning flags around this country or around the world, in fact. Of course, the proposal is primarily aimed at those burning flags in this country.

The point is very simply, Mr. President, whether you favor or oppose the amendment, it is not urgent that we deal with it. We do not need to put aside other pressing important business in order to deal with the flag amendment today and tomorrow. I think it is much more important that we do the business of the Senate, and the business of the Senate very simply as set out in the Constitution which we are now talking about amending, the business of the Senate is to approve nominations—or disapprove.

I am not saying here I expect every Senator to come to the floor and vote for each of these Presidential nominees to be ambassador. It is possible that some of our colleagues would like to vote against them. That is fine. I am not insisting on a particular outcome.

I am saying that the Senate should have the chance to vote on these ambassadorial nominations and on the START II treaty before we conclude our business this year.

I understand that Senator HATCH is on the floor and he would like to speak for a period on the flag amendment. I certainly am willing to yield to him to do that since we will still be in a period debating whether or not to proceed to consideration of the bill.

I yield the floor.

Mr. HATCH. Mr. President, I thank my colleague. It was very gracious of him to do that, because I am concerned whether we are going to get to this amendment.

Let me, just for a moment, suggest the absence a quorum with the understanding I will be recognized as soon as we come out of the quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I thank my colleague for being willing to yield me this time, because we were supposed to start on the flag amendment at 10 this morning. I do deeply regret that we are now on a filibuster against a constitutional amendment to prevent the desecration of the American flag. I think the American people should know that this is a filibuster.

We have had a filibuster on virtually every bill this year. At the height of Republican irritation at Democratic control of the Senate in the past, I cannot remember any year on which there have been filibusters on virtually everything of substance in any given year. Selected filibusters, yes—and I am the first to say that should be done. I am the first to uphold the filibuster rule. But not on everything.

To prevent us from even considering, or at least trying to prevent us from considering an amendment to protect the flag, which most Americans, at least 80 percent, favor, it seems to me is something I hope my colleagues on the other side will think through and change their ways, because this is not right. But I do appreciate my colleague allowing me this time to make a few comments about how important this amendment is.

It comes down to this. Will the Senate of the United States confuse liberty with license? Or will the Senate of the United States allow the people of the United States to have the right to protect their beloved national symbol, the American flag?

The Supreme Court, in 1989, in the first of two mistaken 5 to 4 decisions, stripped the American people of that right. This is a right the American people had for over 200 years. This is a right they had exercised in 48 States and in Congress. Seventy-three percent of my fellow Utahns favor a constitutional amendment to protect the flag.

Forty-nine State legislatures, including the Utah Legislature, have called upon Congress to pass a flag protection amendment. Here are 49 petitions—here are the voices of people reflected in their State legislatures; 49 petitions for this amendment. Three-hundred and twelve members of the other body have already voted for this constitutional amendment. This includes nearly half of the members of the other side of the aisle, including their leader, DICK GEPHARDT—a wonderful display of bipartisanship over there, one of the few we have had in this whole last 2 years. So, it does come down to the Senate, no doubt about it.

Many of the Nation's law professors and editorial boards oppose this amendment. An intemperate American Bar Association and the American Civil Liberties Union oppose the amendment. Regrettably, President Clinton opposes this amendment, and I am sure that costs us a few votes. They may be critical votes on this particular amendment. If this goes down, it will be primarily, perhaps, because the President is opposed to it. But the American people favor this amendment.

We live in a time when standards have eroded. Our sensibilities are increasingly bombarded by coarse and graphic speech and by angry and vulgar discourse. We and our children and grandchildren can routinely watch television shows that contain material we never saw or heard on movie screens not so many years ago, let alone on TV. I noticed our colleagues, Senators LIEBERMAN and NUNN, have expressed concerns about the erosion of standards in some aspects of daytime television. I need not dwell on what we and our children can watch at the movies these days. I need not dwell on the lyrics our children are listening to throughout our country, or that they can listen to.

Drugs, crime, and pornography debase our society to an extent that no one would have predicted just two generations ago. The breakdown in the family, the divisions among our citizens, threaten our progress as one people bound together by common purposes and values.

Civility and mutual respect—preconditions for the robust expression of diverse views in society—are in decline.

Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

Individual rights are cherished and constantly expanded, but responsibilities are shirked and scorned.

We seek to instill in our children a pride in our country—a pride that we hope will serve as a basis for good citizenship and for devotion to improving our country and adhering to its best interests as they can honestly see those interests; a pride in country that takes them beyond the question, "What's in it for me?" We seek to instill a pride in country that may one day be called upon as a basis for painful sacrifice in the country's interests, maybe even the ultimate sacrifice, as it was in the case of my brother, in the Second World War.

We hope our children will feel connected to the diverse people who are their fellow citizens—the people they will grow up to work with, cross paths with in daily life, and live among.

We ask our school children to pledge allegiance to the flag. But, the Supreme Court now dictates that we must tell them that the same flag is unworthy of legal protection when it is treated in the most vile, disrespectful, or contemptuous manner.

At the same time that we seek to foster pride in each rising generation, our country grows more and more diverse. Many of our people revel in their particular cultures and diverse national origins, and properly so. Others are alienated from their fellow citizens and from government altogether.

We have no monarchy, no state religion, no elite class—hereditary or otherwise—representing the Nation and its unity. We have the flag.

The American flag is the one symbol that unites a very diverse people in a

way nothing else can, in peace or war. Despite our differences of party, politics, philosophy, religion, ethnic background, economic status, social status, or geographic region, the American flag forms a unique, common bond among us. Failure to protect the flag inevitably loosens this bond, no matter how much some may claim to the contrary. In my opinion, the defenders of this newly discovered, so-called right to desecrate the American flag do confuse liberty with license.

The issue really does boil down to this: isn't it ridiculous that the American people are unable to protect their flag, if they wish to do so? This one, unique symbol of our country? It might come as a shock to many, but the law does not have to be totally devoid of common sense. Of course, the amendment and implementing statutes must be carefully crafted and the lawyers consulted on this. But the underlying issue is not nearly as complicated as the legal mumbo—jumbo of the lawyers and elitists make it out to be.

Perhaps Paul Greenberg, editorial page editor of the Arkansas Democrat Gazette, summarized it best in a July 6, 1995 column:

"But didn't our intelligentsia explain to us yokels again and again that burning the flag of the United States isn't an action, but speech, and therefore a constitutionally protected right? That's what the Supreme Court decided, too, if only in one of its confused and confusing 5-to-4 splits. But the people don't seem to have caught on. They still insist that burning the flag is burning the flag, not making a speech. Stubborn lot, the people. Powerful thing, public opinion . . .

"It isn't the idea of desecrating the flag that the American people propose to ban. Any street-corner orator who takes a notion to should be able to stand on a soapbox and badmouth the American flag all day long—and apple pie and motherhood, too, if that's the way the speaker feels. It's a free country.

"It's actually burning Old Glory, it's defacing the Stars and Stripes, it's the physical desecration of the flag of the United States that oughta be against the law. And the people of the United States just can't seem to be talked out of that notion—or orated out of it, or lectured out of it, or condescended and patronized out of it.

"Maybe it's because the people can't shut their eyes to homely truths as easily as our Advanced Thinkers. How many legs does a dog have, Mr. Lincoln once asked, if you call its tail a leg? And he answered: still four. Calling a tail a leg doesn't make it one. Not even a symbolic leg. The people have this stubborn notion that calling something a constitutional right doesn't make it one, despite the best our theorists and pettifoggers can do.

"The people keep being told that their flag is just a symbol.

"Just a symbol.

"We live by symbols, said a Justice of the U.S. Supreme Court (Felix Frankfurter) . . . And if a nation lives by its symbols, it also dies with them.

"To turn aside when the American flag is defaced, with all that the flag means—yes, all that it symbolizes—is to ask too much of Americans. There are symbols and there are Symbols. There are some so rooted in history and custom, and in the heroic imagination of a nation, that they transcend the merely symbolic; they become presences. . . .

I think that is a pretty profound editorial.

The amendment before us does not itself protect the flag. It empowers Congress and the States to do so. The amendment reads: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

That is a very simple statement, as constitutional amendments should be stated.

Now I wish we did not have to amend the Constitution to achieve our purpose. It should not be necessary. I believe that the Constitution permits Congress and the States to enact flag protection laws. But as our colleague Senator FEINSTEIN and others have well noted, the Supreme Court has given us no choice. Twice it has struck down statutes protecting the flag—in Texas versus Johnson in 1989, a Texas statute; and in U.S. versus Eichman in 1990, a Federal statute that we enacted in response to Johnson. This amendment would overturn both decisions.

I remember when we debated that on the floor. I said the court would strike that statute down which, of course, it has.

Now let me be clear what this debate is not about. This is not about who loves the flag more. President Clinton and other present opponents of legal protection of the flag, and opponents of this particular amendment, love the flag no less than supporters of the amendment. Patriots can disagree about this amendment.

This is also not about who believes in the first amendment more. Supporters of this amendment, no less than its opponents, believe in protecting the right of free speech. In my view, there is no clash between protecting the American flag and preserving freedom of speech. And, during all the years that flag protection statutes were on the books, freedom of speech in this country actually expanded under the law.

The amendment does not prescribe what shall be orthodox in politics, nationalism, or any matter of opinion. This amendment does not compel anyone, by word or act, to salute, honor, or respect the flag.

So what, then, is this debate really about? This debate concerns our judgment about what values are truly at stake. It is about our sense of national community. It is about whether it is important enough to ensure that the one unique symbol of all of us, under which many have fought and died, may be protected if the people feel strongly enough to do so.

This debate, then, is about letting the American people, so many of whom do respect, revere, and honor our flag, decide whether this indisputably unique symbol of our country is worthy of legal protection from those who would physically desecrate it. Right now, the Supreme Court mistakenly has mistakenly stripped the people of their 200-year-old democratic right to make this decision.

The flag is the quickest and most intense way for those with an urgent cause to seek identification with their fellow citizens and American ideals and principles. Indeed, it is not uncommon for causes seeking popular support to rely on the flag as a silent but extremely powerful part of their appeal to fellow Americans. In a wonderful book, "Star Spangled Banner, Our Nation and its Flag," by Margaret Sedeen, published by the National Geographic Society, one can see vivid reminders of this. On page 181, women suffragettes are shown in an open air car with placards proclaiming their cause and waving several American flags. Two pages later is another picture, and I will read its caption:

Holding the flag high as a banner for his cause, a marcher makes his way along the road from Selma to Montgomery, AL, in the spring of 1965, protesting continued efforts to deny most southern blacks their rights to register and vote. Within months of the march, Congress approved the Voting Rights Act of 1965.

Now, parenthetically, I should note that in between these two pages is a picture which will make the blood boil of every Member of this body. I will read that inscription:

On April 5, 1976, a white high school student, 1 of 200 antibusing demonstrators in Boston that day, used the flag as a lance to lunge at a black attorney who walked onto the scene.

This is a picture of the man. Mr. President, this is as vile a physical abuse of the flag as any flag burning you have ever seen. It is also a reminder to us that any amendment we adopt must be worded so as to permit legislative bodies to address the variety of disrespectful, physical mistreatments of the flag that can occur.

It is not possible to express fully all of the reasons the flag deserves such protection. As then Justice Rehnquist wrote in 1974: "The significance of the flag, and the deep emotional feelings it arouses in a large part of our citizenry, cannot be fully expressed in the two dimensions of a lawyer's brief or of a judicial opinion." [*Smith* v. *Goguen*, 415 U.S. 566 at 602 (1974)(Rehnquist, J., dissenting).] The notion that our law denies the American people the ability to protect their flag from physical desecration defies common sense.

This amendment empowers Congress and the States to protect only the American flag—and only from acts of physical desecration.

THIS CAUSE ORIGINATES WITH THE PEOPLE

The current movement for this amendment originates with the American people. It is right and proper that

their elected representatives respond affirmatively.

I respect those who have a different view. But I also think that supporters of this amendment, who are Democrats and Republicans alike, deserve the same presumption of good faith in our motives.

So let me note at the outset that this has always been a bipartisan effort. On June 28, as mentioned earlier, nearly half of the Democrats in the House, including their leader, RICHARD GEPHARDT, voted for the amendment.

In the Senate, the lead cosponsor is Senator HEFLIN. The Democratic whip, Senator FORD, is a cosponsor, as are Senators FEINSTEIN, BAUCUS, ROCKEFELLER, JOHNSTON, BREAUX, HOLLINGS, EXON, REID, and NUNN.

I am troubled, therefore, that some opponents of the amendment would accuse its congressional sponsors of trying to score political points by pursuing ratification of this amendment.

So why are we here today? A grassroots coalition, the Citizens Flag Alliance, led by the American Legion, has been working for some time in support of a constitutional amendment regarding flag desecration. The Citizens Flag Alliance consists of over 100 organizations, ranging from the Knights of Columbus; Grand Lodge, Fraternal Order of Police; and the National Grange to the Congressional Medal of Honor Society of the USA and the African-American Women's Clergy Association. These organizations represent millions of Americans. Over 200,000 individuals also belong to the Citizens Flag Alliance. The American Legion, and then the Citizens Flag Alliance as well, worked to obtain support for the amendment. Citizens organizations exist in every State. The Veterans of Foreign Wars also supports this amendment.

The Citizens Flag Alliance approached Senator HEFLIN and me last year, well before the November elections, and asked us to lead a bipartisan effort in the Senate. They told us they had reasonable hopes that President Clinton would support this amendment. Senator HEFLIN and I did not initiate this current effort. We would not be here now if the Citizens Flag Alliance had not initiated it. A similar bipartisan approach was made in the House of Representatives.

So why are we here today? We are here for the reasons expressed by Rose Lee, a Gold Star Wife and past president of the Gold Star Wives of America. Her husband died on active duty 23 years ago and she brought the flag that draped her husband's coffin to the June 6 hearing on this amendment. She testified, "It's not fair and it's not right that flags like this flag, handed to me by an Honor Guard 23 years ago, can be legally burned by someone in this country * * * [It is] a dishonor to our husbands and an insult to their widows to allow this flag to be legally burned." Did she and the other Gold Star Wives who accompanied her to the hearing show up to play politics?

We are here for the reasons expressed by Joseph Pinon, assistant city manager of Miami Beach, FL, who fled Castro's Cuba, fought as a marine in Vietnam, and whose Marine unit refused to leave the flag behind at hill 695 when that unit had to withdraw under enemy pressure. Did he testify in order to play politics?

We are here for reasons which reside in the hearts and minds of the American people, reasons which are not easy to put into words. The flag itself represents no political party or ideology.

Make no mistake: the American people resurrected this amendment. They will keep it alive until it is ratified.

There is more wisdom, judgment, understanding, and common sense among the American people on this matter than on our Nation's law faculties, editorial boards, and in the Clinton administration. Let me cite some of that common sense. In the 1989 Judiciary Committee hearings, R. Jack Powell, executive director of the Paralyzed Veterans of America, said it as well as anyone:

"The members of Paralyzed Veterans of America, all of whom have incurred catastrophic spinal cord injury or dysfunction, have shared the ultimate experience of citizenship under the flag: serving in defense of our Nation. The flag, for us, embodies that service and that sacrifice as a symbol of all the freedoms we cherish, including the First Amendment right of free speech and expression. Curiously, the Supreme Court in rendering its decision [in Texas versus Johnson] could not clearly ascertain how to determine whether the flag was a "symbol" that was "sufficiently special to warrant . . . unique status." In our opinion and from our experience, there is no question as to the unique status and singular position the flag holds as the symbol of freedom, our Constitution and our Nation. As such it must be defended and provided special protection under the law.

* * * * *

I am concerned that there is some impression, at least in the media and by some others that are around, that the idea of supporting the flag is some idea just of right-wing conservatives, and I have heard some Senators say, those veteran organizations, and that kind of thing.

In fact, the flag is the symbol of a constitution that allows Mr. Johnson to express his opinion. So, to destroy that symbol is again a step to destroy the idea that there is one nation on earth that allows their people to express their opinions, whether they happen to be socialist opinions or neo-Nazi opinions, or democratic opinions or republican opinions.

Now listen carefully to these further words from Mr. Powell:

Certainly, the idea of society is the banding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of unlimited individual freedom so that society can be cohesive and can work. It would seem that those who want most to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with. [Testimony of R. Jack Powell, Sept. 13, 1989, at 432–437].

There is more wisdom and judgment in these few paragraphs than my colleagues will find in page after page of the Clinton administration's testimony, the arcane testimony of law professors opposed to the amendment, or the thoughtless and intemperate outbursts of the American Bar Association.

The July 24, 1995, Washington Post published a letter from Max G. Bernhardt, of Silver Spring, MD. He said:

I'm certainly a liberal, although I've always made up my own mind on things and have never felt an obligation to accept anyone else's definition of what was and what was not the proper liberal position on any given issue. I can't for the life of me figure out why the proposed amendment to the Constitution outlawing desecration of the United States flag should evoke the furious opposition that it has.

There seem to be three principal arguments against it: First, it isn't needed because this isn't what people are doing anymore; second, it will have a chilling effect on the exercise of free expression; third, it will start us down the proverbial slippery slope to various other infringements on, and restrictions of, free speech and expression.

If we don't need it, then it won't matter one way or another if it's enacted, and no one has to worry about it being there as a part of the Constitution. I see no reason why desecration of our flag needs to be tolerated in the name of free speech. I cannot see how outlawing such acts adversely affects free expression—other than flag desecration itself—in any manner, shape, or form. Given the nature of the process required to enact an amendment to the Constitution, I see no reason to fear that enactment of this amendment will lead to the enactment of other constitutional amendments that might be adverse to free expression or other rights.

Far from destruction of the Bill of Rights, as depicted by Herblock in the July 2 Post, the only thing this amendment does is to outlaw desecration of the flag, which only by the most expansive interpretation of the First Amendment could have been established as legally permissible in the first place. It in no way affects anything else and should be enacted forthwith.

This individual displayed more common sense and understanding on this matter than one will find in editorials, cartoons, and pundits' offerings in the Washington Post, and other illustrious journalistic pieces and publications.

RESPONSE TO CRITICISMS

Let me give a response to some of the criticisms. The committee report fully addresses the legal and other arguments against the amendment. And I urge my colleagues to review it. I am prepared to address some of them later in the debate if I had to. Let me just make a few comments now.

In my view, this amendment, granting Congress and the States power to

prohibit physical desecration of the flag, does not amend the first amendment. I believe the flag protection amendment overturns two Supreme Court decisions which have misconstrued the first amendment.

The first amendment's guarantee of freedom of speech has never been deemed absolute. Libel is not protected under the first amendment. Obscenity is not protected under the first amendment. Fighting words which provoke violence or breaches of the peace are not protected under the first amendment. A person cannot blare out his or her political views at 2 o'clock in the morning in a residential neighborhood and claim first amendment protection.

The view that the first amendment does not disable Congress and the States from prohibiting physical desecration of the flag has been shared across a wide spectrum.

Chief Justice Earl Warren wrote, "I believe that the states and the Federal government do have the power to protect the flag from acts of desecration and disgrace . . ." [*Street* v. *New York*, 394 U.S. 576, 605 (dissenting)]. Justice Hugo Black—generally regarded as a first amendment absolutist—stated, "It passes my belief that anything in the Federal Constitution bars a state from making the deliberate burning of the American flag an offense." [Id. at 610 (dissenting)]. Justice Abe Fortas wrote, "[T]he States and the Federal government have the power to protect the flag from acts of desecration committed in public . . ." [Id. at 615 (dissenting)]. According to Assistant Attorney General Dellinger, President Clinton agrees with Justice Black, but still opposes any amendment.

It is not the first amendment which protects physical desecration of the American flag. The Supreme Court misinterpreted the text of the first amendment, ignored 200 years of history, and superimposed its own evolving theories of the first amendment in 1989 in Texas versus Johnson. That just 20 years earlier civil libertarians such as Earl Warren and Abe Fortas, and a first amendment absolutist such as Hugo Black, took it as elementary that flag desecration laws are constitutional is a measure of how far the Supreme Court has moved in this area.

We have had flag desecration statutes for many decades—yet the avenues available for dissent have gotten larger, not smaller, over time. And I would agree with that. Indeed, I would point out that during the time these laws were first enacted in the 19th century, freedom of speech in general has been enlarged: the first amendment has been made applicable to the states via the 14th Amendment's due process clause [*Fiske* v. *Kansas*, 274 U.S. 380 (1927)]; commercial speech has been given protection [*Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council*, 425 U.S. 748 (1976)]; the public forum doctrine appeared in 1939 [*Hague* v. *CIO*, 370 U.S. 496 (1939)]; indeed, private shopping centers must make their property available for dissemination of literature [*Pruneyard Shopping Center* v. *Robins*, 447 U.S. 74 (1980)]; the overbreadth doctrine developed in 1940 [*Thornhill* v. *Alabama*, 310 U.S. 88 (1940)]; and the void for vagueness doctrine developed in 1972 [*Papachristou* v. *Jacksonville*, 405 U.S. 156 (1972)].

Yet, to listen to some of the critics of this amendment, one would believe ratification of the flag protection amendment would herald a new Dark Age.

NEED FOR THE AMENDMENT

Let me also address the underlying need for the amendment. The Clinton administration testified that, in light of what it refers to as "only a few isolated instances [of flag burning], the flag is amply protected by its unique stature as an embodiment of national unity and ideals." With all due respect, I find that comment clearly wrong.

First, aside from the number of flag desecrations, our very refusal to take action to protect the American flag clearly devalues it. Our acquiescence in the Supreme Court's decisions reduces the flag's symbolic value. As a practical matter, the effect, however unintended, of our acquiescence equates the flag with a rag, at least as a matter of law, no matter what we feel in our hearts. Anyone in this country can buy a rag and the American flag and burn them both to dramatize a viewpoint. The law currently treats the two acts as the same. How one can say that this legal state of affairs does not devalue the flag is beyond me.

This concern is shared by others. Justice John Paul Stevens said in his Johnson dissent:

> . . . in my considered judgment, sanctioning the public desecration of the flag will tarnish its value . . . That tarnish is not justified by the trivial burden on free expression occasioned by requiring that an available alternative mode of expression, including uttering words critical of the flag . . . be employed. [491 U.S. at 437].

Pro. Richard Parker of Harvard Law School testified:

> "If it is permissible not just to heap verbal contempt on the flag, but to burn it, rip it and smear it with excrement—if such behavior is not only permitted in practice, but protected in law by the Supreme Court—then the flag is already decaying as the symbol of our aspiration to the unity underlying our freedom. The flag we fly in response is no longer the same thing. We are told . . . that someone can desecrate "a" flag but not "the" flag. To that, I simply say: Untrue. This is precisely the way that general symbols like general values are trashed, particular step by particular step. This is the way, imperceptibly, that commitments and ideals are lost."

I think Professor Parker's comments are pretty apropos here.

Indeed, disrespectful physical treatment of the flag need not involve protest. Just a short time ago, I saw a newsclip about a motorist at a gas station using an American flag to wipe the car's dipstick. A veteran called it to the police's attention but, of course, the individual cannot be prosecuted today. He can keep using it as he has, or perhaps he will next use it to wash his car.

Moreover, as a simple matter of law and reality, the flag is not protected from those who would burn, deface, trample, defile, or otherwise physically desecrate it.

Further, whether the 45-plus flags which were publicly reported desecrated between 1990 and 1994, and those which have occurred this year, represent too small a problem does not turn on the sheer number of these desecrations alone. When a flag desecration is reported in local print, radio, and television media, potentially millions, and if reported in the national media, tens upon tens of millions of people, see or read or learn of these desecrations. How do my colleagues think, Rose Lee, for example, feels when she sees a flag desecration in California reported in the media? The impact is far greater than the number of flag desecrations.

One might also ask, even if espionage occurs rarely, should we have no statutes outlawing it? Arrests for treason are rare—but the crime is set out right there in the Constitution and in our statutes.

NO SLIPPERY SLOPE

Mr. President, there is absolutely no slippery slope here. The amendment is limited to authorizing States and the Federal Government to prohibit physical desecration of only the American flag. It does not suppress viewpoints, nor does it regulate any means of expression aside from physical desecration of the flag. It serves as no precedent for any other legislation or constitutional amendment on any other subject or mode of conduct, precisely because the flag is unique.

Some critics of the amendment ask, is our flag so fragile as to require legal protection? I have tried to explain why our national symbol should be legally protected. The better question is this: is our ability to express views so fragile in this country as to be unable to withstand the withdrawal of the flag from physical desecration? Of course not.

Ideas have many avenues of expression, including the use of marches, rallies, picketing, leaflets, placards, bullhorns, and so very much more.

Even one of the opponents of the amendment testifying at the subcommittee hearing, Bruce Fein, the conservative analyst, described the amendment as "a submicroscopic encroachment on free expression . . ." in response to written questions. A submicroscopic approach.

Pro. Cass M. Sunstein of the University of Chicago Law School, a vigorous opponent of the amendment, conceded:

There are reasons to think that as the basic symbol of nationhood the flag is sui generis and legitimately stands alone. Moreover, constitutional protection of the flag would prohibit only one, relatively unusual form of protest. Multiple other forms would remain available.

The administration's witness agreed with these remarks, in response to my written questions. Indeed, I think Professor Sunstein understated his first point—there is no doubt the flag stands alone as a national symbol.

Even if, contrary to my view, one agreed that the Johnson and Eichman cases were correctly decided under prior precedents, one could still support this amendment—if one believes protection of the flag from physical desecration is an important enough value.

CONTENT-NEUTRAL AMENDMENT IS WRONG

A few critics of the pending amendment believe that a constitutional amendment either must make illegal all physical impairments of the integrity of the flag, such as by burning or mutilating, or that no physical desecration of the flag should be illegal. This is the approach of my friend from Delaware, who will offer such an amendment. This all-or-nothing approach to our fundamental governing document flies in the face of nearly a century of legislative protection of the flag. It is also wholly impractical.

In order to be truly content neutral, such an amendment must have no exceptions, even for the respectful disposal of a worn or soiled flag. Once such an exception is allowed, the veneer of content neutrality is stripped away. The Supreme Court in Johnson acknowledged this. A content-neutral amendment would forbid an American combat veteran from taking an American flag flown in battle and having printed on it the name of his unit and location of specific battles, in honor of his unit, the service of his fellow soldiers, and the memory of the lost.

Then Assistant Attorney General for Legal Counsel William P. Barr testified before the Senate Judiciary Committee August 1, 1989 and brought a certain American flag with him. He said:

Now let me give you an example of . . . the kind of result that we get under the [content-neutral approach]. This is the actual flag carried in San Juan Hill. It was carried by the lead unit, the 13th Regiment U.S. Infantry, and they proudly emblazon their name right across the flag . . . 1,078 Americans died following this flag up San Juan Hill . . . Under [a content-neutral approach], you can't have regiments put their name on the flag, that's defacement . . . [Testimony, Assistant Attorney General William P. Barr, August 1, 1989, at 68].

We do wish to empower Congress and the States to prohibit the contemptuous or disrespectful physical treatment of the flag. We do not wish to compel Congress and the States to penalize respectful treatment of the flag. Such a so-called content-neutral amendment would place a straitjacket on the American people and deny them the right to protect the flag in the manner they have traditionally protected it.

A constitutional amendment which, in our fundamental law, would treat the placing of the name of a military unit on a flag as the equivalent of placing the words "Down with the fascist Federal Government" or racist remarks on the flag is not what the popular movement for protecting the flag is all about. I respectfully submit that such an approach ignores distinctions well understood by tens of millions of Americans.

Moreover, never in the 204 years of the first amendment has the free speech clause been construed as totally content neutral. For example, speech criticizing official conduct of a public official may be legally penalized if it is known to be false, or made in utter, reckless disregard for the truth, and damages the official's reputation. And this is actual speech, not action or conduct as in the case of desecrating the flag. Moreover, one can express views at city hall, but if one does so obscenely, one can be arrested. This is not content neutrality. Indeed, I think it is fair to liken flag desecration to obscenity.

Of course, any law enacted pursuant to the pending amendment cannot bar physical desecration of the flag by one political party and permit it by the other, or ban its physical desecration by those in opposition to a government policy, but not by those who support the policy. As with other parts of the Constitution, the amendment will be interpreted in harmony with other provisions of the Constitution. Thus, a State cannot favor a flag desecrator who burns the flag protesting the Government's failure to topple Saddam Hussein over the flag desecrator complaining about American participation in the gulf war in the first place. The first amendment's prohibition on viewpoint discrimination will apply to statutes enacted under the pending amendment.

RIDICULOUS, OVERBLOWN ARGUMENTS

One more thing about this debate, Mr. President. I have rarely heard more overblown, ridiculous arguments made against a measure as I have heard regarding this amendment, which simply restores a power to the people they had held for 200 years, and exercised for about 100 years.

There are colleagues of mine on the Judiciary Committee who actually make the absurd suggestion that this amendment blurs the distinction between a free country and a tyranny. Tell that to the Gold Star Wives. Tell that to the Veterans of Foreign Wars. Forget about the fact that during the nearly 100 years that 48 States and Congress were adopting flag desecration statutes, we seemed, somehow, to avoid the descent into tyranny. Ironically, freedom of speech actually expanded in this country as I said. These colleagues actually make the ridiculous, nonsensical, thinly veiled suggestions that legal protection of the American flag is somehow similar to the Chinese Communist dictatorship's execution of dissidents in 1989, and that legal protection of the flag somehow makes us more like a Communist dictatorship. If you do not believe me, Mr. President, read their views in the committee report on page 74 and at footnote 11. Listening to some of these critics, one would think enactment of the pending amendment would curtail the ability of dissenters to be heard. One shudders to think about their lackadaisical attitude toward repression in America during all the years before the Supreme Court, in 1989, saved America from its decline and fall into totalitarianism. After all, notwithstanding the solemn fears they express, I am unaware that those colleagues in the Senate lifted one finger to plug this gaping hole in our freedom by trying to repeal the federal flag protection statute before 1989.

Some of my colleagues actually raise the utterly groundless, inherently unbelievable claim that the pending amendment could authorize a statute prohibiting the flying of the flag over a brothel. You do not believe me, Mr. President? You'll find that little gem on page 77 of the committee report. The things some of our colleagues worry about.

It is a good thing my colleagues expressing these views were not Members of the first Congress. Mr. President, given their concern about flags over brothels, I can only imagine the angst my colleagues would have expressed about the scope of the proposed fourth amendment's protections against unreasonable searches and seizures. I wonder how the phrase due process of law in the fifth amendment would have fared. The point is this, as we explain in the committee report: there is no cause to fear the terms of this amendment.

I urge my colleagues not to apply a higher standard to an amendment protecting the flag than the Framers themselves applied to the Bill of Rights. The words of this amendment are at least as precise, if not more so, than many terms in the Bill of Rights. And keep in mind what my colleague Senator HEFLIN has repeatedly said: This amendment does not prohibit any conduct. There will be implementing legislation. And such legislation will have to be sufficiently specific to withstand due process scrutiny. This amendment just says that the States and the Congress can determine that people cannot desecrate our flag.

Let me just end this by saying that some have wondered why we are putting forth this enormous effort to enact this amendment to protect the flag, a so-called mere symbol. The answer is simple. The nearly mystical connection between the American people and Old Glory really is that strong. That bond between our constituents and the flag is the bond on which our entire effort rests, the bond from which it draws its strength. That bond will keep this movement alive until a flag protection amendment is ratified, no mistake about it. We are fighting for the very values that the vast majority of the American people fear we are losing in this country.

This is an important amendment, as I think all constitutional amendments must and should be. It is an amendment that has been simple on its face. This is an amendment that we believe at least 66 Senators ought to vote for. In fact, I believe all 99 of us currently sitting in this body ought to vote for it.

Having said that, I am somewhat surprised that, needing only 34 votes to defeat this amendment, there would be those on the other side who would filibuster even the bringing up of this amendment on the floor. In fact, I would be surprised if they would filibuster the amendment itself once we defeat them on the motion to proceed. I cannot imagine why anybody, needing only 34 votes to defeat this, would filibuster where you need 41 votes in order to stop the debate.

I really hope, with all my heart, that my friends on the other side will realize how important this is to the people of this country and will withdraw their filibuster and their efforts to stop the motion to proceed and will not filibuster the amendment itself, and will allow it to go to a constitutional vote, where all they have to get are 34 votes to defeat it. We have to get 66 votes on a constitutional amendment, and that is as it should be. Constitutional amendments should be very difficult to enact.

Our basic document is not a piece of legislation that can be amended at will. It requires a very long, arduous, difficult process. I am hopeful that we will have 66 votes on this amendment, or more; but if we do not, everybody here is going to be put on notice right here and now that this will be brought back until we do.

Mr. President, I thank my colleague for allowing me to make this lengthy but important statement on this issue.

I yield the floor back to him.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I understand that the Senator from Alabama, who is a cosponsor of the flag burning amendment, is somewhere nearby and wants to give a statement at some point here. Obviously, I will be glad to defer to him when he wants to make that statement.

Let me just state again what I said at the beginning of this discussion. That is, my objection to proceeding with the amendment is not because I think the Senate should not be able to vote on this issue. I do not support the amendment; I did not support it when it came up before. But I do not object to us going ahead and getting a vote. But I do believe that before we move to amend the Constitution, as is proposed here, we need to tend to the business of carrying out our duties as they are set out in the Constitution. Those duties are pretty clear, and we in the Senate have some very specific duties to carry out. Article II, section 2 of the Constitution says:

> He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur . . .

So we have a responsibility to pass on treaties.

> . . . and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . .

So my position is, Mr. President, we ought to go about doing that which the Constitution requires of us before we proceed to amend the Constitution. Or we should at least get agreement as to a date when we are going to do that which the Constitution requires of us; that is, passing on the President's nomination for these ambassadorial posts.

I have this list here. It is a long list, which I referred to earlier. I think it is one that clearly deserves our attention. As I pointed out in my earlier statement, it represents the people in the countries that these ambassadors will serve in, which represent about a third of the world's population. Why should we in the Senate be able to, day after day, week after week, look the other way and say it is not our responsibility, it is not our problem? It is our responsibility under the Constitution, Mr. President; it is our problem, and we need to get about the business of dealing with it.

Mr. President, I think it is interesting that this is coming up in this context. We are constantly hearing about the respect that we all have for the Constitution. I do not doubt that respect. I think, clearly, anyone who devotes his life to public service is demonstrating a real commitment to this country.

We all swear to an oath of office when we are sworn in here in the Senate, and it is an interesting oath, which I would like to read for people, just to refresh people's memory. The question which the Presiding Officer asks each of us is:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic, that you will bear true faith and allegiance to the same, that you take this obligation freely without any mental reservation or purpose of evasion . . .

Here is the important part, I think, for purposes of this discussion, Mr. President.

> . . . and that you will well and faithfully discharge the duties of the office which you are about to enter, so help you God.

Mr. President, well and faithfully discharging the duties of the office of a U.S. Senator today includes voting on the Ambassadors that the President has nominated to serve in these countries. Well and faithfully discharging the duties of the office of a U.S. Senator today means voting on the START II treaty, which has been here languishing in the Senate now for many months. So that is the point that I am trying to make.

Since the Senator from Alabama is not here wishing to speak, let me go ahead and make a few other points about, first of all, the START II treaty. START II is the second Strategic Arms Reduction Treaty. It was signed by President Bush on January 3, 1993, shortly before he left office. It is a landmark agreement. It will reduce nuclear arsenals in both the United States and the former Soviet Union by close to two-thirds.

This is not a minor item, Mr. President. This is not some detail that we have not gotten around to dealing with. This will reduce the nuclear arsenals in both the United States and the former Soviet Union by close to two-thirds.

START II is a vital successor to the first START Treaty, which was negotiated by President Ronald Reagan. Not only does START II reduce nuclear stockpiles in both Russia and the United States to between 3,000 to 3,500 warheads each, it also eliminates multiple independent reentry vehicles, MIRV's. Policymakers and military officials in both parties agree that START II is vital to U.S. strategic interests.

Mr. President, I know we are in a very major discussion and debate, nationally, about whether the United States should be involved in the NATO activity in Bosnia. I think that is important. I think it is a very important military initiative, diplomatic initiative that this administration is involved in. But I would say that at least as important is following through and ratifying START II and then seeing that it is properly implemented.

When the history of this century is written, Mr. President, our ability to move from the cold war down to a period where there is less threat and to a situation where less nuclear threat is going to be a determining factor in whether or not we have carried out our stewardship properly, I think it is the height of folly for us to lose sight of

that important need and constantly be focusing on other matters here that are not time sensitive.

As I said earlier in the discussion, whether you believe that we ought to have a flag burning amendment or whether you disagree about the flag burning amendment, everyone has to concede that this is not an urgent matter.

We have been a nation now for 206 years. We have never had a flag burning amendment to the Constitution. There is not an epidemic of flag burning going on in this country, Mr. President.

I have scoured the newspapers to try to find examples of people out there burning flags. In our history there have been some examples. Clearly, it is not something that is urgent and that needs dealing with this week here in the U.S. Senate.

These other matters in my opinion do have some urgency about them. I will get into that in more detail later in the discussion.

Let me give some quotations about the START II treaty from various leaders in this country, former leaders, present leaders. President George Bush made the statement, "The START II treaty is clearly in the interests of the United States and represents a watershed in our efforts to stabilize the nuclear balance further reduce strategic offensive arms."

Senator JESSE HELMS, chairman of the Senate Foreign Affairs Committee said, on February 3 of this year, "I am persuaded that the 3,000 to 3,500 nuclear weapons allowed Russia and the United States in this START treaty does meet reasonable standards of safety."

The Heritage Foundation has a briefing book they provide to new Members of Congress. That briefing book for this 104th Congress had in it a statement that said, "The START II treaty should serve U.S. interests and should be approved for ratification." That is the Heritage Foundation, one of the more conservative think tanks here in our Nation's Capital.

Former Chairman of the Joint Chiefs of Staff, Colin Powell, said, "With a U.S. force structure of about 3,500 nuclear weapons we have the capability to deter any actor in the other capital no matter what he has at his disposal." That was in July 1992.

The present Chairman of the Joint Chiefs of Staff who is testifying at this very moment in the Armed Services Committee, as the Presiding Officer well knows, said on May 25 of this year, "I strongly urge prompt Senate advice and consent on the ratification of START II."

Senator RICHARD LUGAR on October of 1992 said, "If new unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits."

Senator JOHN MCCAIN, who serves with us here and with great distinction on the Armed Services Committee, said on January 2, 1993, "With the conclusion of START II, the threat of nuclear war has been greatly reduced and our relationship with the former Soviet Union reestablished on a more secure basis."

Now, obviously, Senator MCCAIN was assuming we would ratify that treaty. If we fail to do so I think he may want to rethink that statement.

The former Secretary of State, Lawrence Eagleburger, made the following statement on June 17 of 1993:

> No relationship is more important to the long-term security of the United States than our strategic relationship with Russia. Despite the new spirit of cooperation between us, Russia remains the only nation on Earth with the capability to devastate the United States. Any arms control agreement, even one as sweeping at START II, represents only one element of that relationship. While arms control is only one element of our relationship it remains an important one. START II, along with the initial START treaty remains overwhelmingly in our interest as we move into the post-cold war era. It offers enhanced stability, fosters transparency and openness and sounds the death knell for the first-strike strategies of a bygone era.

That is a quotation by former Secretary of State Lawrence Eagleburger.

Finally, let me give a quotation by Lynton Brooks who was the chief negotiator of START II. He said on May 18, 1993—and I point out that was shortly after the first hearing on START II by the Senate Foreign Affairs Committee on this chronology. This is 1993 I am talking about, 2½ years ago, Mr. President. Lynton Brooks, our chief negotiator of START II said:

> START II completes the work begun by START I. Building on the 9-year effort that led to the first START treaty, START II drastically reduced strategic defensive arms and restructures the remaining forces in a stabilizing manner appropriate for the post-cold war world. Along with its predecessor companion, START II represents a codification of the new nonconfrontational relationship between the United States and the Russian federation. In short, START II is another major step toward a 21st century characterized by reduced threat and increased stability.

That is an indication, Mr. President, that there is very strong bipartisan support for the ratification of this treaty. If this was an issue that there was great division on, I would probably not be here today urging that we get a time certain to vote on START II.

Leaders on both sides of the aisle have indicated the importance of moving ahead. I can see no justification for us continuing to deal with matters that are less time sensitive such as the proposed constitutional amendment while this matter and the confirmation of these ambassadorial nominations continues to be delayed.

Let me also put a few more things in the RECORD or call them to the attention of my colleagues here, Mr. President. We have a letter here from Jennifer Weeks who is the Arms Control and International Security Program Director of the Union of Concerned Scientists. This is a letter dated November 9 of this year to Senators.

I am sure that the Presiding Officer and each Senator received a similar letter. It says:

> I am writing to bring to your attention the article by Russian Ambassador Yuri K. Nazarkin on the START II nuclear reduction treaty which is printed on the reverse side of this page. START II currently pending in the Senate Foreign Affairs Committee and the Russian Duma would reduce Russia's deployed strategic nuclear arsenal by 5,000 warheads. It also would eliminate all of Russia's 10 warhead SS-18 missiles, a longstanding U.S. policy goal.

But as Nazarkin points out, if the Senate does not act promptly to ratify START II, there is little hope that Russia will approve the treaty. START II was submitted to the Senate by President Bush. It has strong bipartisan support and the Union of Concerned Scientists strongly support START II and urges the Senate to move swiftly to ratify this crucial treaty.

I will not read the full text of that article, Mr. President, but let me just quote from Ambassador Nazarkin a couple of statements he made:

> START II represents a real opportunity to lower the nuclear danger that plagued our sense of security during the cold war. Once the agreement is ratified and enters into force, American and Russian strategic nuclear forces are to be reduced by about 70 percent from their cold war peaks. It is certain that further delay on the American side will be used in Russia as an argument to defer ratification.

Now Ambassador Nazarkin headed the Soviet delegation to the conference on disarmament in 1987 through 1989 and the nuclear and space talks including START from 1989 to 1991 and participated in the preparation of START II. He is the senior adviser to the Moscow Center of the Carnegie Endowment for International Peace.

Mr. President, let me just be a little more precise about how we get the reductions or what reductions are called for in START II. The START II treaty will eliminate, according to this information I have here—he cited a figure of 5,000. This information is that it will eliminate around 4,000 strategic nuclear weapons from the arsenal of the former Soviet Union. This includes the centerpiece of the Russian arsenal which is the SS-18. Any intercontinental ballistic missile which carries more than a single warhead will be eliminated under the treaty. The following is a list of delivery systems and their payloads, which are expected to be destroyed under the treaty. Let me go through this list very briefly so people understand what we are discussing here.

The SS-18. I think those who have followed defense issues and our arms competition with Russia over the last

several decades know the importance of the SS–18 as part of the threat that we face. This treaty would eliminate 188 launchers and 1,880 warheads of that type.

The SS–19. This treaty would eliminate 170 launchers and 1,020 warheads of that type.

The SS–24, 46 launchers, 460 warheads.

SLBM's, sea-launched ballistic missiles. We would see 600 of those eliminated.

Submarine-launched ballistic missiles. As I understand it, the limit there is 1,750 submarine-launched ballistic missiles. The current Russian arsenal is estimated at about 2,350.

So, it is time, in my view, that we proceed to ratify this treaty. It is time, certainly, that we at least get a chance to vote on it. Some of my colleagues here, who are not on the floor at this moment, have spoken out recently in favor of action on START II. Let me just quote some of them, because I have been quoting a great many others who are not here in the Senate. Let me just quote some of those who are here and indicate my agreement with their statements.

Senator LUGAR, on October 31 of this year, talked about both the Chemical Weapons Convention and START II.

Senator NUNN, on October 31, said, "We must also make maximum use of arms control agreements such as START II and the international treaties and conventions such as the Non-Proliferation Treaty, the Biological Weapons Convention, and the Chemical Weapons Convention."

Mr. President, I should clarify, for anybody who is interested, that I am not here insisting that we get a time certain to vote on the Chemical Weapons Convention. I do believe it would be advisable for us to move quickly to consider that, but there are some questions that have been raised. I understand the chairman of the Foreign Relations Committee wishes to have additional hearings and explore those questions, and I certainly wish to defer to his judgment on that and do not, at this time, believe it is essential that the Senate try to get to this issue. My concern on START II is that the hearings have concluded. They concluded 7 months ago and we still have not been able to get the issue before the Senate for a vote.

On October 31 of this year, Senator SARBANES made the following statement. He said, referring to the chairman of the Foreign Relations Committee:

> 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 related to that treaty. No business meeting has been scheduled to consider it.

Senator FEINSTEIN spoke on the 1st of November this last month and said:

> The START II treaty, signed by the Bush administration and not yet ratified by the Congress, is the farthest reaching arms reduction treaty ever signed in the history of this Nation. I know of no significant opposition to the ratification of the START II treaty. Nonetheless, the committee is unable to begin consideration of it. This is wrong.

There is a group that calls themselves the U.S. START II Committee. They have sent a letter, dated November 13, to all Senators. Let me just read that letter into the RECORD in case some Senators have not had a chance to see that. It says:

> DEAR SENATOR: The United States Senate is about to adjourn without addressing the single most important issue of international affairs. Worse, a lost opportunity now may mean that the chance for nuclear arms control could be postponed for a decade.
>
> The Senate needs to ratify START II. This is why what we believe to be a distinguished group of citizens, experts in arms control, with both military and foreign policy experience, has joined together to urge Senate action yet this fall.
>
> We all know the history of START II and what it does: the single most dramatic reduction in the nuclear arsenals of both the United States and the Russian Federation. Another significant step back from the history of the relations between the two countries for the last forty-five years.
>
> Equally important, potentially, the treaty serves as an example to other countries seeking to acquire this nuclear capability that there is an alternative to ownership of weapons of mass destruction: disarmament.
>
> Our conversations with Russian leaders have made it plain that if we fail to ratify this year, there is a significant reduction in the likelihood that Russia will act on this treaty next year. Years of work that have spanned both Republican and Democratic Administrations, years of a genuinely bi-partisan effort, will be lost.
>
> The last speech that then Prime Minister Winston Churchill gave to the House of Commons foresaw this day. The Prime Minister, confronting a cold and hostile Soviet Union, with both worlds then confronting each other with missiles and bombs, stated that "someday we will be allowed to emerge from the terrible era in which we are required to reside."
>
> We urge the Senate and you, individually, to take up START II before adjournment and ratify the treaty.
>
> Sincerely,
>
> U.S. Committee for START II
>
> DAVE NAGLE,
> Chair, Freedom Support Coalition.
> LINDSAY MATTISON,
> Director, International Center

Mr. President, one of the things we always look at here in the Congress, perhaps too much in my view, is to see what the public reaction is. So we do have some indication of what the public thinks about the whole notion of START II. Mr. President, 68.4 percent of the public that was polled by a national security news service poll of over 1,000 Americans, which was conducted between April 21 and 25 of this year—68 percent thought that the U.S. Senate should ratify START II, 20.1 percent opposed ratification, another 11 percent expressed no opinion.

A similar question that was asked in that same poll showed that 82.3 percent of Americans believe that the United States and Russia should agree to negotiate deep reductions in their nuclear weapons. Only 11 percent opposed doing so, while 6 percent expressed no opinion on that subject.

So this is not just a group of academics who think we should get on with the business of reducing the nuclear arsenal in Russia as well as here. I would say, the START II treaty is very well designed to bring about major reductions on the Russian side. This is not a unilateral disarmament kind of treaty. There is nobody, Republican or Democrat, that I have heard, who argues that this treaty is unbalanced in that regard. This is a treaty that is very much in our interest and very much in the Soviet interest as well.

Mr. President, let me also just refer to some of the editorials that have been written on this subject around the country in recent weeks. There is an editorial in the Friday, November 3, edition of the Boston Globe. It is entitled "Two Treaties Held Hostage." I will just read portions of that for Members.

> During their Presidential terms, Ronald Reagan and George Bush had the good sense to negotiate two arms control treaties crucial to U.S. national security—the Strategic Arms Reduction Treaty, START II, and the Chemical Weapons Convention. Bush and Boris Yeltsin signed the treaty on chemical weapons January 3, and Bush submitted it to the Senate as one of his final acts of statesmanship. It is sad to say that ratification of these two badly needed treaties is being sabotaged by Republican Senators Jesse Helms of North Carolina and Bob Dole of Kansas. Their deliberate thwarting of the ratification process is perverse, not merely because they are undoing the wise work of Republican Commanders in Chief but because their motives seem to be petty and personal and political.

That is a statement in the editorial, Mr. President, which I do not necessarily subscribe to. But I do think it gives the flavor for the editorial comment which is out there.

The Washington Post wrote on the 16th of November "Poison Gas and Sen. Helms" is the name of their editorial. It goes on with:

> Nearly three years ago, under President Bush, the United States signed a treaty banning chemical weapons, the most powerful comprehensive arms control agreement ever negotiated. It is making no progress toward ratification by this country because the chairman of the Foreign Relations Committee does not like it. Although it was written under American and Republican leadership, there is now a real chance that it could go into operation without American participation.

They are talking about the Chemical Weapons Convention in that case.

There is a New York Times editorial dated the 8th of November entitled "Jesse Helms' Hostages."

It says:

> Because of the obstinacy of Senator Helms of North Carolina, the United States does

not have an Ambassador in Beijing at this time.

That is an issue I want to address in a few minutes.

* * * the United States does not have an Ambassador in Beijing at this time and relations with China have reached their most delicate and dangerous point in more than 20 years.

I will at this point go ahead and talk some about the importance of getting these ambassadors appointed, Mr. President.

I had the good fortune to travel to China, to Korea, and to Japan earlier this year. I did so on a trip under the auspices of the Armed Services Committee, and I did so at a time when relations between the United States and China were clearly strained. Some of that strain remains in that relationship, but some of it, hopefully, has been reduced. But one thing I was struck with on the trip to Beijing and to China was that this Nation, which is, of course, the most populous Nation in the world, has a very fast growing economy, has a tremendous influence over everything that happens in the Far East and, of course, much that happens in other parts of the world as well. We have no Ambassador. When you go to our Embassy there, the personnel there do their best to accommodate your needs, to keep the doors open, and to keep business going as usual. But the simple fact is we have no spokesman there representing our administration, our Government, our country, our President. That is a detriment to us. It has been a detriment to us for several months now.

I think it is particularly unfortunate myself—this is just a personal view of mine—that we are not going ahead and voting on the ambassadorship for China, because one of our former colleagues was nominated by the President to serve in that capacity. He has had hearings. I believe he has strong bipartisan support for serving in that position, as he should have because he had a very distinguished career here in the Senate. But I can tell you that the issues that we tried to address there could much better be addressed if we had a Presidential appointee representing us in our Embassy in Beijing. This is too important a job and too important a position for us to just leave vacant month after month, week after week, on the assumption that it does not really matter. It needs to matter to us. It matters very much, I believe, to the executive branch of our Government. I believe it matters a great deal to the Government officials that might be in Beijing.

I urged them to return their Ambassador. Relations in August when I was in Beijing were strained to such an extent that the Chinese Government had withdrawn their American Ambassador, asked their Ambassador to come back to China for a period of time. My urging to the Foreign Minister and to other Chinese officials I spoke to was that they return their Ambassador to Washington and that they signal to our Government as quickly as possible that they would like us to move ahead with the appointment and the confirmation of Jim Sasser as our Government's representative and Ambassador in Beijing.

I would say to their credit—I do not know; I am sure they had urgings from a great many other sources and a great many other individuals—but to their credit, in response to whatever set of circumstances, they went ahead and did exactly what I was urging them to do and what I am sure others were urging them to do; that is, they returned their Ambassador to Washington in order to improve the lines of communication, and they signaled to our administration that they would like the administration to go ahead and appoint Senator Sasser to this important position.

The administration, of course, followed through quickly indicating that Senator Sasser was their nominee. The hearings were held. We now wait. We now wait for some additional action presumably.

According to the chart which I have here, Mr. President, the nomination was sent to the Senate on the 25th of September. The reason I think it is important we raise this issue this morning is that the Congress is approaching the end of its actions in the first session of the 104th Congress. When we do adjourn that first session of the 104th Congress, it will be clearly several weeks before we begin again in the new year to transact business here in the Senate. If we do not get this matter dealt with now, if we do not get a ratification of not only Senator Sasser as the nominee to serve in China, but if we do not get a ratification of each of these, if we do not go ahead and approve the nominations for each of these important countries, it will clearly be next spring before any action will be taken by the Senate.

I think that is in derogation of our duties, Mr. President. I think we have a duty by virtue of our position as Senators to go ahead and pass judgment on the nominees that the President sends forward. If people want to vote no, I have no problem with that. Everyone gets elected to vote his or her conscience. If people want to come on the Senate floor and vote against any of these nominees, I think they should clearly do that. My only point is we need to have an opportunity to express the will of the Senate and get on with it. If these nominees are acceptable to a majority of Senators, we should approve them. If these nominees are not acceptable to a majority of Senators, we should disapprove them and allow the administration to appoint an alternative to serve in these important positions.

Let me talk a little about this trip to Asia which I did take earlier this year and which I felt was a very instructive and informative trip. We had three major themes that we were trying to learn about. One was regional security issues. There has been great concern raised about nuclear tests, about possible missile technology exports from China, about concerns about China's defense expenditures and weapons modernization and potential threats to other countries in that region.

There were this summer live ammo military tests in the Taiwan Straits. There have been some aggressive behavior in the Spratly Islands in the South China Sea.

Those were all the very real national security issues, regional security issues that we wanted to explore, and we did have a chance to do that with several governmental officials.

We also wanted to explore trade because we have an enormous problem in our trade relations with China. Anyone who has not paid attention to our trade relations with China cannot be adequately informed about our trade situation today in the world.

In 1994, the United States, according to our Government's figures, had a trade deficit with China of $29 billion. The anticipated trade deficit for this year, 1995, is $36 billion, and the expectation is that in 1996, the trade deficit could rise to as high as $50 billion.

So what we see is that China is fast replacing Japan as the No. 1 trade problem that the United States has. We had a $60 billion trade deficit last year with Japan. Everyone recognizes that that is a serious problem. We have had various initiatives to try to deal with it. Unfortunately, in the case of China, we are just now beginning to awake to the fact that trade is a serious problem. So that was another issue we wanted to look at and did get a chance to look at very seriously.

Technology development, that is another area where the policies of the Chinese Government I think are ones that we need to be aware of and concerned about. Clearly, their Government policy is to target particular technologies and develop those technologies, to trade market access for technology transfer. That is, if a United States company wants access to the Chinese market, they are required to give up technology, their rights to technology to get that access.

Obviously, electro property rights are another major part of the technology development issue.

But let me just talk a little more about the trade problem, Mr. President, because I think that perhaps highlights it as much as anything.

I have a good friend who is a co-owner of a company in my home State which produces wallets, leather wallets, and they employ about 250 people in the southern and west mesa side of

Albuquerque to make these wallets. These jobs are decent paying jobs. They are primarily jobs held by women and many of the employees, many of the employees of this company are single women who are trying to raise families at the same time that they hold these jobs.

I received a press clipping about 2 or 3 weeks ago indicating that that plant in Albuquerque employing those 250 people was about to close, that they had announced they would close the plant and those 250 people, primarily women, who work in that plant—I have visited the plant several times—would be out of work, those jobs would be gone.

So I called my friend and said, what is the problem? Why are we having to close the plant in Albuquerque and put 250 women out of work? The answer was, we are no longer cost competitive, or part of the answer at least was that we are no longer cost competitive with China. In China, they will do the work much cheaper. There is no limitation on their ability to import into this country the finished products, and from just looking at the bottom line there are great incentives provided by the Chinese Government for us to locate more and more manufacturing there, and those manufacturing jobs there are displacing United States manufacturing jobs.

That is an old story. That is a story that many people have told in one form or another around this Senate ever since I have been here over the last decade or so.

We have to find some solutions to that. Part of the solution to that is to get serious about our trade deficit with China. We need to recognize that this deficit cannot be allowed to grow from $29 to $36 to $50 billion year after year after year, indefinitely. At the rate of growth that is now involved, we are clearly by the end of this decade going to have a bigger trade deficit with China than we have with Japan. It is not a trade deficit that will go away quickly because they are manufacturing, they are displacing manufacturing that goes on today in this country. They are manufacturing and selling into this country. And we are not able to sell into that country to near the extent we should.

That is a problem that needs to be on the front burner of our U.S. Trade Representative's office, on the front burner of the Department of Commerce. It is to some extent, but I believe very strongly that it would be on the front burner to an even greater extent if we had an Ambassador in Beijing who could make the point that this issue is important to us, who could represent our Government in meetings in that capital, and clearly we do ourselves a disservice by not going ahead and approving that nomination.

Mr. President, I have not visited the other countries on this list. I believe it is fair to say I visited none of the other countries on this list. But there are some very important trading partners and very important allies that are also represented. Let me just point out some of those.

In Malaysia, we have a nominee there whose nomination was sent to the Senate on June 13. I know of no objection that has been raised to that nomination. Here it is nearly December 13, and yet no action. We have not been given a chance to vote. If there is an objection, we should hear it; we should debate it; and we should vote our conscience one way or another. I have not heard of any.

In Cambodia, we have a nominee there which was sent to the Senate for consideration again on June 13. Again, I know of no reason why that nominee is not an acceptable nominee. Everything I have heard would indicate to me that he is an acceptable nominee, but we have not been given a chance to vote.

In the case of Thailand, again on June 21, a nominee was sent to us for the Ambassador to Thailand. I know of no objection that has been raised to that nominee being appointed, but we are not doing our duty and voting on the issue.

In the case of Indonesia, there I do want to just make a very short statement about our nominee. The President's nominee is Stapleton Roy, who I am sure is well known to many Members of this Senate. He was formerly the Ambassador representing our country in Beijing. He did a superb job. He is eminently respected by everybody in diplomatic circles, and I think he is a superb appointment for that position.

Again, his nomination was sent up on June 28. No action. I have heard of no complaints about his appropriateness for the position. In fact, everything I have heard is praiseworthy. I had the good fortune to meet with Stapleton Roy before we took our trip to China. I say to colleagues, he was extremely helpful in pointing out issues that we needed to explore with Chinese officials because of his great knowledge of United States-China policy and his great experience in that regard.

In the case of Pakistan, Pakistan is a very important country in the world today. We have a great many sensitive issues that we are dealing with. We have votes here on the Senate floor. In the case when the defense bill was on the floor, I remember several votes about our policy toward Pakistan. I think everyone recognizes the importance of having an ambassador representing this Government in Pakistan.

Oman. That is another very important ally of this country in the Persian Gulf area. And clearly we need to have an ambassador there. That ambassadorial nomination, again, was sent on June 28.

Lebanon. Our country has a proud and longstanding relationship with Lebanon. Many of the outstanding people in my State, leaders in the business community, leaders in all the important communities in my State have great pride in their Lebanese heritage. We should clearly have an ambassador to Lebanon. I have heard nobody suggest that this was not the proper ambassador.

I could go on down the list. Many of these countries are in Africa. Again, I have not visited them, but I believe that it is important for us to have ambassadors there. South Africa is a clear example. It is important enough that our Vice President is there this week on a trip. I have had the good fortune, as I know many Senators have, of hearing Nelson Mandela speak to joint meetings of the Congress. I believe I have heard him now twice on trips that he has taken to this country. That relationship between the United States and South Africa is a very important relationship during these important years as that nation moves out of and renounces apartheid, moves on to an open society. Clearly we need to have someone there representing U.S. interests.

Mr. President, there are many other issues that I could go into, and I am glad to as the day proceeds, because I think these are important issues that we need to have before us. But at this point I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. 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. HEFLIN. Mr. President, today I rise to show my support for this resolution that is designed to prohibit the desecration of the American flag. It is clear that a constitutional amendment is necessary to ensure the validity of any statute banning flag desecration. Forty-nine States have passed memorializing resolutions calling on Congress to take this action and forward this issue for consideration to the States.

Earlier this session, this resolution was voted out of the Judiciary Committee by a bipartisan vote. I expect the same bipartisan support when the whole Senate votes on this resolution.

The movement for this bill has been unfairly attributed to political parties using it for political gain. This is untrue. The impetus for this amendment comes from over 85 grassroots organizations, such as the Citizens Flag Alliance and the American Legion. These groups have worked unceasingly to return to the protection of the flag by means of a constitutional amendment.

Their work has resulted in 49 State legislatures passing resolutions petitioning Congress to act and decide this issue through the ratification process.

There are those who feel that the first amendment rights ought to prevail, and they consider that this is a form of protest expression. If you look at the Constitution, the first amendment talks about freedom of speech and freedom of the press. Both are forms of expression, and they make a distinction between speech and press.

However, regardless of whether there is some distinction in regard to various forms of expression, I think we have to look to the history of staunch defenders of civil liberties and of the first amendment rights. The two names that come to mind the most are Hugo Black and Earl Warren. These Supreme Court justices were very clear in their writings that the first amendment did not apply to flag desecration. In fact, at a Judiciary Committee hearing on this issue, we had the Assistant Attorney General for Legal Counsel, the Honorable Walter Dellinger, who served as a professor of law at Duke University, testify against the amendment.

He recited, when I raised the issue about Justice Black and Chief Justice Warren, how fervently they felt that prohibiting did not violate the first amendment. Mr. Dellinger said at the time that he was the law clerk for Justice Hugo Black, "you know, law clerks always want to know what goes on in conference." So they, therefore, will get their ears close to a keyhole and listen in to hear sounds of voices from within that sometimes quietly but effectively creep out. He said he would put his ear to the keyhole and listen to what was going on in conference to try and hear what the Justices were saying in their arguments. He recited that there was no question that Hugo Black and Earl Warren were fervent in their position, very strong in their position that first amendment rights were not being violated by the fact that you had statutes which protected the flag.

They wrote in Street versus New York, a case that was not directly in point, and expressed themselves very clearly in regard to this particular issue.

Mr. Dellinger informed us at the hearing that flag desecration brought these two eminent jurists together with the opinion that "the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

The American flag is the symbol that unites us and symbolizes everything that we have fought for and died for over the years. Honoring the flag is an integral part of American life. The Pledge of Allegiance that is given is a pledge of allegiance to the flag. I think this is very important to realize, because the flag is the unifier that brings together our diverse, pluralistic views.

We sing the "Star Spangled Banner," and the "Star Spangled Banner" speaks of the fact that it flies over "the land of the free and the home of the brave." So I think our flag is a great unifier. Respect for the flag begins at an early age, and is constantly reinforced throughout our life. We sing the national anthem at special events, begin school days with the Pledge of Allegiance, and stand at attention at Veterans Day parades when our soldiers proudly march through the streets holding high the flag that they protect.

Few things stir more emotion and patriotism for us as the Iwo Jima Memorial which depicts the marines risking their lives to raise our flag. I served in the Pacific in World War II, so it is hard for me to conceive that we have reached a point in our history where there is such casual disregard for the flag that some citizens would desecrate it.

Opponents have raised several legitimate concerns over the amendment. One of these is whether the amendment would carve out an exception to the first amendment. This amendment would simply overturn two erroneous decisions of the Supreme Court which misconstrued the first amendment. In one of those cases, Justice John Paul Stevens' dissent summed up the symbol of the flag best in the case of Texas versus Johnson decision, which was handed down in 1989 and unfortunately, allowed flag desecration. Justice Stevens said:

> It is a symbol of equal opportunity, of religious tolerance, of good will for other people who share our aspirations. The symbol carries its message to dissidents both at home and abroad who may have no interest at all in our national unity or survival.

By protecting this one unique national symbol, we have not reduced our freedom of speech. The first amendment has been interpreted broadly by the courts over the years, but it has never been deemed absolute. It does not protect "fighting words" or yelling "fire" in a crowded theater. Prior to 1989, Americans' right to express their views was not curtailed by the laws of 48 States, which prohibited flag desecration. Other matters, such as obscenity, defamation, or other restrictions on freedom of speech, such as the destruction of a draft card, have been held by courts not to come within the purview of the first amendment.

Another concern which has been raised is that there is no need for an amendment. The number of times the desecration of the flag is documented is not the point. The law should not turn simply on the number of cases; it should turn on what effect there is on the flag as a symbol of the unity and freedom of our country each time it is desecrated. This flag is devalued when there exists no legal means to protect the flag from those who would desecrate it in order to express their views.

I believe this amendment will not deter flag desecration in all cases. In some cases, it may even spur a handful of people to burn flags in order to test its purpose. But by allowing the flag the protection of a constitutional amendment, we reiterate our belief that we ourselves value the flag as a symbol of what America stands for.

Our society is increasingly pluralistic, and being an American means many different things. As we highlight our differences in this changing world, we must remember what unites us. Without unity, there would be no America. The flag is a great unifier that brings together Democrats and Republicans, conservatives and liberals, and people from all walks of life and different persuasions. The flag crosses religious belief, race, cultural heritage, geography, and age. To disregard the power and the importance of our flag is to take us down a path that we would be wise not to follow.

I think we should support this constitutional amendment, and I feel that it is important that we do so. I believe that the vast majority of the American people support the amendment. In fact, a 1995 Gallup Poll was taken, which asked whether the American people thought that we should have the right to determine by vote whether or not the flag should be protected from desecration. Eighty-one percent of the people said "yes." Asked whether they thought such an amendment would jeopardize their right to freedom of speech, 76 percent answered that it would not jeopardize their freedom of speech.

So I feel that there is great support for this effort across the land, and I hope my colleagues will join us in adopting this constitutional amendment, which will give great importance to America and to the flag that unites us, because the flag that we pledge allegiance to is a pledge also to our Republic and to our belief in this great country of ours.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

DISCUSSIONS ON THE BUDGET AND BOSNIA

Mr. GRAMM. Mr. President, I see that we have no other colleagues on the floor ready to speak on this subject, so I would like to speak both about Bosnia and about the budget negotiations that are going on here in the Capitol. I would like to talk about both because I think they are very important.

Mr. President, I am opposed to sending American troops to Bosnia. I have not reached this conclusion quickly; I

listened to President Bush and the Bush administration debate this issue at some length and followed that debate pretty closely. They reached the conclusion that sending ground troops to Bosnia was a mistake. My consistent position during that debate was that I also opposed sending ground troops to Bosnia.

I have now had 3 years, counting the Presidential campaign in 1992, to listen to President Clinton try to make the case that we should send American ground troops into Bosnia. I am perfectly aware—and I say it with no criticism intended—that the President is a very effective salesman. I have concluded that his failure to convince me, and his failure to convince the country, on the issue of sending ground troops to Bosnia is not the result of his lack of ability as a salesman. I think it has resulted from the fact that this position cannot credibly be sold.

I have always tried to use three tests in deciding whether to send Americans into combat or into harm's way. I have applied those tests in the past and I have applied them to sending ground troops to Bosnia:

First, do we have a vital national interest? In the Persian Gulf, we had a military dictator who was working to build chemical and nuclear weapons, and who had invaded a neighboring country. His military aggression threatened two vital allies of the United States—Israel and Saudi Arabia. And so, clearly, in the Persian Gulf we had a vital national interest.

I have been to the region that we are discussing today. I have talked to our military at some length. Like virtually every other person in the country who keeps up with what is happening in our country and around the world, I am aware of the terrible misery that has plagued all of what used to be Yugoslavia, and especially the misery in Bosnia. But I have concluded that we do not have a vital national interest in this region.

The second question that I tried to ask is: Can our intervention be decisive in promoting our vital interests? It is one thing to have a vital national interest; it is another thing to be able to be decisive in promoting that interest.

In the Persian Gulf war, we had the military capacity to promote our vital national interest.

We also had a clearly defined objective: drive Saddam Hussein out of Kuwait. We were able to put together an alliance and a plan that was as detailed about how we were going to end the war and get out of the Middle East, as it was about how we were going to intervene.

I concluded in the Persian Gulf that we did have the capacity through our intervention to promote our vital interests. Certainly history has proven that to have been the case.

I do not believe, however, that we have this capacity in Bosnia. I am very concerned about putting young Americans into the line of fire as a buffer force between two warring factions which have broken every cease-fire and have violated almost every treaty over the past 500 years.

Now we have proposals, both from the administration and from the leadership of the Senate, which say that we should not only serve as a buffer force between those warring factions, but remarkably, in my humble opinion, that at the same time we should be engaged in overtly arming and training one of the belligerents in this conflict.

I have to say, Mr. President, I respectfully disagree with that policy. I supported lifting the arms embargo against Bosnia. I thought it might make sense under some circumstances for Americans to provide training—not in Bosnia—but maybe somewhere else. It might make sense to train some of their senior officials in the United States, which is the sort of thing we have done in the past.

I believe there is a conflict between the role of arming the Bosnians and serving as a neutral buffer force. I think that many even in our own Senate, and certainly some in the administration, have not reconciled how we could serve those two functions at the same time. It is not possible to be a neutral buffer force and, at the same time, be involved in the training and arming one side.

I know, from having discussed this with some of our colleagues, there is a belief that we, in essence, took sides when we bombed the Serbs. If that is so, then this should disqualify us from serving in this intervention/peacekeeping role. I think it was a different situation. The Serbs had been issued an order by the United Nations to stop the shelling and to withdraw their heavy weapons. They refused to do it.

NATO was asked to be the military arm of the U.N. forces in that case, a terrible command structure—one I would never support under any circumstance in the future and have not supported in the past.

The point is, in no way do I see how our intervention, in a period of time of roughly 1 year as set by the President, how this is going to change anything in Bosnia. There is no reason to believe that our intervention is going to be decisive.

Finally, let me say that in representing a big State with many people serving in the military, it has been my responsibility, after both Somalia and the Persian Gulf, to console parents and spouses of young Texans who have given their lives in the service of our country.

In talking to families, it has struck me that at least in my case there ought to be one more test. That test ought to be this: I have two college age sons; if one of my sons was in the 82d Airborne Division, would I be willing to send him into battle? It seems to me that if I cannot answer this question with a yes—no ifs ands or buts about it; and in the Persian Gulf I could answer it yes, no ifs ands or buts about it—if I cannot answer this question with a yes, then I cannot feel comfortable sending someone else's son or sending someone else's daughter.

So I am opposed to sending American troops into Bosnia. I intend to vote against the President's resolution asking Congress to join him in endorsing this policy. I am concerned we are in the process of seeing a resolution put together that, quite frankly, is full of escape clauses and ejection seats so that politicians can be on both sides of the issue.

I want a clear-cut vote where we can vote "yes" we support the President's policy to send troops to Bosnia; or "no," we do not. I intend to see that we get such a clear-cut, up or down vote.

I am working with roughly a dozen of our colleagues who want to have that vote. I think it is very important that we say where we stand. I know there will be those who will try to combine the issue of supporting the troops with supporting the President. Quite frankly, I do not buy into that logic and I do not think it serves our political system well to try to combine the two. There is not a Member of the Senate, nor has there ever been a Member, who would not support the troops.

It is because I support the troops, because I am concerned about their well-being, that I am opposed to sending troops to Bosnia. I have no doubt that the Americans who serve in the Armed Forces of the United States will go where their Commander in Chief sends them. They will serve proudly. They will do their job well. That is not the issue here.

Their performance is not in doubt; it is our performance that is in doubt. Their ability to do their job is not being questioned. It is our ability in the Senate to do our job that is being questioned.

I think it is important that there be no ifs, ands or buts about it, that we ought to have a clear-cut vote as to who supports the President's policy in Bosnia, and who does not. I, for one, do not.

Let me add one other thing. This whole issue has nothing to do with politics. It has nothing to do with Bill Clinton. It has nothing to do with our distinguished majority leader, Senator DOLE, who supports the President on this issue. It has everything to do with my obligation to 18 million Texans who elected me.

I was against sending troops into Bosnia when George Bush was President. I am against sending troops into Bosnia now that Bill Clinton is President, and I am going to be against sending troops into Bosnia when someone else occupies the White House.

This is an issue that I think is vitally important and goes to the very heart of what the role of Congress is. I believe that here we should say "no."

BUDGET NEGOTIATIONS

Mr. GRAMM. Let me, Mr. President, talk about the budget negotiations. I am concerned that if we let this budget impasse go past the first of the year, that the financial markets in America are going to begin to react to the fact that no deficit reduction has occurred.

I want to remind my colleagues that the election which occurred in 1994 is one of the clearest examples that I have ever seen of how elections can have tremendous economic consequences. If I were still serving in my role as a professor of economics at Texas A&M instead of serving in the role, as I often feel, of trying to teach economics here in Washington, DC—students at Texas A&M were a little more attentive—I would use the plotting of interest rates in America as a perfect example of how elections have profound economic consequences, because I know that the people who have looked at the data are as astounded as I am at the results we would see.

Interest rates were rising steadily until the day of the 1994 elections. When we had the most decisive election since 1934, interest rates suddenly started to decline. They have declined ever since, and as a result, the average annual mortgage payment on a 30-year mortgage in America has been reduced by about $1,200. That is a dramatic change.

Now, it seems to me that the logic of this change is based on the rational expectation that the 1994 election, which brought a Republican majority in both Houses of Congress, was going to produce a dramatic change in the spending patterns of our Government. As we all know, Republicans had promised in the election that they would institute such a change, that we would balance the budget, that we would let working people keep more of what they earn, and that we would make some very modest changes to try to promote economic growth.

Now we are on the verge of going into the new year without any of those changes having occurred. We have passed a budget, but the President is going to veto it. That means we have to start the whole process over. I simply want to raise a warning and a red flag that if we do not stand our ground on the 15th of December, if we simply give President Clinton another credit card without forcing him to sit down with us—the way families sit down at their kitchen table with a pencil and piece of paper and write out a budget that everybody agrees they are going to stick with—if we simply give President Clinton another credit card 10 days before Christmas and do not exact for that, some change that begins to implement a balanced budget, I am concerned that after the first of the year the markets that had changed their investment patterns on the belief that we would see a dramatic change in the fiscal policy of the country are no doubt going to reevaluate their position and interest rates are going to start going up.

I believe that if we do not do something about this deficit before the first of the year, then we risk a rise in interest rates. I know it is very tempting to say, 10 days before Christmas, we do not want a confrontation with the President. It is also fair to say that, 10 days before Christmas, the President does not want a confrontation with us either. I do not think this is the time to fold up our tent and go home. I think this is the time to stand our ground, demand that the President sign on to a budget in order to get this new credit card, and I am committed to the principle that we do just that.

I think we have written a budget which fulfills what we promised we would do; I intend to stand with that budget. My proposal, which I have made on several occasions in the past is this: we have set out what we can spend over the next 7 years and still balance the Federal budget; we should ask President Clinton to sit down with us and to try to reach agreement as to how that money is spent. I do not believe we ought to go back and rewrite our budget and let the President spend tens of billions of dollars we do not have on programs that we cannot afford.

I think the best Christmas present we could give America is a balanced budget. Maybe my perspective is different because I am spending more time outside Washington than many of our colleagues, and I am in a mode where you tend to listen a little more intently than you might otherwise. I believe that the American people are not so concerned about the Government being disrupted as they are about the fact that a baby born in 1995, if the current trend in spending continues, is going to pay $187,000 in taxes, just to pay his or her share of the interest on the public debt. This is not just economic suicide, it is immoral, and I think we need to do something about it. I submit, that if we cannot do it now, how are we going to do it next year when we have to turn right around and write another budget?

I simply raise these alarms because I believe we need to stand firm on our commitments to the American people. After all, we did not say we were going to balance the budget only if it was easy. We did not say we were going to balance the budget only if Bill Clinton went along. We said we were going to balance the Federal budget. So I think the time has come—in fact, in my opinion, it is long past—to say to the President, if you do not sign on to a budget, then we are not going to give you another credit card. It seems to me, the last time we went through this exercise the President got the credit card and we got this vague language about how he was going to support balancing the budget in 7 years under all these circumstances and all these conditions. The President was doing a lot of nodding and winking and good gestures during the negotiations, but once he got the credit card he said we have either agreed on everything or we have agreed on nothing, and since we have not agreed on everything, we have, therefore, agreed on nothing.

I think we need to stop debating statements of policy. I think if we are going to give Bill Clinton another credit card, we need to have written into law limits on how much he can spend. Finally, we need to require that, in return for getting another credit card, the President join us in a budget which meets the spending levels we set out in the original seven year balanced budget resolution.

I see we have another colleague who is here to speak. So, to accommodate him, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 1452 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COATS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I be allowed to continue as if in morning business for 10 minutes.

Mr. DORGAN. Mr. President, reserving the right to object—I will not object—I wonder if the Senator will add to his request that I be allowed to speak for 10 minutes as if in morning business.

Mr. HOLLINGS. I amend the request accordingly.

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

Mr. HOLLINGS. I thank the distinguished Chair.

THE BUDGET

Mr. HOLLINGS. Mr. President, I was getting a bite of lunch and noting on

TV the continued hypocrisy. There is no better word for it. Some in the Senate continue to come and blame President Clinton for the deficit. They continue to say he does not want to do anything about the deficit, which is totally out of the whole cloth. It is good pollster politics to try to paint that image.

But the fact of the matter is, where I could be blamed for the deficit because I have been up here for years and others could be, President Clinton was down in Arkansas balancing the budgets for 10 years. He came to this town with a plan in 1993, and it was traumatic. It said we are going to cut spending and get rid of Federal employees. We are going to cut the deficit $500 billion. We are going to tax. We heard that word. We are going to increase taxes on beer and liquor and cigarettes and gasoline, and, yes, Mr. President, we are going to increase taxes on Social Security—one of the really sacrosanct, holy of holies. He insisted on that attempt to cut the deficit, and there was not a single vote on the other side of the aisle either in the Senate or in the House of Representatives. But that other side of the aisle, having done nothing but cause deficits, comes now with this pollster-driven message that is developed by a retinue of Senators coming to the floor, and now I have to listen to some kind of lockbox nonsense.

Who caused the deficit? I know one who balanced the budget: Lyndon Baines Johnson. President Johnson in 1968 and 1969 was very sensitive about the charge of guns and butter and not paying for the war in Vietnam and his Great Society. So he had a 10-percent surcharge on taxes, and he came with spending cuts. At that particular time, the entire budget was $178 billion—$178 billion for Medicare, for defense, for Medicaid, for welfare. All the things that everyone is talking about cutting, President Johnson paid for and ended up with a $3.2 billion surplus.

Now, where did the deficit start? Presidents Nixon, Ford, and Carter all worked at cutting spending. But it was President Ronald Reagan who came to town with a promise of balancing the budget in 1 year. The others had not made that promise. They had worked on it. But the actual promise in the campaign—and I can show you the document—was, "We are going to balance the budget in 1 year."

President Reagan, on coming to town, said, "Heavens, I didn't realize the fiscal dilemma we are in. It's going to take longer than 1 year." And he submitted and we passed in 1981 a budget to be balanced in 3 years. In 1985, with Gramm-Rudman-Hollings, we promised a balance by 1990. And in 1990, this Congress here, before President Clinton came to town, promised not only a balanced budget by 1995 but a surplus of $20.5 billion.

Now, that goes to all of this posturing about the historic effort that we are making in closing down the Government and the partisan attack that we are the only ones for a balanced budget and the other crowd is not. The fact is that for 200 years of history and 38 Presidents, Republican and Democrat, up until 1981 we had yet to come to a national debt of $1 trillion. It was less than $1 trillion. Now the deficit has grown over the 15 years of spending over $250 billion and the debt to almost $5 trillion.

The deficit for this year is considered by the Congressional Budget Office to be $311 billion. Spending goes up, up, and away, and as we look at defense, that has come from $300 billion down to $243, similar domestic discretionary spending and others. But the one that has really taken off, is interest cost on the national debt—$348 billion, or $1 billion a day. We have spending on automatic pilot.

This land has fiscal cancer, and nobody wants to talk about it.

There was an old limerick, my children, on Saturday morning, on the "Big John and Sparky" program on the radio:

All the way through life, make this your goal: Keep your eye on the donut and not the hole.

Mr. President, we are looking right at the hole with tax cuts and avoiding and evading the donut, which are tax increases, because we know—and I am saying we in the budget process who have been working in this discipline—and they know it on the other side of the aisle, too. I can quote Senator DOMENICI, who, all the way back in 1985—the present chairman of the Budget Committee—said you cannot balance without an increase in taxes.

We tried budget freezes with then-majority leader Howard Baker of Tennessee, the Republican leader. We worked in tandem; in those days you could work together. We tried not only the freezes but the spending cuts across the board, with Gramm-Rudman-Hollings. And then, in 1986, we got on our Finance Committee friends—and I see the distinguished chairman is present—and we said, look, we might be spending in appropriations, but you folks with loopholes are spending way more than the Government.

And so, with the distinguished Finance Committee and its chair, Lloyd Bentsen of Texas, we had tax reform in 1986, and we supposedly closed the loopholes. And at that time, we had freezes, cuts, and the loophole closings. Then in 1987, a studied group within the Budget Committee, charged with the responsibility of balancing the budget, agreed that it could not be done merely with cuts and freezes and loophole closings; that we needed taxes.

In an informal vote on the Budget Committee, eight of us and two of our Republican colleagues, Senator Danforth of Missouri, Senator Boschwitz of Minnesota—he did not come up here with a lockbox gimmick. He came with a solemn vote for a 5-percent value-added tax allocated to eliminating the tax and the debt.

That was 8 years ago. Eight years ago, we were trying. But they do not try now. They come with all the pollster nonsense, running around here, getting on top of the message. That is why we are in session.

I can tell you, if people of common sense would look at the 65 percent of what has been agreed upon in both budgets, which would constitute about another $600 billion in spending cuts, which this Senator could support, we could agree on cuts in Medicare—not no $270 billion. That is out of the whole cloth. We could pare back some on Medicaid and the other particular programs. The President was asking just this time last week, on Thursday, he said, you have given me $7 billion; you force-fed me $7 billion, never even asked for by the Pentagon or by the administration, but you just heaped it on. Now, just give me $1.5 billion so I can take care of technology and children's nutrition and health care, environment, education, so we do not have to wreck the Government, we can pay for the Government.

These programs save money, as well as lives, but they would not even compromise. Every time they talk, they say, "Here's our budget. Where is yours?"

The PRESIDING OFFICER. The Chair would inform the Senator that his 10 minutes under the unanimous-consent request have expired.

Mr. HOLLINGS. Mr. President, could I have 2 more minutes? Is there objection?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator is recognized for 2 additional minutes.

Mr. HOLLINGS. I do appreciate the Chair and the indulgence of my colleagues. I simply will end by saying that we can easily get together on the 65 percent, $700 billion in savings right now. This Senator believes we need taxes. Others say, no, you need more spending cuts. I know if you could do it in spending cuts, we would have long since done it.

The entire domestic discretionary spending is $273 billion. That is for the President, the Congress, the courts, the departments, welfare, foreign aid. Just get rid of it all. But you are spending $348 billion automatically for nothing in interest costs on the debt.

You can do away entirely with Medicare. That is only $200 billion. Do away entirely with the entire Defense and Pentagon budget of $243 billion. You have still got a deficit. You cannot do it.

So you have to get together, men and women of good will, and work together

to freeze, cut, close loopholes, and get some kind of a revenue measure to get on top of this fiscal cancer. It is growing faster than we can stop it. I look upon it as taxes because it cannot be avoided. The truth of the matter is that we have to increase taxes to stop increasing taxes. Spending is on automatic pilot, and nobody wants to admit it, and no plan here comes near excising this cancer.

I thank the distinguished Chair.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Under the previous agreement, the Senator from North Dakota is recognized for 10 minutes as in morning business.

THE RECONCILIATION BILL

Mr. DORGAN. Mr. President, I noticed some earlier discussion on the Senate floor that prompted me to come and discuss the pending veto of the reconciliation bill by President Clinton. Some wonder, because they extol the virtue of that reconciliation bill, why on Earth would the President veto it?

It occurred to me that often cartoonists are able to capture the equivalent of 1,000 words in one little picture. This cartoon out of the Times Union, I think, describes pretty well why the President feels he must veto this legislation. You look at the cartoon. He has the Republican tax cut in the carriage, and the elderly woman on Medicare with the walker pulling the carriage here. And he says, "Giddyup ol' gal." That is a cartoonists' message of poking fun. Behind that cartoon is a message.

Those who say that the tax cuts, half of which goes to those whose incomes are over $100,000 or more, will have no impact or no relationship to Medicare, that is hardly believable. That is not to me or to cartoonists or to people around the country. There is a relationship.

The discussion about all this is not to balance the budget; we ought to. The question is, how do you do two things, balance the budget and still retain the priorities that are necessary for this country?

I have said before—and I want to state again today—I give the Republican Party credit, the Republicans in the Congress credit, because I believe they sincerely want to balance this budget. I think their initiative to push to do that makes sense, and I compliment them for that. I think there are a lot of us who also want to balance the budget but want to do it with a different sense of priorities.

I hope they will accord us the same respect and say, "Yes, that makes sense." And, "We understand your priorities." And, "Let's try to find a compromise." I hope that is the way we will be able to solve this problem, to do two things, balance the Federal budget and at the same time reach the kind of compromise on priorities that protects certain things that many of us think are important.

I happen to think that we ought to have separated this job. First, balance the budget, and then, second, when the budget is balanced and the job is done, then turn to the issue of the Tax Code. But that was not the case. The case was that you had to do a tax cut within the context of this reconciliation bill. The problem is that the priorities, in my judgment, are priorities that are not square with what the country's needs are.

A previous speaker talked about being a Senate pork buster. I guess I was unaware that we have a caucus called pork busters, a rather inelegant name, but I understand what it means. A pork buster, I think, would be to look at where is the pork, where is the spending that ought not be spent? I would encourage those who are part of the pork busters caucus to take a look at the defense bill, because I have talked before about the issue of priorities in the context of balancing the budget, especially as it relates to the defense bill.

I have a list here of additions to the defense bill that no one from the Defense Department asked for, no one wanted, no one said we needed, no one requested. This is extra money stuck into the defense bill by people in the Senate who said, "By the way, Defense Department, you don't want enough trucks. You didn't order enough trucks. We insist you buy more trucks." So the Congress says, "We're going to order more trucks for you. It is true you did not ask for them, but you need to be driving more trucks. You did not ask for more B-2 bombers. We're going to order up some B-2 bombers for you. You didn't ask for amphibious ships." And the major debate is which of the ships shall we buy? There is a $900 million one or a $1.2 billion one, so the Congress says, "You didn't order either of them, so we insist you buy both of them. That's our priority. You didn't order enough F-15's. We're going to order some for you. You didn't order enough F-16's. We're going to order some of those for you. You didn't order enough Warrior helicopters, Longbow helicopters, Black Hawk helicopters. We insist you get some of those as well."

This is from people who say they are conservatives. Probably some of the pork busters are some of these people, I do not know. But if they are looking for pork to bust, boy, I tell you this is a slaughterhouse that will keep them busy for a year. I can give you chapter and verse on planes, ships, submarines, tanks, helicopters that were ordered that the Secretary of Defense said he did not want.

So, you know, I say, look, if this is a question of priorities—and I think it is—how do you balance the budget? What are the priorities? How do you strengthen our priorities and reach from zero? There was $7 billion added to the defense bill this year, $7 billion that the Secretary of Defense said he did not want. I have said before and I am going to state again, because I think it is descriptive of the priority problem, a little program called star schools is cut 40 percent and a big program called star wars is increased in funding by 100 percent. It is, I think, the script of the fundamental problem of priorities.

The priorities are wrong. That is why the President is going to veto that today. The priorities in terms of what the bill, the reconciliation bill, says to the public, are these: In the same town, going to two different addresses with two different messages. The first letter to describe how this balanced budget plan affects you, we will go to the top floor of the best office building in town. And on the 18th floor they will knock on the CEO's door of a major corporation and say, "Well, we just passed this bill, this budget balancing bill, and here is how it affects you. Your company gets some relief from what is called the 'alternative minimum tax,' so you get $7 million in tax cuts because of a little provision called the AMT in this bill. So we want you to smile here on the 18th floor with this big desk and big office, with a $7 million tax cut we give you."

And then you get back in the taxi and go to the other side of town to a little one-room apartment occupied by a low-income person in their late 70's with heart trouble and trying to struggle along and figure out how she stretches a very low income to eat and pay for more medicine and pay for rent. We say to that person, "Well, we just dropped off a $7 million tax cut downtown to the CEO of a big company, but our message for you is not quite so good. We're going to tell you that you are going to have to pay a little more for your health care and probably get a little less health care to boot. You are going to pay more and get less. You have to tighten your belt more. You understand the message. You have to tighten your belt. Yes, you are in your late seventies; I know you cannot compensate by getting a second job or first job, but you have to tighten your belt."

See the different messages? One to the biggest office in town saying, "You get a big tax cut." The other to the person struggling out there barely making it saying, "By the way, we're going to add to your burden." That priority does not make any sense.

There is another little piece in here—I hope the chairman of the Senate Finance Committee will come and we can have a discussion about this someday—a little piece in this tax cut bill, by the way, on the issue of deferral. It says, we are going to make it more generous

for you than under current law. If you move your plant overseas and close your plant here we are going to make it more generous. We are going to increase the little tax loophole that says to companies, "Leave America, put your jobs elsewhere, close your plant here."

Boy, you talk about an insidious tax perversion that says we will give you a tax break if you only leave our country. That is in this bill. It is not a big thing; it is a tiny, little thing. I bet there are not two or three Senators know it is there or why it is there or who it is going to benefit. But that is the kind of thing that represents a fundamentally wrongheaded priority. And it is what the Senator from South Carolina talked about.

There is not any question, you will not get a debate in this Congress about whether you should balance the budget. We ought to do it. The question is how, how do you balance the budget and at the same time have a fair sense of priorities about what strengthens our country and what is important in our country.

I am one of those who will negotiate, a team of people sitting around a table, Republicans and Democrats on a negotiating team. I very much want this to succeed, very much want it to work. I believe the end stage of the President and the Democrats and the Republicans in Congress can agree on a goal of balancing the budget and agree on a goal of preserving priorities that make sense for this country in health care, education, the environment, agriculture and a couple of other areas, that we can get this job done. The American people expect us to get it done, and we should.

But we have a circumstance where the budget reconciliation bill or the balanced budget provisions were essentially written without any assistance from our side of the aisle. There was not a budget meeting. The Senate Finance Committee met drafting this with the majority party, which is fine, but it does not make for a process in which you get the best of what both parties have to offer. That is what I think the end stage of this process ought to be.

So, I echo many of the things said by the Senator from South Carolina. I believe the goal is very worthwhile. We ought to do it, we ought to do it the right way, the real way, and when we get it done working cooperatively with both sides of the aisle, I think the American people would have reason to rejoice that we put this country on sound footing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I hope we might be able to move ahead here. I understood maybe by 1 o'clock we would be able to proceed to the constitutional amendment on flag desecration. I do not know what the problem is. I hope I am not part of it. I have been trying every day to get ambassadors confirmed, particularly our friend Senator Sasser. I am still working on it.

But I must say, this does not encourage me very much to waste the whole morning and part of the afternoon, at a time when we are trying not only to do this but cooperate with the President on an item or two.

I hope the Senator from New Mexico will let us proceed. I can only say to him, it is my intention before we leave here this year to have the Executive Calendar cleared, START II completed, and I do not know what else may have been mentioned here this morning.

I also understand that they are very near an agreement that would permit us to do all this in 4 hours. It seems to me that is worth pursuing. That is what I have been doing on a daily basis, and as recently as yesterday, I spoke to the Democratic leader about it.

So I hope the Senator from New Mexico, with those assurances, will let us proceed to Senate Joint Resolution 31, so we might complete action on it tomorrow and that we might complete action also tomorrow on the partial-birth abortion bill and also perhaps a conference report on State, Justice, Commerce. And that might be all we can accomplish this week. But I hope we can proceed.

I do not disagree with the Senator at all. My view is every one of these nominees have families. I have made this plea on the floor many times, regardless of who was holding up ambassadorships. I think in this case it has been an effort on both sides—Senator KERRY on one side and Senator HELMS on the other—to come together with agreement, and I was told, as recently as 10 minutes ago, that they are just that far apart, which will certainly resolve all the questions that have been raised, I think, by the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, if I can respond to the majority leader's suggestion.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I certainly have no question about the majority leader's good intentions with regard to these matters. I think he has been trying to move ahead on them. But unfortunately, in order to get anything done around here, you need unanimous consent. We do not have that as yet.

In fact, the ambassadorial nominations we have been discussing are still not out of committee, and the START II treaty is still not out of committee. They are not on the Senate Calendar.

I feel if we could get a unanimous-consent agreement which provided for a vote prior to adjournment this fall of this session on the Ambassadors and also provide for a time and some limited amount of debate to get START II dealt with, I certainly would be willing to go with that. I think what we do need is an agreement that Senator HELMS and all the others who are involved in this will agree to.

I do not have any involvement in the negotiations that are taking place with the State Department reorganization or any of that. I do not have a dog in that fight, as the saying goes. I do want to see us deal with these particular matters I have identified here. I would like agreement among all Senators to do that. If we can get that unanimous-consent agreement, with Senator HELMS agreeing to it, then obviously that would resolve my concerns.

Mr. DOLE. I have the agreement in my hand. I have been trying to get it for several weeks. We have come very close, I must say. This is not just Senator HELMS. It involves the Senator on the other side. I do think we are that close.

In this agreement, it also says we will take up the START II treaty. START II is part of it, along with all the nominations. I think it takes care of those that might be pending in the committee, too, or discharged. Even though they have not been reported out, they would be covered, too, by our agreement.

We thought we might get this agreement yesterday. That is how close we are. I have not given up on getting it yet today. I asked Senator HELMS, the Senator from North Carolina—I thought it might take several days on START II. He said he did not think so. He thought there would be one or two amendments.

So, as I understand, once the logjam breaks, within 4 hours we can complete action on State Department reorganization and then all the nominees would be confirmed, and then START II—at least there would be an agreement to take up START II. I think we are getting very close to what the Senator from New Mexico would like to achieve. I just hope we can work out something so that while we are trying to achieve this, which is the agreement, that we can also proceed on Senate Joint Resolution 31.

I have just been advised that maybe one phone call away, we may be working something out on this.

Mr. BINGAMAN. Mr. President, I compliment the majority leader for the progress made. I am glad to hear all this. I was not aware of it. I do believe it is important we make that one additional phone call and get this nailed

down. If I go ahead and say fine, proceed—quite frankly, I have been asking the Democratic leader, Senator DASCHLE, about these matters for about 3 weeks now, and he has consistently, and in good faith, said we are just about to agree. We are very close. I know he is in good faith; I know the majority leader is in good faith; I certainly feel I am in good faith. But I do want to see us get the agreement entered before we proceed to consider this constitutional amendment.

As I said, I have no objection to us voting on the constitutional amendment, but I would like to have that put off until we have agreement to vote on these other matters that are agreed to by all Senators.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Delaware.

OPERATIONAL TEST AND EVALUATION

Mr. ROTH. Mr. President, I rise today to express my strong opposition to what I believe is a very destructive provision in H.R. 1530, the Defense authorization bill.

That provision would repeal the public laws that created and gave authority to the Director of Operational Test and Evaluation in the Office of the Secretary of Defense.

What is at stake here are the lives of our men and women in uniform.

The OT&E was created by Congress over 10 years ago with strong bipartisan support. The purpose of this office is to ensure that our servicemen receive weapons that are tested in an independent manner and in an operationally realistic environment. This office was created to guarantee that the weapons our soldiers take into the battlefield are ready for combat.

In this important way, the OT&E saves lives.

Mr. President, the OT&E is also the conscience of the acquisition process. Its work has helped to prevent waste and fraud. It is the cornerstone to Congress' and the Pentagon's fly-before-you-buy approach to new weapons platforms and other military equipment.

In this important way, the OT&E saves the taxpayer money.

I understand that the provisions eliminating the Director of the OT&E originated out of an effort to streamline the already bloated Pentagon bureaucracy. I support that larger effort. Together with Congressman KASICH, I have sponsored legislation that would streamline the Pentagon's acquisition process.

However, eliminating an effective OT&E will not eliminate the need for testing under realistic battlefield conditions. It does raise the question as to what office will be responsible for approving tests and representing the troops through independent evaluations of new weapons.

Moreover, the OT&E has already been streamlined. Last year's Federal Acquisition Streamlining Act merged live-fire testing with the operational testing function. We should also recognize that the OT&E is already one of the smallest directorates in the Pentagon.

Mr. President, the OT&E is an office that has earned the respect of others in the Pentagon and in Congress. After Operation Desert Storm, former Secretary of Defense Dick Cheney stated that the vigorous, independent testing oversight put into place by Congress "saved more lives" than perhaps any other single initiative.

Just last year, the GAO testified before Congress stating that the priority we give to independent testing and evaluation should be increased and not decreased. In its examination of operational testing, the GAO concluded that any changes to legislation for the testing and evaluation of military equipment should preserve, if not strengthen, the fly-before-buy principle.

Yes, Mr. President, the provisions in this year's Defense authorization bill would weaken that legislation.

Let me also remind my colleagues that this body, the U.S. Senate, unanimously passed a resolution just this last August expressing our belief that the authorities and office of the OT&E must be preserved. It is, thus, surprising if not shocking, that the conferees appear to have overlooked this resolution.

Above all, Mr. President, the provisions that effectively decapitate the OT&E constitute an issue of priorities. Do we care more about reducing the size of the Office of the Secretary of Defense or the safety of our troops? I firmly believe that if this provision of the Defense Authorization Act is not removed, Congress will be putting countless lives at risk in the name of reducing a handful of billets.

To do just that as we are sending our troops to Bosnia seems to me to be all the more dangerous. Just yesterday, I read in the New York Times that our forces deploying in the Balkans will be equipped with an array of new technologies that have never been tested in combat. Could we imagine sending our troops to battle with equipment that we have not made the fullest effort to subject to operationally realistic testing?

Mr. President, I urge the conferees of the Defense Authorization Act to remove the provisions eliminating the Office of Operational Test and Evaluation. If they are unable to remove that provision, I will encourage my colleagues in the Senate to vote against the authorization bill. The safety of our servicemen and women requires our full support.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD] is recognized.

Mr. FEINGOLD. Mr. President, I rise today to make a brief statement about Senator KASSEBAUM which I know she prefers I wouldn't, but which she will have to endure as a price of her retirement. It is, of course, a statement of tribute to her service in the U.S. Senate, and an expression of deep personal regret that she has decided to retire.

Many of my colleagues and the major papers are rightfully highlighting Senator KASSEBAUM's legislative accomplishments and her many courageous, nonpartisan positions. But I want to focus my comments on her role in United States-Africa relations. I have had the immense pleasure of working with her in the past year as the ranking member on the Subcommittee on African Affairs, of which she has been an active member since 1981, and of course now chairs. For me, Senator KASSEBAUM's deep commitment, genuine expertise, and tremendous leadership on Africa have been one of the most inspiring influences I have had while in the Senate.

In many ways, the fact that she chose Africa as one of her specializations says so much about what kind of legislator she is. As our colleague from Illinois, Senator SIMON, often reminds us, though well-known and admired in Africa, Senator KASSEBAUM surely got few votes in Kansas for advocating Africa's interests. It certainly is not glamorous to travel to many of the places in Africa she has visited. And she certainly does not get the limelight often accorded foreign policy experts as a leader on United States-Africa issues. However, she has made a commitment to the region because it is the right thing to do: because there are complex issues in Africa that call out for American attention, and there have been too few voices in Congress that have cared about the United States-Africa relationship. She has grappled with the difficult issues, such as the genocide in Rwanda, the failing transition to democracy in Nigeria, the small window of opportunity to consolidate peace in Liberia, the reconstruction of Angola, the tragedy in Sudan, and so much more. Senator KASSEBAUM can always be counted on to address these issues, and then to work persistently to shape intelligent and active U.S. policies. This commitment exemplifies the principle, integrity, and keen sense of responsibility that have characterized her entire career.

But Senator KASSEBAUM also stands out for her bipartisan—even nonpartisan—approach. While working wonderfully as a team player, she also has the strength to be independent when her principles are at stake. That is one of the reasons she has been so effective. For example, in 1986 Senator KASSEBAUM broke with a Republican

President and led the vote to impose sanctions on the racist apartheid regime of South Africa. This, of course, was the defining moment that changed United States policy from constructive engagement to isolation of the regime, which eventually brought down apartheid, and gave birth to majority rule in South Africa.

She has presided over our subcommittee in the same nonpartisan manner. While the Foreign Relations Committee may seem entangled in bitter partisan battles, the Subcommittee on African Affairs has functioned actively and smoothly under Senator KASSEBAUM's leadership, demonstrating what bipartisanship can accomplish when reason prevails and pettiness and politics are set aside. For me, it has been a wonderful opportunity to learn about Africa, and I think it has also enabled the subcommittee to do its job as a policymaker. Senator KASSEBAUM has given me faith that in spite of all the rancor and partisan bickering, it is still possible in the Senate to reach across the aisle and work together.

These are some of the attributes that have made Senator KASSEBAUM a great Senator. But she is also a joy to work with because she is such a delightful and gracious person. As much as I enjoy the subject matter, I think her kindness and dedication have helped sustain my active interest in Africa, and make it an enjoyable experience.

It will certainly be a more lonely process without her. Mr. President, I will value the next several months, working with her and learning from her. I will sorely miss her in the next session.

I yield the floor.

OPERATIONAL TEST AND EVALUATION

Mr. PRYOR. Mr. President, today, I rise in the Senate to voice my very strong opposition to the actions being considered by the House Senate conference committee on the Defense authorization bill.

Mr. President, I have been informed, with some of my colleagues, and I am very sorry I did not get to listen to all of the remarks of my good friend and colleague and partner in this issue, Senator ROTH of Delaware, we have been informed that the conference committee is now considering turning back the clock on 12 years of progress in the war against $600 hammers, $1,000 toilet seats, guns that do not shoot, bombs that do not explode, and planes that do not fly. I believe what is at stake are the lives of our men and women who serve this country in the Armed Forces.

Mr. President, I am speaking today of the very useful and most critical role of the Office of the Director of Operational Test and Evaluation in the Pentagon and the effort underway in the conference committee to totally annihilate and to eliminate this office.

As I address the Senate this afternoon, the conference committee on the DOD authorization bill is now deliberating over whether to repeal the bipartisan legislation written by myself, along in 1983 with Senator ROTH, Senator KASSEBAUM, Senator GRASSLEY, and others, that created the independent weapons testing office.

This legislation this is now known as section 139 of title X establishes the Operational Testing Office that currently Mr. President, oversees, evaluates, and reports on the results of tests conducted on our new military hardware.

This Office was designed to report directly to the Secretary of Defense with this independent assessment of the weapons being tested, procurement, and combat use. The job of this Office has been to help make good weapons better and to help keep weapons that do not work out of the hands of our soldiers and sailors.

It has saved the taxpayers billions of dollars by exposing many troubled systems before they become costly dinosaurs and disasters. The ultimate contribution, I think, of the Operational Testing Office has been the lives it has saved by helping to ensure that our Armed Forces are not sent into combat with weapons that are faulty and do not work and will fail in an operational environment.

Support for this Office, Mr. President, has always been bipartisan. For example, former Defense Secretary Dick Cheney said that the independent weapons testing "saved more lives" during Operation Desert Storm than perhaps any other single initiative. Current Defense Secretary William Perry has recently described this Office as "The conscience of the acquisition process."

Earlier this year, I was extremely shocked to learn that the House National Security Committee recommended repealing section 139 of title X, thereby eliminating this Office.

Because of what we consider to be a very irresponsible initiative in the House of Representatives, Senator ROTH and myself sponsored a bipartisan sense-of-the-Senate resolution voicing the Senate's full support for the Testing Office and our strong objection to repealing its charter. This resolution passed the Senate unanimously during consideration of the defense authorization bill in August in 1995.

We were recently notified that the conference committee apparently is disregarding the sense-of-the-Senate resolution by refusing to remove from its conference report the language that would kill operational weapons testing in the Pentagon.

This news is disheartening, indeed, Mr. President. Repealing the law that established independent weapons testing would be an irresponsible, unthinkable course, and dangerously shortsighted. If this Office's charter is revoked, countless American lives will be at risk. Furthermore, the entire system by which we acquire new weapons will be pushed back to the dark ages. We will undoubtedly be bringing back the unthinkable conflict of interest of the students grading their own exams, when it comes to evaluating the results of critical weapons testing.

Last Friday, after learning that the Testing Office was, indeed, in jeopardy and in danger of being eliminated, Senator ROTH, Senator GRASSLEY and myself sent a letter to Chairman THURMOND and to Chairman SPENCE, expressing our outrage over the apparent desire to repeal section 139 of title X. In this letter, Mr. President, we call on the conferees to maintain our legislation that created the Operational Testing Office.

Mr. President, I ask unanimous consent that a copy of this letter that we sent to Chairman THURMOND and to Chairman SPENCE be printed in the RECORD directly following my remarks.

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

(See exhibit 1.)

Mr. PRYOR. I gladly join my good friends from the other side of the aisle in voting our strong bipartisan support for independent weapons testing. This Office has always enjoyed support from each side of the aisle. I hope it always will. It was created in this spirit. I certainly hope that it does not die under a cloud of partisanship.

I would like my views to be known clearly and publicly before the conferees conclude their deliberations on the Defense authorization bill. I know they will take heed of the remarks of my colleague and good friend, Senator ROTH, who just delivered his eloquent speech on the floor of the Senate with regard to this issue.

If this conference report comes to the Senate, Mr. President, with language that revokes the charter of our weapons testing office, I will strongly oppose the conference report and I will ask it be rejected by the entire U.S. Senate.

As we prepare to send American troops into Bosnia, it would be wrong—absolutely, totally wrong—to eliminate the most important checks and balances in the military procurement chain that has proven to save time, money, and most importantly, the lives of our fighting forces. The American taxpayers, the American men and women in uniform, deserve much better.

I thank the Chair for recognizing me. I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 1, 1995.

Hon. STROM THURMOND,
Chairman, Senate Armed Services Committee, SR 228, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to voice our strenuous objection to an action the defense authorization conference committee is considering that would jeopardize independent operational and live-fire weapons testing in the Department of Defense. We believe that what is at stake are the lives of our men and women who serve in the armed forces.

As you know, the conference committee is currently discussing various measures to streamline the Office of the Secretary of Defense (OSD). We are aware that the conference committee is considering repealing section 139 of Title 10. Repealing Section 139 would eliminate the authority of the Director, Operational Test and Evaluation (DOT&E) to oversee, evaluate, and report on the operational worth of weapons prior to their production and procurement by the U.S. government.

The DOT&E office was created 12 years ago with strong bipartisan support. Its existence has been critical to Congressional and Pentagon efforts to promote a "fly-before-you-buy" approach to the multi-billion dollar arena of military acquisitions.

Section 139 of Title 10 is the foundation upon which this important contribution to DOD procurement is based. Since its enactment, this provision has saved time, money, and most importantly, the lives of our soldiers and sailors who must rely on tested, proven weapons. We truly believe that any decision by the conference committee to repeal section 139 would result in many unintended consequences.

Eliminating this office would not eliminate the requirement to conduct testing under realistic operational conditions. However, it would raise the question as to who would be responsible for approving test plans and for providing independent evaluations of testing. This uncertainty would be costly indeed.

We appreciate the conferees' desire to streamline the Office of the Secretary of Defense. However, the Federal Acquisition Streamlining Act recently enacted by Congress merged live-fire testing with the operational testing function. Thus, independent testing oversight has already been streamlined. Furthermore, the DOT&E office is already one of the smallest in the Pentagon bureaucracy.

This directorate has proven itself as one of the most important checks and balances in the DOD procurement system. Its value has been lauded by our two most recent Secretaries of Defense. After Operation Desert Storm, former Defense Secretary Dick Cheney said that the vigorous, independent testing oversight put in place by Congress "saved more lives" than perhaps any other single initiative. Current Defense Secretary Perry recently described the DOT&E as "the conscience of the acquisition process."

In August, the U.S. Senate unanimously approved a Sense of the Senate resolution that stated clearly the Senate's opposition to repealing section 139 of Title 10. We continue to believe that repealing the law that guides independent weapons testing is wrong and dangerously shortsighted.

Clearly the question facing Congress is do we care more about reducing the size of OSD or protecting the lives of our service men and women. We firmly believe that if the provisions repealing section 139 are not removed, Congress will be putting countless lives at risk in the name of reducing a handful of billets.

We urge you to continue the bipartisan Congressional support for independent testing by deleting from your conference report any provisions that would repeal section 139 of Title 10.

Thank you for your consideration of this urgent matter.

Sincerely,

WILLIAM V. ROTH, Jr.
CHARLES E. GRASSLEY.
DAVID PRYOR.

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

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

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. BINGAMAN. Mr. President, I wanted to just add some information for my colleagues about some of the ambassadors that I have been discussing this morning and so far today about the qualifications of these people. These are individuals that have been nominated by the President. There are 18 of them that are presently pending in the Foreign Relations Committee. They are an outstanding group of nominees.

I was just provided with more detailed information about what they have been doing in their careers and why they are considered by the President to be qualified for these important positions. So I thought I would go through some of that information so that any Senator who has a doubt about the qualifications of any nominee would hopefully have that doubt put to rest. I do not know many of these people myself, but I would like to at least put in the RECORD the information about them.

Mr. President, going down the list, the President's nominee to Sri Lanka is Mr. Peter Burleigh, who is presently the Deputy Assistant Secretary of State for Personnel. He is a career appointee in the Department of State. He has been with the Department of State now for some substantial period of time. He was a Peace Corps volunteer before that. He has a very distinguished résumé which we will include in the RECORD.

The second of these nominees is the President's nominee for APEC, Asia-Pacific Economic Cooperation. This person, Sandra Kristoff, is now the coordinator in that position, and she is being nominated by the President for the rank of Ambassador in that same position—again, a very distinguished career of involvement in foreign policy and trade related issues.

The third on this list is John Malott, who has been nominated by the President as the Ambassador to Malaysia. He is presently the senior adviser to the Under Secretary of State for Economic, Business and Agricultural Affairs. He is a career member of the Senior Foreign Service at the class of minister-counsellor, clearly a very distinguished and recognized public servant in our diplomatic corps.

Next is Mr. Kenneth Quinn, Kenneth Michael Quinn, who has been nominated by the President to the position of Ambassador to Cambodia. He is presently a special project officer for the Bureau of East Asian and Pacific Affairs in the Department of State—again, a career of foreign service, class of minister-counsellor.

I would just point out parenthetically here, Mr. President, that I can remember years in which we had great debates on the Senate floor expressing concerns about the political nature of the appointments being made by one or another President to some ambassadorial positions. In this group of 18, all but 4 of the 18 are career Foreign Service officers, have devoted their entire career to working in our diplomatic corps, and the four who are not career Foreign Service officers I think are recognized by all to be well qualified to take important positions like this.

After the Ambassador to Cambodia is Mr. William Itoh, the President's appointee as Ambassador to the Kingdom of Thailand, presently a student in the Capstone Program at the National Defense University—again, a career member of the Senior Foreign Service with the class of counsellor.

Next is a gentleman I referred to in my statement this morning, Mr. Stapleton Roy, who has been nominated by the President as Ambassador to the Republic of Indonesia. He again is a career member of the Senior Foreign Service, class of career minister. I would point out that he was born in China. He has spent much of his life in the Far East and China in particular. He is extremely well recognized as an expert on that part of the world and has served our country extremely well in important positions including Ambassador to China. He now, of course, is being considered for this other very important position for which I hope we can confirm him.

The next after Mr. Roy is Thomas Simons, Jr., who is nominated by the President as the Ambassador to Pakistan. He is presently the Coordinator of U.S. Assistance for the New Independent States. His Foreign Service grade is career member of the Senior Foreign Service, a career diplomat, as many of

these nominees are, and somebody who clearly has earned the respect and confidence of the President.

Next is Frances Cook, who has been nominated by the President to be the Ambassador to Oman, presently the Deputy Assistant Secretary of State for Political Military Affairs—again, a career member of the Senior Foreign Service.

Next is Richard Henry Jones, who has been nominated by the President as Ambassador to Lebanon. And again we have a person who at the present time serves as Director of the Office of Egyptian Affairs in the Department of State, a career member of the Senior Foreign Service with a class of counsellor.

Next is James Collins. Mr. Collins has been nominated by the President as Ambassador-at-Large and Special Adviser to the Secretary of State for the New Independent States, and again a career member of the Senior Foreign Service with the class of minister-counsellor, also a very distinguished career which I think well equips him for that position.

Next is Charles Twining, who has been nominated by the President as Ambassador to the Republic of Cameroon, presently the Ambassador to Cambodia, a career member of the Senior Foreign Service with the class of minister-counsellor—again, a very distinguished public servant in our diplomatic corps.

Next is James Joseph. The President has nominated James Joseph as Ambassador to the Republic of South Africa. He presently is the president of the Council on Foundations and has a very distinguished career in a great many different areas, but obviously has the President's confidence.

Next is Joan Plaisted. Joan Plaisted is the President's nominee as Ambassador to the Republic of the Marshall Islands, now presently serving as Director of the Office of Thailand and Burma Affairs in the Department of State, another career member in the Senior Foreign Service with the class of counsellor.

Next is Don Gevirtz, who has been nominated as Ambassador to the Republic of Fiji, to the Republic of Nauru, to the Kingdom of Tonga and Tuvalu—again, a very distinguished individual whose present position is chairman of the board and chief executive officer of the Foothill Group, Inc., in California.

Next is our own former colleague, Senator Jim Sasser, who is presently an attorney here in the District of Columbia as well as in Nashville, TN, earlier this year was a fellow of Harvard University and is now, of course, the President's nominee as Ambassador to Beijing. And I think all of us who have served with him would agree that he will perform in an exemplary fashion in that position as he would in any position for which the President would nominate him.

Next is David Rawson, whom the President has nominated as Ambassador to the Republic of Mali, presently the Ambassador to the Republic of Rwanda, a career member of the Senior Foreign Service, class of counselor; again, a very distinguished career in our diplomatic service.

Next is Robert Gribbon, who has been nominated by the President as Ambassador to the Republic of Rwanda. His present position is Ambassador to the Central African Republic, another career member of the Senior Foreign Service, with the class of counselor; a very distinguished career, formerly a Peace Corps volunteer in Kenya.

Finally, Gerald Wesley Scott, who has been nominated by the President as the Ambassador to the Republic of the Gambia. He is presently the Deputy Chief of Mission in Zaire and in the American Embassy in Kinshasa, Zaire, another career member of the Senior Foreign Service with the class of counselor.

Mr. President, I have gone through this list and given a little information about each of these individuals just to make the point that this is not some kind of political effort on my part or on the President's part or anybody to get these people in these new positions.

These people have devoted their careers, their entire professional lives, to serving this country in often very difficult circumstances. They have been chosen by the President to serve in these important positions, and we owe it to them as well as to those people we represent in our home States to get on with approving their nominations so that they can continue to represent this country in those important positions.

That is the list of ambassadors that are presently being held up in the Foreign Relations Committee. I hope very much that we will be able to get an agreement here today, or very soon, to have all of those nominees reported to the Senate floor and have a vote on those nominees as well as on START II before we adjourn this session of the Congress. I think that would be a very major accomplishment and something that would allow us to feel we had done our duty under the Constitution, which I think is certainly what all of us are intending to do. So with that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. I ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. THOMAS. Thank you, Mr. President.

UNITED STATES TROOPS IN BOSNIA

Mr. THOMAS. Mr. President, I rise to talk about an issue that all of us are concerned about and all of us are thinking about, and that is the President's policy to put United States troops on the ground in Bosnia.

First, let me make it clear that I am opposed to that idea. I had an opportunity about 5 weeks ago to go to Sarajevo along with some other of my associates here. We went to Stuttgart in Germany and visited for a day with the supreme commander there. I was impressed by the preparation, by the way, of our military, as always. I am sure they will be able to carry out whatever mission is assigned to them.

We spent some time in Croatia talking particularly to the Defense Minister there in terms of the Croatians' activities and their concerns. We spent a portion of our time in Sarajevo where we visited with the President of Bosnia, had a chance to talk with the U.N. commander there, and also spent some time coming back through Brussels in Belgium, and spent some time with the NATO commander and all 16 of the Ambassadors that were there.

Certainly, I am not an expert in the field, having been there just a few days, but I have to tell you that you do get a sense, you do get a sense from being there as to what the feelings are, a sense that, as you would imagine, those people are tired of fighting and looking for some resolution. You get a feeling, also, however, that there is not a willingness to give up some of the positions that people have taken and will maintain, antagonistic positions and conflicts that are very long lasting and have been there for hundreds of years.

So, Mr. President, I came back having not changed my opinion. I do think we need to continue to be involved. I think we have had an excellent representation there in terms of the negotiation. I congratulate the negotiators. We met yesterday with Secretary Holbrooke. But I was no more convinced of the responsibility to have 20,000 or 30,000 troops on the ground there and of our chances of coming away in the period of time, as described by the President, of 1 year, or that the solution is any better than it was before.

Let me say, however, that we are going to have differences of view here. I hope we have an extended discussion of the issue here on the floor. I think everyone who comes forward will honestly have their views—and I do not impugn anyone's motives as to why they are where they are.

Let me comment on a number of things that have concerned me. One is

the process and the process of involving American citizens, through their Congress, through their elected representatives, in this decision. And I have to tell you that it is my observation that the Congress has essentially been co-opted in this decision.

It started some 2 years ago when the President, for whatever the reason, indicated that he would place 25,000 troops in Bosnia, at that time mostly to remove the U.N. forces if that was necessary. So that was the first indication why it was 25,000. Why it was not 20,000, why it was not 40,000, why it was not 10,000, I am not sure. No one has ever been able to tell us that.

So, then not much happened, and the Congress then passed resolutions saying we ought to lift the arms embargo on the Moslems. However, that was not pushed by the administration. That was not something that the administration worked hard to encourage. But shortly thereafter, I think it did cause some action. Shortly thereafter, the United States then moved to get NATO to do some airstrikes, which tended to bring together then the Croatians and the Moslems to a federation that sort of equalized, began to equalize the forces there, and so we saw a change, I think prompted, at least partially, by the action of this Congress to recommend that we lift the arms embargo.

So then we saw some effort to come to a peace agreement. When I was there, there was just recently installed a cease-fire. I think it was the 31st cease-fire, however. Nevertheless, it was an effort to do that. Then we moved toward the peace agreement and a meeting in Dayton, OH, or wherever, to do that. So the administration said, gosh, we cannot really talk to you about what is in the wind here because we are having a peace conference and it would disrupt the peace conference.

We had a number of hearings, and we did not get too much information, because they said we cannot do that. So then, for whatever commitment there is to it, there was a peace agreement initialed in Ohio. I am glad there was and I congratulate those who helped bring it about. No one is certain what it means and how much commitment there is to it. Then we are told by the administration, "Well, we have a peace arrangement now. We can't really talk to you much because we can't change that."

The next thing we knew, the President was in Europe on a peace mission talking to a number of countries, including NATO and European countries, saying, "We are willing to bring these troops in." Of course, it was received with a great deal of enthusiasm. Who would not? If we agreed to do most of the heavy lifting, you would imagine that.

So then following that comes the commitment for troops, and some preliminary troops are there now.

Mr. President—and I asked this question of the Secretary of State and the Secretary of Defense in a hearing last week—what is the role of Congress? I did not get an answer, other than provide the money. I do not think that is appropriate.

I do not want to get into the great discussions of the constitutionality of the President's authority. There is disagreement about that. I do not happen to think the President has unlimited authority because he is named Commander in Chief in the Constitution.

Nevertheless, there must be a role here for the Congress. I think it has been handled very poorly, frankly, in terms of some involvement and commitment.

It seems to me—and I am sorry for this—it seems to me the administration is more in the posture of defending their decision and winning the argument than really talking about the substance of why we should, in fact, be in Bosnia. We can talk about details, and that is what we hear, all the details of how we are going to train, how we are going to move, all these things, but the real issue is not the details, as important as they may be. The real issue is, why are we there and what is the rationale and reason and the vital American interests for us to be there.

We hear some saying, "Well, we're going to put troops in harm's way." Of course, no one wants to put troops in harm's way. On the other hand, that is what troops are for. The question is not are they in harm's way, the question is, is there a good reason and rationale for them being in harm's way?

We hear, "If they don't go, there will not be any peace." I am not sure that is true.

Until these warring parties are prepared, genuinely, to have peace, I suspect there will not be peace. We are told, and I think sincerely, that we are there to keep peace, not to make peace. There is a little different term this time, it is called enforce peace, which is a bit hard to define. But when we asked the question, what do we do when there is an organized military resistance to the U.S. forces that are there, NATO forces, the answer was, "Well, we're not there to fight a war, we're not there to fight, we are there to keep and enforce the peace." We were led to believe we probably would withdraw.

So, Mr. President, it is awfully hard to know. Some say, "Well, we have to have leadership, we're isolationists." I do not believe for 1 second that anyone can think of this country, the things we are involved in both in security and trade, that would cause anyone to suggest this country is isolationist. That is ridiculous.

Some say, "Well, NATO will dissolve without us." I do not believe that. NATO was designed, of course, to bring together the North Atlantic nations to resist the Soviet Union, and they still have a mission, certainly. Although I must tell you, having been there, I think there is some search for a mission going on. NATO will continue to exist; NATO has a legitimate purpose. I do not know whether its purpose is to quell civil wars within Europe.

So, Mr. President, we are in a sticky wicket here, and I guess the stickiest thing—and I, frankly, did not get a chance to ask the Secretary yesterday—is, what is our policy in the future, what is our position going to be with regard to our role in civil disturbances, our role in civil wars, our role in ethnic disturbances throughout the world, and there have been a number and there will continue to be.

Is our role to place troops and keep the peace, enforce the peace? I do not know the answer. But we will have to make a decision with respect to policy, so that we know where we are, what people can expect from us. We want to be a leader in the world; we will be, we should be, we are the superpower. People should have, however, a reason to anticipate that our position will be based on policy.

Mr. President, I think we find ourselves in a very difficult position, one in which honest people can disagree. I happen to believe it is a mistake for us to put U.S. troops on the ground there, a mistake in terms of policy, a mistake in terms of alternatives. There are alternatives. It is not that or nothing.

We can continue to be involved with diplomacy. We can continue to support NATO. We can give other kinds of support there. It is a question of what happens when we leave. What do we do to ensure that having spent whatever it is—I suspect even though the administration says $1.5 billion, maybe plus $600 million in nation building, a little over $2 billion, I would be willing to bet you that is not right. We spent nearly that much in Haiti, and this place will be three times as expensive.

So the question is, what is the basis, what is the rationale for that kind of commitment? I hope we have an opportunity to discuss it soon. I had hoped we would this week. Apparently, it will be next week. We ought to keep in mind the mass troop movement has not taken place. We have some folks in there, some troops in there early to prepare, but the troops are not there. We still need to make a decision. We still need to say to the President, if that is what we believe, that we think this is the wrong decision. No one here, however, will resist supporting troops once they are there. We are not talking about that at this point; we are talking about the decision to be there. It is a tough one. We should face up to it, come to the snubbing post and make decisions. I am sorry we have not made them before now. We shall. It is our responsibility.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa, Mr. GRASSLEY, is recognized.

OPERATIONAL TESTING AND EVALUATION

Mr. GRASSLEY. Mr. President, I want to address the Senate for just maybe 3 or 4 minutes, 5 or 6 at the most, on something that Senator PRYOR and Senator ROTH have already addressed, something that we three have worked on over quite a few years. It deals with a matter of defense and an operation within defense that is going to make sure that we get the most money for our defense dollar and to make sure that a weapon system that we are producing is effective and safe.

Mr. President, I am amazed that I have to stand before you to say what I am about to say. I never thought I would have to rise to speak out to defend this program. But, then again, I continue to be astonished by the shortsighted and misguided actions of so many people in this town.

Nearly 12 years ago, there was a bipartisan effort to create the Office of Operational Test and Evaluation [OT&E] at the Department of Defense. OT&E was created in response to a very simple idea: We should not spend billions of dollars of the taxpayers money before we know that a weapons works and will be safe and effective for our men and women in uniform.

The OT&E Office has been an unqualified success. It has saved the taxpayers billions. The cancellation of that boondoggle, the Sgt. York [DIVAD] antiaircraft weapon, was due in part to the work of OT&E. Cancelling the DIVAD saved the taxpayers billions. More important, it ensured we didn't give our soldiers poor, unsafe equipment.

But far more important, OT&E has saved lives. There is no question that the modifications made to the Bradley fighting vehicle to enhance its survivability ensured that many young soldiers came home from the Persian Gulf.

Former Defense Secretary Dick Cheney said that the vigorous, independent testing oversight put in place with the creation of OT&E by Congress saved more lives than perhaps any other single initiative.

Now, what is our response to these accolades? To these successes? Why of course, we get rid of it. Incredibly this is actually being proposed right now by the DOD authorization conferees.

OT&E asks the tough questions on weapons effectiveness, and it looks closely at the answers. It does this independent of the services and the procurement bureaucracy at the Pentagon. So why would we want to eliminate this important check and balance?

Simply put, OT&E is a vital check in ensuring that the taxpayers get the best bang for the buck and that the safety of our troops is the top priority.

The people who are clamoring to get rid of OT&E are upset because OT&E is a roadblock to their top priority: ripping the money sacks open at both ends, and pitchforking dollars to defense contractors as quickly as possible.

These are people who must believe DOD exists merely as an expressway to pad the coffers of contractors. And they want to get rid of this small speed bump, the Office of Operational Test and Evaluation, because it slows down the flow of money.

Mr. President, I am particularly saddened that this is happening under a Republican Congress. I have been assured by Republican House leaders that Pentagon reform is around the corner, even though in the DOD authorization bill we are throwing more money at the Pentagon. But I must say, if this is their idea of reform, they'll have an unexpected battle on their flank. And I'll be leading the charge once again, just as I did in the mid-1980's. And we will win again.

House Republicans say they want to reform the Pentagon so much that it will become a triangle. This action undermines any claims by Republicans in the Congress that they are for reforming the Pentagon.

I am very fearful that this Congress has badly confused its principles. Being for a strong defense means ensuring that our troops get the safest and most effective weapons for our troops. It does not mean ensuring only a steady and increasing cash flow for defense contractors.

And let me say, while the actions of the Congress are inexcusable, the administration's actions are no better.

We have heard not a word from the administration about the elimination of OT&E. How the administration, in the middle of sending our troops into Bosnia, can sit idly by and say and do nothing while OT&E is being eliminated is beyond comprehension. What kind of signal does that send to our troops?

Mr. President, as I said at the beginning of my speech, I am astonished that I am standing on the Senate floor having to debate this issue. This is a sad day for the taxpayers and even a sadder day for our troops.

I strongly hope the conferees will reconsider this disastrous proposal and not bring the DOD authorization bill to the floor until it is resolved.

I also wish to commend my colleagues, Senator ROTH and Senator PRYOR, for their staunch support for this office, both at its creation, and especially now. Their eloquent speeches on this floor earlier today speak to their leadership on this issue. And I would like to add my support to their effort to give our troops the very best equipment for their safety.

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

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

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. THURMOND. Mr. President, it is unfortunate that the Democrats will not let us get beyond the motion to proceed on Senate Joint Resolution 31, the proposed constitutional amendment to grant power to the Congress and the States, the power to prohibit the physical desecration of the flag of the United States. This is an important issue which should be submitted to the American people in the form of a proposed constitutional amendment.

Mr. President, today we begin consideration of Senate Joint Resolution 31, a proposed constitutional amendment authorizing the Congress and the States to prohibit the physical desecration of the American flag. I am pleased to be an original cosponsor of this proposal.

In June of 1989, the Supreme Court issued a ruling in Texas versus Johnson which allows the contemptuous burning of the American flag. Immediately after that ruling, I drafted and introduced a proposed constitutional amendment to overturn the unfortunate decision.

After bipartisan discussions with Members of the Senate and President Bush, the Senate voted on a similar proposal which I cosponsored. During this time, the Supreme Court ruled in United States versus Eichman that a Federal statute designed to protect the flag from physical desecration was unconstitutional. The Texas decision had involved a State statute designed to protect the flag.

On June 26, 1990, the Senate voted 58–42 for the proposed constitutional amendment, nine votes short of the two-thirds needed for congressional approval.

Opponents of this proposed amendment claimed it was an infringement on the free speech clause of the first amendment. However, the first amendment has never been construed as protecting any and all means of expressive conduct. Just as we are not allowed to falsely shout fire in a crowded theater or obscenities on a street corner as a means of expression, I firmly believe that physically desecrating the American flag is highly offensive conduct and should not be allowed.

The opponents of our proposal to protect the American flag have misinterpreted its application to the right of free speech. Former Chief Justice Warren, Justices Black and Fortas are known for their tenacious defense of first amendment principles. Yet, they all unequivocally stated that the first amendment did not protect the physical desecration of the American flag. In Street versus New York, Chief Justice Warren stated, "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

In this same case, Justice Black, who described himself as a first amendment "absolutist" stated, "It passes my belief that anything in the Constitution bars a State from making the deliberate burning of the American flag an offense."

Mr. President, the American people treasure the free speech protections afforded under the first amendment and are very tolerant of differing opinions and expressions. Yet, there are certain acts of public behavior which are so offensive that they fall outside the protection of the first amendment. I firmly believe that flag burning falls in this category and should not be protected as a form of speech. The American people should be allowed to prohibit this objectionable and offensive conduct.

It is our intention with this proposed constitutional amendment to establish a national policy to protect the American flag from contemptuous desecration. The American people look upon the flag as our most recognizable and revered symbol of democracy which has endured throughout our history.

I urge my colleagues to join the sponsors and cosponsors of this proposed constitutional amendment to protect our most cherished symbol of democracy. By adopting this proposal, we can submit this important question to the American people to decide if they believe that the flag is worthy of constitutional protection.

I yield the floor.

The PRESIDING OFFICER. Does any Senator seek recognition?

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

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

Mr. BUMPERS. Mr. President, first let me commend my distinguished colleague from New Mexico, Senator BINGAMAN, for objecting to the motion to proceed to the constitutional amendment on flag desecration until roughly 18 ambassadors' nominations which are being held up are released. We all, around here, do what we feel we have to do to make a point. But we have extremely important ambassadorial posts going unfilled because of a dispute over a totally different item.

I suppose it is that old saw "the wheel that squeaks the loudest gets greased," is true, and I am not criticizing the Senator from North Carolina personally. He has a right to do whatever he wants to do. All I am saying is I do not believe the country's interests are being well served when someone like our distinguished former colleague, Senator Sasser, is prohibited from taking his post in China where we so desperately need representation, at this time especially.

So, I hope the Senator from New Mexico will stand fast on it. I will do my best to help him with it. That is one logjam that needs to be broken.

Mr. President, what I came to the floor to speak about is the proposed constitutional amendment dealing with flag desecration. I have voted on that a number of times since I have been in the Senate, have steadfastly opposed it every time it has been offered, and I will oppose it again today.

When I think of the real problems of this Nation right now, and find this body dealing with this particular issue at this time, I am appalled. Motorola wants to build a big new facility and hire lots of people. They have elected to stay in this country and not go to Malaysia, and the only criterion they ask is that the applicants have a seventh grade knowledge of math, a fifth grade knowledge of English, and 50 percent of the applicants cannot meet that standard. The President of IBM says they spend $3 billion a year on remedial education. And you only need to look at the annual survey of high school seniors' heroes in this country to understand what they are learning about history, particularly the history of this country.

So what are we doing? We are doing two things. No. 1, we are cutting education dramatically. Somewhere between 500,000 and a million youngsters will not get a college education under the budget reconciliation bill as it now stands. Those programs are going to be savaged.

I saw a bumper strip yesterday. I told my wife about it last night. She said she had seen it years ago. It said,

> I will be glad when the schools of this country and our children get the money they need, and the Pentagon has to hold a bake sale to buy a bomber.

I have said many times, as I did during the debate on the space station, if you take the money you are putting in the space station and put it in education, I promise you the dividends will be 10 times greater. You take the $7 billion in the defense bill in excess of what the Pentagon asked for and put it in education, and I promise you your chances for peace are exponentially better.

So here we are, as the Atlanta Constitution said, with a resolution searching for a problem. We are not here to deal with the real or even an imagined problem. Everybody here in this body knows that this is pure, sheer politics, with four flag burnings last year, and none this year. And we are going to tinker with the first amendment, with our cherished Bill of Rights, a document which we in good common sense have not seen fit to change one letter in 206 years?

Where does this stuff come from? Why do people forever want to tinker with the most sacred document we know next to the Holy Bible? The people of the country show a great deal more common sense and respect for the Constitution than the Members of Congress do. In 206 years we have amended the Constitution only 27 times, 25 times when we consider the passage and repeal of Prohibition.

Would you like to take a guess, Mr. President, at how many resolutions have been introduced in the Congress to amend the Constitution? More than 10,000. You think of it. So, thank God for the American people in their infinite wisdom. Otherwise, we would have 10,000 changes in the Constitution of the United States. Happily, most people who offer resolutions here to amend the Constitution will issue a press release, beat themselves on the chest about how patriotic they are and how representative they are of the people back home, and that is the last you ever hear of it.

At the risk of sounding slightly arrogant, the most neglected duty that a legislator is to be an educator. If you are not capable of going before a town hall meeting and saying, yes, I voted against that bill and here is why, if you cannot stand for reelection and let the people decide if you really represent their views and the best interests of the Nation, if you are not willing to let them ask, "Does the fact that he voted against the flag amendment mean he is not patriotic?," then you shouldn't be here. Does that apply to our distinguished colleague from Nebraska, BOB KERREY, a Congressional Medal of Honor winner, who lost a leg in Vietnam, who has said the revulsion we feel for somebody who would desecrate our flag is all we need to protect the flag? As long as 99.9 percent of the people of this country are repulsed and find flag desecration repugnant, why do you want to change the first amendment?

Let me repeat, Mr. President. The Bill of Rights is the most important part of the Constitution of the United States and the first amendment is first for a reason. That is what gives us our freedom of religion, freedom of speech, and freedom of press. And, Lord knows, I have trouble with that sometimes, but I wouldn't change it.

I will tell you what the problem is. The problem is going home and facing

our constituents. Who wants to go home and say, "Yes, I voted against the defense budget?," knowing his next opponent will have a 30-second spot saying he is soft on defense, or he is not patriotic? It takes a little courage around here. Courage is in very short supply.

I know of one Senator, I will not name him, who is laying his political future on the line because he comes from a very conservative State, who has taken a stand against this amendment. Is that sort of courage not, after all, what the American people want? When somebody comes up to me on the streets of the towns and cities of my State and says, "Why don't you guys screw up your nerve and do something courageous for a change?", do you know how that translates? I will tell you exactly. What they are saying is, "Why are you afraid to do something that is unpopular?" It does not take courage to always do the popular thing.

I do not denigrate the people of this country. But I know precisely how to vote, if I do not want to catch any flak when I go home. I would vote for that thing in a New York minute. But I just happen to believe in the Constitution. I consider it the document that is the glue that holds the fabric of this Nation together. And every time somebody says, well, I do not think you ought to spit on the flag, or burn the flag, or something else, I'm not ready to say, "Let us amend the Constitution." I have said hundreds of times on the floor of this body in my 21 years here that when you start tinkering with the Constitution, I belong to the Wait Just a Minute Club.

Down in Arkansas in 1919 the legislature passed a law saying you cannot do this and that and the other to the flag. Essentially, you cannot show disrespect for the flag. In 1941, 6 months before Pearl Harbor, old Joe Johnson, who lived out in Saint Joe up in the Ozark Mountains, ran afoul of that law. I guess Saint Joe has maybe 300 people. The county seat was Marshall, AR. The woman who dispensed commodities to poor people at the courthouse had heard that there were a bunch of those Jehovah's Witnesses out at Saint Joe. Not only did they not believe like most good Christians, the Bible and their religious training was more important to them than the flag of the United States. Joe had a wife and eight children. And he goes into Marshall as he does on the first day of each month to get his commodities to feed his children.

Now, you have to understand Saint Joe in that era of 1941, you have to understand the unspeakable poverty the people of the mountains lived in. So Mrs. Who Shall Remain Nameless, even though it was 1941—I am sure she is long since departed—says to Joe Johnson, "We hear you have been drawing commodities for kids you ain't got." Joe says, "That's not true. I've got eight children. You're welcome to come out and see." She accepts that, and she says, "We also understand that you belong to a sect called Jehovah's Witnesses." He said, "That's correct." "And we understand that you Jehovah's Witnesses don't respect our flag. And if you are going to draw commodities, I want you to stand up there and salute that flag." Joe says, "I ain't going to do it. The Bible tells me that I don't salute any earthly thing except the Bible. That's my religious teaching."

There were quite a few people in that office, and Joe went ahead to make a speech. And during the course of his speech somebody testified at his trial that he had touched the flag. That was enough to find him guilty of disrespecting Old Glory. So they fined Joe $50 and gave him 24 hours in jail. Then Joe took it to the Arkansas Supreme Court, and while it was on appeal, the Japanese bombed Pearl Harbor. So Joe's conviction was upheld on a vote of 6 to 1.

I remember well the Chief Justice of the Arkansas Supreme Court—his son was a very dear friend of mine—dissented. He dissented, saying you cannot have a law like this. You cannot say that Joe has to choose a flag over his religion. He cited Oliver Wendell Holmes that the country must fight every effort to check the expression of loathsome opinions, unless they so threaten the country they had to be stopped to save it.

"The fact remains," Justice Smith wrote, "that we're engaged in a war not only of men, machines and materials but in a contest wherein liberty may be lost if we succumb to the ideologies of those who enforce obedience through fear and who would write loyalty with a bayonet. If ignorance were a legal crime, this judgment would be just," he said. "The suspicions and hatreds of Salem have ceased. Neighbor no longer inveighs against neighbor through the fear of the evil eye."

And the writer of this column says, "The reasons for the misguided fears of 1942 are gone, but ignorance and intolerance are still with us."

I do not know what happened to me last night. I woke up at 2 o'clock, and I could not go back to sleep. I could see it was a futile thing to try, so I went downstairs where there were three small books I had checked out of the Library of Congress on the Salem witchcraft trials and on witchcraft in general. I read until 4:30, and I am tired right now because I did not get enough sleep last night.

I started reading through the charges that used to be leveled long before Salem, back in the Middle Ages, and one thing I had not really thought about is that witchcraft trials were sexist. It was always the woman who was the witch. And a woman who lived to be 60 are 70 years old, might develop a haggard look. As we crossword puzzle junkies would say, she was a "crone," and so the first thing you know, anybody who developed that sort of look was called a witch, riding a broom across the skies, if a child had a seizure in the community, she was very likely to be the first one accused of being a witch. In this little community of Salem Village in Massachusetts, in a 2-month period, 134 people are accused of being witches.

One of the books I was looking at last night had transcripts of the trial, believe it or not. Thirty-two were convicted, 19 either burned at the stake or hung. On what grounds? The testimony of 10-, 12-, 13-year-old children. We have not had witchcraft trials in this country since. This comes close.

I revere the flag. When I first came to the Senate, I went up in the Northeastern part of the country to one of the most prestigious universities in the country, and the rostrum was full. I guess they wanted to see what a new moderate Senator from the South looked like. The emcee got up and said, "Let's all stand and say the Pledge of Allegiance." I would say that at least half of those kids refused to stand.

I was pretty shocked, Mr. President. But I got to reflecting on how I first went off to college and how anxious I was to prove my independence. My father and mother could not tell me what to do any more. If I did not want to get up and say the Pledge of Allegiance, that was my privilege.

I was insulted by it, and I did not like it. But I did not see anybody there I wanted to send to prison. Is that a legal crime? Why, of course, it is not. But I can tell you, I was offended by that, as I would be if somebody had walked out in front and spit on the flag.

Is this desecration anyway? Desecration comes from the Latin root, I guess, which means sacred.

So what is sacred? To some people the Bible is the only thing that is sacred. It was the only thing that was sacred to Joe Johnson. So people will come in here who do not any more believe in this amendment than a goon. And I hate to say this. There are a lot of Senators who will take you aside and deplore this amendment, and they will vote "aye" because they do not want to have to go home and talk to their constituents.

That is the risk you take. When I voted for the Panama Canal treaties, I was getting 3,000 calls a day against my position, and it has cost me dearly ever since. I do not mind telling you, if I had had a tough opponent in 1980, I would have probably been defeated. It was a very volatile issue. My pollster said in 1992 I still lost 3 percent of the vote because I voted for the Panama

Canal treaties. It would have been so nice to have said no to that treaty.

I am not saying that history has vindicated that vote, but I will say this: I think Panama would be in absolute chaos right now if we had not done it. But there was also something called the Golden Rule involved in my vote on that.

So around here we vote for the flag amendment, we vote for an amendment to require prayer in school. I have noticed the Republicans, who thought term limits was the greatest thing since night baseball, they do not much like it anymore. I knew if they ever got control, term limits would die a fast death.

The line-item veto: I have never been for it; I will never be for it. We finally got it this year. What happens? Bill Clinton is in the White House, so we cannot even get the conferees appointed. Boy, if there ever was a time I might support the line-item veto, it would be right now. But I am not going to support it. I never have and I never will, because it is a bad idea. The Republicans do not like it either when Bill Clinton is in the White House.

Everybody runs on family values. Who wants to face a 30-second spot saying, "He says he's for family values, but look how he voted on prayer in school, look how he voted on this, look how he voted on that." Everybody around here jumps under their desk every time one of these controversial issues comes up. Who wants to say, "I'm not for that new star wars program"? And people come by and say, "He doesn't even want to defend the people of this country against a missile attack." Oh, would that that were all there is to the issue.

Mr. President, if this amendment were adopted and we chose for the first time in 206 years to, in my opinion, sully the Constitution of the United States and the most sacred part of the Bill of Rights, it would not increase my patriotism any. I would not get goose bumps any more than I did at the Kennedy Center Sunday night. This magnificent orchestra played "The Star Spangled Banner." I cannot stand the way I hear it sung most of the time. I am an old band man and marine, and I love the way the Marine Band plays "The Star Spangled Banner." I wish everybody would play it that way and sing it that way.

At the Kennedy Center, this orchestra played "The Star Spangled Banner," and one of the honorees was Marilyn Horne. There were a lot of other opera singers there, and they sang "The Star Spangled Banner," and it just took the roof off. I promise you, all the people there had goose bumps. It was exhilarating and thrilling and exciting.

So if you had this flag amendment, do you think people there would have gotten any more goose bumps? You know what we do when we adopt this? We take a freedom away from people and create a class of political prisoners. We will imprison people.

You know what the amendment says. The amendment says the States and Congress may prohibit desecration of the flag. They will determine what desecration is. One State will charge you with a $15 misdemeanor fine; another State will give you the death penalty; another State pins a medal on you for it. What kind of nonsense are we into here? Every State would decide for itself a constitutional issue: what constitutes desecration of the flag?

Coming back from Arkansas last weekend, I counted three people, two men and a woman, whose shirts were made out of the American flag. What are you going to do with them, Mr. President? Are you going to haul them off like Joe Johnson, put them in jail? Well, maybe one State says you put them in jail, another State says you cannot do that. You go into a bar and you get a drink and there is a swizzle stick to mix your drink with a flag on the end of it. What are you going to do with that bartender, the owner of that bar? On the Fourth of July, the entire front page of the paper is the American flag, every one of them going into the trash before sundown. What are you going to do about that, Mr. President?

How about the used-car lot that has an American flag sticking up on every antenna? Do you ever suspect for a moment, Mr. President, that these car lots with these massive displays of flags are designed to convince you that the owner of that place is a patriot? Some people would see it as the opposite: commercialization of the flag.

While we are covering desecration, why do we not also cover commercialization of the flag or using the flag for commercial purposes? And then, what is physical desecration? Does that mean you have to spit on it, tear it, burn it? What is physical desecration?

I tell you what it is, Mr. President. It is whatever each one of the 50 States say it is. You will have 50 different definitions of what used to be a precious, protected freedom of political speech in the Constitution of the United States, and then Congress will also weigh in so you will have 51.

We already have protection of the flag. The Supreme Court has already said fighting words, acts calculated to create a violence can be considered to be illegal.

Mr. President, let me ask you, what kind of company are we going to be in? I have two grandchildren. And like we did with our own children, Betty and I put them on our laps, and we go through Highlights looking for hidden pictures, all those other little games. One of the Highlights games is always, "What is out of place in this picture?" It will have 8 or 10 things. One obviously does not fit, it is out of place, out of character.

Here is a chart. And taken from Highlights magazine is "One of these things is not like the others." Look at it. I ask you, which one is not like the others? Here you have Germany which in 1932 passed a law saying:

> Whoever publicly profanes the Reich or one of the states incorporated into it, its constitution, colors or flag or the German Armed Forces, or maliciously and with premeditation exposes them to contempt, shall be punished by imprisonment. Nazi Germany. You cannot say anything about it, you cannot talk about it, you cannot desecrate the flag, the constitution or much of anything else.

The Soviet Union, 2 years in the gulag. The Soviet Union, 2 years in the gulag for desecration of the flag.

China, 3 years.

Iraq, 7 years.

And not to be outdone, Iran, 10 years.

South Africa, 5 years and a fine during apartheid.

Cuba, old Fidel is not as tough as these other guys; only 3 months and a fine in Cuba.

Syria, 6 years.

There they all are. And in the center is Old Glory. Is this the crowd we want to join? We are going to wind up giving up a lot more freedom than we are going to get.

Mr. President, I have been amazed at where a lot of conservative writers are on this issue. Charles Krauthammer—I do not read him. I do not care for his articles, and I never read him. He thinks this is pap nonsense.

George Will, Cal Thomas, and other conservatives.

Senator MITCH MCCONNELL, from Kentucky, had a column in yesterday's Post, and I thought it was absolutely superb. He quoted a veteran, a man named Jim Warner, an American patriot who fought in Vietnam and survived more than 5 years of torture and brutality as a prisoner of the North Vietnamese. Here is what he said:

> We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America, and they're afraid of freedom. What better way to hurt them than with the subversive idea of freedom. Spread freedom.

When a flag in Dallas was burned to protest the nomination of Ronald Reagan, he told us how to spread the idea of freedom when he said:

> We should turn America into a city shining on the hill, a light to all nations. Don't be afraid of freedom, it is the best weapon we have.

You do not hear me quote Ronald Reagan very often, but that was beautiful.

And finally, to quote our old friend Will Rogers, and I will close with this:

> When Congress gets the Constitution all fixed up, they're going to start on the Ten Commandments, just as soon as they can find somebody in Washington that's read them.

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. GRAMS. 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. GRAMS. Mr. President, I rise today to join my colleagues in support of Senate Joint Resolution 31. I did not come to the floor to cite case law or precedent or to dispute the predictions and the pronouncements of the constitutional scholars. I will leave that to the lawyers in this Chamber. But I came here to tell you what I believe in my heart as an average American, the son of a veteran, the kind of person who puts his hand across his chest during the national anthem and gets a lump in his throat during parades when the Stars and Stripes go by.

What is it about this multicolored piece of cloth that inspires such emotion? Perhaps it is the high price this Nation has paid for the honor of flying it.

Fifty-three thousand Americans gave their lives defending this piece of cloth in World War I; 292,000 Americans in the Second World War; 33,000 Americans in Korea; 47,000 Americans in Vietnam; most recently, 138 Americans gave their lives defending this piece of cloth in the Persian Gulf war.

And when the bodies of those defenders of freedom were returned home, it was this piece of cloth atop their caskets that caught and cradled the tears of their loved ones.

In my heart, I know that the men and women who sacrificed everything they had to give on behalf of this flag and the ideals it represents would be heartsick to see it spit upon, trampled over, burned, desecrated.

This is so much more than just another piece of cloth.

Mr. President, in a nation like ours that celebrates diversity, there is little that ties us together as a people. We come from different nationalities. We practice different religions. We belong to different races. We live in different corners of this immense Nation, speak different languages, eat different foods. There is so much that should seemingly divide us. But under this flag, we are united.

Far from being just a piece of cloth, the flag of the United States of America is a true, national treasure. Because of everything it symbolizes, we have always held our flag with the greatest esteem, with reverence. That is why we fly it so high above us. When the flag is aloft, it stands above political division, above partisanship.

Under this flag, we are united. And Americans are united in calling for a constitutional amendment allowing them to protect their flag.

When you ask them if burning the U.S. flag is an appropriate expression of freedom of speech, nearly four out of every five Americans say no, it is not. In my home State of Minnesota, nearly 70 percent of my neighbors support Senate Joint Resolution 31, and have called on Congress to pass it this year.

Mr. President, there is no Minnesotan who has been more vocal in this fight than Daniel Ludwig of Red Wing, and I am so proud of his efforts. Just this summer, Mr. Ludwig had the great honor of being elected National Commander of the American Legion during the organization's 77th annual national convention.

Mr. Ludwig knows what the flag means to the soldiers and veterans of the American Legion. He is a Vietnam-era veteran of the U.S. Navy who spent 8 years in the military, and he told me that passage of the amendment we debate today remains the American Legion's No. 1 priority.

"We are so close to victory," he said. "Protecting the American flag from desecration can be our greatest victory."

It has been too long in coming.

Since 1989, the year the U.S. Supreme Court struck down state laws banning desecration of the flag, 49 of our 50 States have passed resolutions directing Congress and their State legislators to support a flag protection amendment.

Our legislation restores to the States the right snatched away from them by the court to enact flag-protection laws. It does not force the States into action. It does not set punishments. It says simply that "the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

This amendment returns to the people the power to pass the flag-protection laws they feel are appropriate for their communities.

Of course, there are those who are opposed to this amendment, individuals who do not believe the people can be entrusted with the responsibility of amending the Constitution. They think Congress should play the role of protector, a guardian body that exists to save the people from their own foolishness.

It is not something we enter into recklessly, but it is the right of the people to amend their own Constitution. Our Founding Fathers were wise enough to understand that times and circumstances change, and a Constitution too rigid to bend with the times was likely to break. They created the amendment process for that very purpose. We amend the Constitution when circumstances tell us we must.

Mr. President, we need this amendment because the soul of our society seems to have been overtaken by the tennis-shoe theology of "just do it."

If it feels good, just do it. Forget about obligation to society. Forget about personal responsibility. Forget about duty, honor, country. "If it feels good, just do it," they say.

If it makes you feel good to burn a flag, just do it. After all, it is just a piece of cloth.

Just a piece of cloth? Tell that to the men, women, and children who each day stand before the black granite walls of the Vietnam Veterans Memorial, tearfully tracing with their finger the name of a loved one chiseled deep into the stone.

Tell that to the veterans of the Korean war, who have come by the thousands to their new memorial just across the reflecting pool. They see the statues of the soldiers, poised in a battle march, the horror of war forever frozen in the hardened steel, and they remember those who did not come back.

Tell it to the veterans of World War I and World War II, who each year don their uniforms for the annual Veteran's Day parades. Time may have slowed their march and stiffened their salute, but it has not diminished their passion for the flag.

To say that our flag is just a piece of cloth—a rag that can be defiled and trampled upon and even burnt into ashes—is to dishonor every soldier who ever fought to protect it. Every star, every stripe on this flag was bought through their sacrifice.

Mr. President, as I walked to the Capitol this morning and saw the flags on either side of the great dome flapping in a gentle breeze, I knew I could not stand here today, cold and analytical, and pretend I did not have a stake in this emotional debate.

It is average Americans like me who cannot understand why anyone would burn a flag. It is Americans like me who cannot understand why the Senate would not act decisively, overwhelmingly, to pass an amendment affording our flag the protection it deserves.

I know in my heart that this simple piece of cloth is worthy of constitutional protection, and I urge my colleagues to search their own hearts and support Senate Joint Resolution 31.

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

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

HOUSING FOR OLDER PERSONS ACT

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 231, H.R. 660.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 660) to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing for Older Persons Act of 1995".

SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.

Section 807(b)(2)(C) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(C) is amended to read as follows:

"(C) intended and operated for occupancy by persons 55 years of age or older, and—

"(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

"(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

"(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall—

"(I) provide for verification by reliable surveys and affidavits; and

"(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.".

SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE; DEFENSE AGAINST CIVIL MONEY DAMAGES.

Section 807(b) of the Fair Housing Act (42 U.S.C. 3607(b)) is amended by adding at the end the following new paragraph:

"(5)(A) A person shall not be held personally liable for monetary damages for a violation of this title if such person reasonably relied, in good faith, on the application of the exemption under this subsection relating to housing for older persons.

"(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that—

"(i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and

"(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption.".

Mr. BROWN. I further ask unanimous consent the bill be considered under the following limitation: 1 hour for debate on the bill to be equally divided between Senator BROWN and Senator BIDEN, that no amendments be in order to the bill with the exception of one amendment, and that following the expiration or yielding back of debate time, the committee amendment be agreed to, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, for clarification, I ought to note the amendment that is referenced is the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado.

Mr. BROWN. Mr. President, the Civil Rights Act of 1968 was passed specifically to prohibit discrimination on the basis of race. Title VIII of the act was the Fair Housing Act. It prohibited discrimination on the basis of "race, color, religion or national origin" for any sale of housing, rental of housing, financing of housing, or provision of brokerage services.

The housing practices in which discrimination is prohibited include the following: Sale or rental of a dwelling, provision of services or facilities in connection with a sale or rental of a dwelling, steering any person to or away from a dwelling, misrepresenting availability of dwellings, discriminatory advertisements, and charging different fees provided and different benefits.

The 1974 Fair Housing Act, or title VIII of the Civil Rights Act, was amended to prohibit discrimination on the basis of sex. In 1988, the Fair Housing Act was amended again to prohibit discrimination on the basis of being handicapped or familial status, which means living with children under 18. That is, the 1988 Fair Housing Act prohibition of discrimination on the basis of living with children under 18 included an exemption "for housing for older persons." In other words, H.R. 660, which enables housing for older persons, is not a new idea. This debate is really about refining the original one.

To meet the definition for housing for older persons under current law, the housing must be intended for occupancy by persons 55 years or older, where there are "significant facilities and services" designed to meet the physical or social needs of older persons.

Interpreting and implementing the "significant facilities and services" standard has been very troublesome. In other words, it has been a pain in the neck because it has been vague, it has been difficult, it has spawned litigation and created confusion. For the last 7 years, it has been unclear what "significant facilities and services" means. There have been so many lawsuits that the exemption Congress intended is fast being revoked in fact.

Mr. President, the way bureaucrats have administered this provision would make the people who came up with the Mississippi literacy test proud. It acts as a bar to the reasonable provisions of the law that were intended to make housing available for families with children while continuing to allow housing for older persons. The fact is, some older people do prefer not to have the noise and the trauma that go along with having children. Frankly, families with children sometimes prefer not to have the complaints about their activity as well.

H.R. 660 is intended to clear up this problem. It is intended to make the law clear and workable, and to stabilize the original exemption Congress created for senior housing.

In other words, what we are dealing with here is making the law clearer and more workable for seniors. This bill aims to protect seniors so that they can, if they wish to, move into housing where they are protected in their safety and their privacy.

H.R. 660 will clarify the law and put in place a bright line test for senior housing. The test is: First, the housing is intended and operated for seniors; second, there is an actual 80 percent occupancy rate of the occupied units; third, the intent is manifested by published policies of the housing community; and fourth, the housing community complies with HUD rules. If that is met, then senior housing is safe from lawsuit.

This revision, this clarification, passed in the House of Representatives 424 to 5. It was overwhelming. It is the least we can do to give senior citizens the help they both desire and merit. Frankly, this kind of abuse that senior citizens have been subjected to from the bureaucracy with regulations ought to end. We ought to have rules that a reasonable person can understand and deal with. What we have been subjected to in the existing regulations that have come down is flatly an effort to thwart the will of Congress, not an effort to deal reasonably with the problem.

The reality is, we would not have this bill before us today if we had not had some Federal regulators that had simply tried to thwart the original intent of Congress. We would not have this bill before us if the bureaucrats had simply tried to deal with this problem in a way that was less cumbersome and less difficult.

I should point out that not only is this bill something that passed the House by 424 to 5, but reasonable efforts have been made in this Chamber to modify the bill to further obtain consensus. We have accepted suggestions made by Senator SIMON and others which address their concerns. What comes out of committee and what is available for the Senate to consider, therefore, is a bill that I think Members will be comfortable in voting for and will feel they can report to their constituents: We have cleaned up the law, we have clarified the law, we have ended some unnecessary and unreasonable regulatory burdens and given a reasonable, clear definition to protect the interests of senior citizens.

Mr. President, at this point I yield the floor and I suggest the absence of a

quorum and ask unanimous consent that the time of the quorum call be charged equally to myself and the Senator from Delaware.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask for the yeas and nays on H.R. 660.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum and ask that the time under the quorum call be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, the point of this bill is to deal with a problem in seniors housing communities that is created up by the ludicrous HUD regulations which this Congress directed but which had earlier been rejected and the new ones which I think strain the imagination.

The problem that the seniors housing exemption could only be allowed for facilities that were designed for the very wealthy. So we have a circumstance where, if you followed the existing HUD regulations, the rich could enjoy the exemption but the normal seniors could not.

Let me, for those Members who find that hard to believe—and I must say I find it hard to believe—mention some of the standards that HUD put forward in regulations that they suggested seniors must have in order to qualify for the exemption:

T'ai chi classes, swim therapy, macrame classes, fashion shows, regularly offered CPR classes, and vacation house watch.

How many normal seniors do you know who have a need for that?

Pet therapy services.

Are these things that you ought to have in a program to qualify for a normal exemption?

Ping-pong, pool table, shuffleboard, horseshoe pits, golf courses.

These are things the average senior would find extravagant.

Lawyers' offices, lifeguards, swimming or water aerobic instructors, dance and exercise instructors, craft instructors.

I mention these because they are in the HUD guidelines. I mention them also to make this point: HUD designed guidelines that, for the normal seniors in this country, became exorbitantly expensive, and it was part of an effort by HUD, I believe, to simply do away with the seniors exemption that would extend this housing privilege to normal seniors in this country.

At this point, I yield 8 minutes of my time to the distinguished Senator from Arizona.

Mr. KYL. I thank the Senator.

Mr. President, I certainly have been privileged to work with the Senator from Colorado in supporting this very important piece of legislation and would like to reiterate at the very outset precisely what we do here and why. This bill, as the Senator from Colorado has noted, eliminates many of the problems that senior communities have experienced over the last decade, and I think everyone recognizes that my State of Arizona was really a pioneer in the creation of these senior communities. They know who they are, and they do not need the Department of Housing and Urban Development designing a set of criteria such that the Senator from Colorado has just provided us with to define them as a senior community.

Believe me, if you go to Arizona and you are in one of these communities, you are fully aware that that is where you are. But under current law, these communities must follow these HUD guidelines or regulations in order to qualify for the exemption. The bill repeals this so-called significant facilities requirement, simplifying the process by which legitimate seniors-only facilities will gain the exemption.

To obtain the exemption, the bill only requires that 80 percent of the households in a community have in residence at least one person over the age of 55. That is the requirement.

If the community publicly states and can prove that 80 percent of its units have one or more occupants age 55 or older, then it would pass the adults-only housing test and qualify for an exemption from the Fair Housing Act's antifamily discrimination rule even if it lacked the significant facilities as defined by HUD.

In addition, to reduce abusive litigation, the bill allows that realtors and developers may show good-faith reliance on the seniors-only exemption if such person has no actual knowledge that the facility or community is not or will not be eligible for such an exemption, and the facility or community has stated formally in writing that the facility or community complies with the requirement for such exemption.

Now, who supports this legislation? Fortunately, just about everybody. I have received literally hundreds of letters of support from seniors living in these communities. Many of the community coordinators have expressed support to us. Due to HUD's stringent "significant facilities" regulations, it is the fact that a few of these communities have actually lost their seniors exemption.

Constituents from Mesa, Tucson, Golden Valley, Green Valley, Scottsdale, Sun City, Yuma, Dreamland Villa Community, and Phoenix have all communicated with me. Groups like the Arizona Association of Manufactured Homeowners and their 25,000 homeowners, Adult Action of Arizona and their 42,000 homeowners, Fountain of the Sun Homeowners, Arizona Manufactured Housing Institute, Sun Lakes Homeowners, Yuma East Owners Association, Ellenburg Capital Corp., and Fountains Retirement Properties, these and others have contacted me in support of this.

Real estate agents—the National Association of Realtors—and housing development firms all favor this bill. AARP has written a letter to the chairman of the committee, Senator HATCH.

I ask unanimous consent that the letter of the AARP in support of this legislation be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KYL. Many of these constituents argue that the rule defining "significant facilities and services" increases the costs to their housing and tells them how to live. And that is the objection I think in addition to the complexity of complying with these HUD regulations.

These individuals have complained that some senior housing complexes are being hit with unfair discrimination lawsuits because of confusion about which housing qualifies for the exemption from the antidiscrimination housing statute.

Why is this bill important?

Although the "significant facilities and services" provision was well intended—it was designed to protect families with children from discrimination in housing, which we all support, of course—the exemption has made the lives of seniors unnecessarily difficult.

Fewer regulations and restrictions would allow senior communities to operate more efficiently and freely. Is it too much to ask that the seniors of our country be allowed to live without intrusion into their lives by the Federal Government?

Most senior citizens I know are independent and highly capable. They do not want to pay extra to have somebody read to them. They do not want or need to be told by the Federal Government how often they have to have bingo made available to them in their housing complex.

By increasing the price of rent in senior facilities, these regulations in

effect discriminate against low-income seniors, as the Senator from Colorado has pointed out.

There is one other thing that I would like to say because there is an argument that the Housing and Urban Development Department recognized the problems with its regulations and therefore sought to relieve some of the burden by revising and imposing a new set of regulations.

I almost did not use the word "imposing," but that is what it is. And I think the point of this legislation is to say, "Nice try, but you still have not solved the problem."

This most recent rule of HUD revising the "significant facilities and services" regulation really does not answer the problem.

One of my constituents, Susan Brenton, for the 25,000 Member Arizona Association of Manufactured Homeowners Group, stated, "The new rule is still very nebulous and leaves a lot of areas open to court decisions and each court case costs the residents of the community thousands of dollars."

The new regulations state that communities that provide at least 2 services each from 5 of 12 categories all defined by HUD qualify for the exemption. But these services are really quite frivolous, and they raise the costs to residents. This is what the Senator from Colorado was just quoting from, Mr. President.

These so-called easier regulations are really at the end of the day not much of an improvement. HUD's attempt at revising its statistics have only trivialized what qualifies as a "significant service." Clearly, HUD needs some help in fixing the problem that it fully acknowledges exists—regulatory overreach in senior housing—but we think the way to solve the problem is to eliminate the "significant facilities and services" requirement altogether, and that is what H.R. 660 does.

Mr. President, in conclusion, this legislation has received not only wide support from States like mine which have a lot of senior communities, but as you know, it has wide support around the country. It has significant support in the Senate. It passed out of our Judiciary Committee with virtual unanimity, and I am sure it will be adopted by this body in very short order, again, with virtual unanimity.

What we will be saying to the senior communities of our country is that we heard you when you let us know that these regulations were too costly, too burdensome and really in a sense too frivolous, and therefore the Congress is not incapable of acting to correct a problem like this in order to make your lives a little easier. That is what we will have done when we pass this important legislation.

Again, I commend my colleague from the State of Colorado for bringing the legislation forth and for getting it to the floor so that we can see this job through and get it done before the end of the year.

I thank the Chair very much and reserve the remainder of whatever time I did not use.

EXHIBIT 1

AARP,
Washington, DC, October 23, 1995.

Hon. ORRIN HATCH,
Chairman, Committee on the Judiciary, Senate Dirksen Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the American Association of Retired Persons (AARP) to express our continuing support for the Housing for Older Persons Act of 1995 (H.R. 660) and to urge its immediate consideration and passage.

AARP believes that age-specific housing should be preserved as an important service to many older persons. Congress recognized at the time the Fair Housing Amendments Act was passed that the standards established to meet the statute's exemption for housing for older persons would have to be clear, workable, and flexible enough to be applicable to the wide array of housing, residents, and abilities to pay in the elderly housing market. Unfortunately, promulgating and enforcing clear and workable standards has proven to be nearly impossible. Efforts to clarify the statute's requirement of "significant facilities and services" have been undertaken in three rulemakings under two Administrations.

While AARP applauds HUD's most recently issued rule—a significant improvement over its proposed rule of July 1994—the Association has come to the conclusion that the complex and seemingly contradictory statutory provisions defining housing for older persons have made equitable enforcement very difficult, if not impossible. Our Legal Counsel for the Elderly office was unable to find any successful defense of a claim of exemption for housing for older persons among cases receiving judicial review. When coupled with significant anecdotal evidence of rather arbitrary decisions by fair housing investigators, the conclusion is inescapable that implementation of the law has not been consistent with the flexibility intended by Congress. Indeed, widespread dissatisfaction with the statute's enforcement threatens the very viability of the important new protections provided in the Act.

AARP appreciates the leadership of your Committee and the work of Senators Gorton and Kyl in addressing this issue. If we can be of any further assistance, please do not hesitate to have your staff contact Don Redfoot of our Federal Affairs staff at 434-3800.

Sincerely,

MARTIN CORRY,
Director, Federal Affairs.

Mr. BOND. Mr. President, I rise in support of H.R. 660, the Housing for Older Persons Act of 1995. This legislation recognizes that elderly housing is special housing for seniors, that the elderly are a special population that deserve to live in housing reserved for the elderly, and that this legislation does not constitute discrimination against families.

HUD recently published regulations to clarify what constitutes elderly housing. HUD published these regulations because the Congress in the Housing and Community Development Act of 1992 required HUD to clarify what constitutes elderly housing. I remind my colleagues that HUD has failed for years to provide the proper guidance and leadership on what constitutes elderly housing, despite confusion and costly litigation over this issue. Moreover, the new HUD regulations remain sorely lacking. It is time that we provide clear guidance on what constitutes elderly housing and I urge my colleagues to support H.R. 660.

Mrs. FEINSTEIN. Mr. President, I rise today in support of H.R. 660, the Housing for Older Persons Act of 1995. The main thrust of this legislation is to remove the requirement for significant facilities at 55-and-over communities.

This has been a major issue in California, particularly in the Inland Empire area including Riverside and San Bernardino Counties, which have traditionally been retirement communities catering to all income levels of seniors—from low-income mobile home parks to lavishly planned, full service retirement communities. One only has to drive along Interstate 10, from Los Angeles to Phoenix, to see the many billboards advertising these retirement communities.

Previously, these 55-and-over communities have been known as adults only communities. However, during consideration of the Fair Housing Amendments of 1988, in an attempt to combat discrimination against families with children, adults only communities were called into question.

In turn, Congress decided to preserve adults only communities, which previously housed seniors, with the new designation of "55-and-over." One of the requirements for this designation was that communities must have "significant facilities" in order to qualify. The Department of Housing and Urban Development did not develop rules for "significant facilities," however, until 1991. Unfortunately, these rules proved to be very controversial and resulted in several expensive law suits being brought by HUD against the very communities Congress had intended to protect.

The most controversial point had to do with the definition and differing interpretations by the courts and HUD as to what constituted "significant facilities." Did it mean that there had to be a 24-hour, on-site medical facility, for example, or, could shuffleboard or other planned activities suffice?

Last year, due partially to concerns expressed by my office, former Department of Housing and Urban Development Assistant Secretary for Fair Housing and Equal Opportunity Roberta Achtenberg conducted hearings around the country, including one in San Bernardino County. From what I understand, communities were pleased with the outcomes of the hearings, and eventually, HUD developed new rules which lessened the definition of "significant facilities."

Still, cities have been anxious for Congress to adopt H.R. 660, to permanently eliminate the "significant facilities" requirement. Take for example, in my state of California, the city of Hemet.

In the city of Hemet, 50 percent of its housing is 55-and-over communities. Removing the seniors-only status and requiring these communities to absorb families with children will result in a dramatic shortage of classroom space, and the tax-base. Demographics are such that the financing of new school construction, in a city that was planned as a retirement community, would not be possible.

Adoption of H.R. 660 will preserve existing 55-and-over communities, and will clarify, once and for all, congressional intent with respect to protecting senior housing in retirement communities.

Although discrimination against families with children should not be tolerated, when a community has been planned specifically as a retirement community, and at least 80 percent of its residences house senior citizens, as this bill requires, then I believe those communities should have a right to be preserved as senior housing.

Mr. FAIRCLOTH. Mr. President, I strongly support H.R. 660. This legislation will eliminate many of the problems that senior communities have faced over the last several years, particularly from HUD's excessive rules interpreting the Fair Housing Act.

Mr. President, unfortunately, this is not the only problem that arises from interpretations of the Fair Housing Act. In August of this year, I introduced legislation, S. 1132, to address two significant problems.

First, S. 1132, would prevent HUD from investigating and even suing people who protest the establishment of group homes in their communities.

S. 1132 would also overturn a recent Supreme Court ruling in City of Edmonds versus Oxford House, by allowing localities to zone limits on the number of unrelated persons living together if the zoning scheme is designed to preserve a single family neighborhood.

In that case, a home for 10 to 12 recovering drug addicts and alcoholics was located in a single family neighborhood. The city tried to have the house removed because it violated the city's local zoning code that placed limits on the number of unrelated persons living together. The Supreme Court ruled that the Fair Housing Act was violated by this zoning law.

I think the Supreme Court ruled incorrectly in this case. The Congress clearly intended an exemption from the Fair Housing Act regarding the number of unrelated occupants living together. My bill would clarify that localities can continue to zone certain areas as single family neighborhoods, by limiting the number of unrelated occupants living together. I think families should be able to live in neighborhoods without the threat that certain types of group homes—which may be unsuitable for single family neighborhoods—can move in next door and receive the protection of the Fair Housing Act.

But the most important point is this one: Decisions about zoning should be made at the local level and not in Washington. If a locality wants to permit group homes in a certain area—it can do so without HUD interfering in the decision using the Fair Housing Act as cover.

Mr. President, my bill would also correct the abuses of the Fair Housing Act by the Clinton administration. In the past 2 years, HUD has taken to investigating people under the Fair Housing Act who have protested group homes coming into their neighborhoods. The most well known of these cases was the incident involving three residents in Berkeley, CA. HUD's actions were a blatant violation of their right to freedom of speech. HUD's abuse was so bad that they dropped the suit and promised they wouldn't do it again. HUD even issued new guidelines on the subject so it couldn't happen again.

But, not long ago, HUD has done it again. HUD is investigating five Californians who went to court to get a restraining order against a group home for the developmentally disabled that was planned for their neighborhood.

Mr. President, the issue is not whether the location for this group home is proper, that issue can be decided by the courts. The issue is freedom of speech. I believe anybody has the right to speak their mind and to take legal action against what they think is an injustice. HUD has taken the opposite view in this debate. I think this is wrong and needs to be clarified in law by amending the Fair Housing Act.

Mr. President, I offer strong support for H.R. 660, but would hope that in the near future, the Senate would consider other changes to the Fair Housing Act, particularly those in S. 1132. I hope that we can make these reforms to the Fair Housing Act because we need to preserve this act to prevent real discrimination, but we do not need to use the act to pursue a far, far left agenda that defies common sense, and silences free speech.

Mr. GORTON. Mr. President, today we passed a significant bill which will remove the burdensome bureaucracy of the Federal Housing and Urban Development Agency off the backs of American seniors. In this bill, which I originally introduced in the Senate during the 103d Congress, we take significant steps to provide fair, safe, and independent housing for Americans over the age of 55. I have received thousands of letters from concerned residents of "55 and over" communities in Washington.

Today, law provides for people over the age of 62 to be provided with special housing arrangements. The qualifications for a senior housing development are simple: A community for persons age 62 and older is required to have all residents age 62 or older. In 1988, Congress also legislated that communities with citizens 55 or older would qualify as "housing for older persons," provided those communities met three requirements: 80 percent of the housing units must be occupied by at least one person age 55 or older; a community must show in its advertising, rules, regulations and leases that it intends to serve people over the age of 55; and the community must provide "significant facilities and services" to its residents.

It's those words: "Significant facilities and services" which have proven to be so problematic. HUD tried to tell us what "Significant facilities and services" meant—it received over 15,000 comments, all expressing continued confusing and puzzlement over the Department's attempt at clarification. This is an area of law that is crying for legislative relief. I believe, as do my constituents, that the Department's rules go too far in mandating that all "55 and over" communities provide expensive facilities and services and make these services accessible to older persons. Clearly, Mr. President, privately owned and operated "55 and over" communities catering to low- and moderate-income seniors cannot be expected to have the same facilities and services as federally funded housing projects.

Seniors of all incomes deserve protection. As noted in the Senate report to H.R. 660, "poorly drafted regulations have discouraged or outright denied seniors housing." With the overwhelming passage of H.R. 660, the U.S. Senate has stopped this practice. The U.S. Senate took a stand on behalf of our seniors, and their right to fair, safe, and equitable housing.

Mr. BROWN. Mr. President, let me repeat what is at issue.

The way the HUD rules operate is that senior citizens are not allowed to have a community by themselves unless they had some facilities that were laid out by HUD, and they were things like access to swimming pools, accessible club house, private fishing pond, a hair salon, a golf course, lawyer's office, a vacation house watch, pet therapy services, tool loan services, regularly offered CPR classes, fashion shows, craft classes in making jewelry, a variety of classes including t'ai chi or swimming therapy.

What they came up with in the HUD rules was a flat rule that said if you are not rich and cannot afford these extraordinary services, we are not going to let you live together.

Mr. President, that is not right. Seniors in this country deserve an opportunity to have reasonable rules. That is what this bill does. It has reasonable regulations, and it is a reasonable guideline that repeals some very unreasonable regulations. It has the overwhelming support of seniors around this country, the overwhelming support of the House. And I strongly urge its adoption.

Mr. President, we are now at a point where the proponents of the bill have used much of their time. I suggest the absence of a quorum and ask that the time that is consumed in the quorum call be equally divided, except that at least 5 minutes remain usable at the end of the debate for the proponents of the bill.

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

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, parliamentary inquiry. I wish to speak in opposition to this bill. Is there time for me to do that? And under whose control is the time?

The PRESIDING OFFICER. The Senator controls 23 minutes in his own right.

Mr. BIDEN. I thank the Chair very much.

Mr. President, this bill, in my view, retreats from the commitment we made to families with children. In 1988, Congress said that America's housing providers should not be able to discriminate against families with children. We did this in the face of widespread evidence that such discrimination against families with children existed.

We spent a lot of time on this floor—and I participated and have for the years I have been here—talking about discrimination against minorities, talking about discrimination against the elderly, talking about all forms of discrimination, as we should, as we should. But in my view, we spent precious little time on this floor talking about what is a mounting form of discrimination, discrimination against children, because some people find them inconvenient, inconvenient to be around.

In 1988, Congress said that America's housing providers should not be able to discriminate against children as well as against blacks or Hispanics or people based on their religion or based on their gender. We took this action because we wanted to prohibit all-adult housing communities just as we had prohibited all-white housing communities in 1968 with the passage of the Fair Housing Act in the first place.

Even as we said no discriminating against families, we also carved out an exception for legitimate retirement communities which catered to the special needs—not just desires, needs—and requirements of the elderly. The distinction we made then, and which I stand by now, is this: You cannot just keep children out because you do not like them, you cannot just keep children out because you do not want tricycles around, you cannot just keep children out and families with children out because it is inconvenient and you do not like it.

If you are going to exclude children, we said, you must be an organized community providing "significant facilities and services" designed to meet the physical and social needs of the elderly. Or put another way, a lot of old folks like me—I am 53 now—get together and say, "We're tired of having kids around and we're going to have this gated community that X percent of us are over the age of 50, and we can prevent someone from moving in who has kids."

Well, I tell you what, I think that—and by the way, there was ample evidence in the hearings we held then that that is just what was being done. What we were not concerned about is a community for the elderly with special needs where they needed ramps, where they needed special dining facilities, where there was some type of extended care, where it was in fact designed for elderly persons who in fact physically needed this special circumstance or emotionally needed this special circumstance, but not just because all of a sudden we have become trendy and decided that kids are kind of in the way.

If we are going to exclude children, we said, you have to be an organized community providing significant facilities and services. This "significant facilities and service" requirement was put into law for, as I have said, a very good reason, put there to distinguish between true senior communities and those that just think children are a pain in the neck. We recognized that something other than an animus against children must set these communities apart in order to meet an exemption from the Fair Housing Act.

I understand that what constitutes significant facilities and services has been a matter of a great deal of controversy and uncertainty over the years, and I have not been satisfied, because I have not believed that we set down stringent enough requirements to exclude—exclude—families with children.

Heck, there are communities who let dogs in, let people have dogs, but will not let people have children. And so, significant facilities and services, as I indicated, have been a matter of much controversy.

Also understand, the Department of Housing and Urban Development has taken many different stabs at the definition which has led to confusion and has made it difficult for those trying to comply with the law.

Mr. President, none of that, in my view, should lead us to abandon the basic principle: If you are going to be able to discriminate against families, you should be special, you should be serving the special needs of seniors. This principle should remain our guidepost more now than ever, especially since the Department of Housing and Urban Development has just recently promulgated completely revised regulations which resolve the confusion and make it much easier and clearer for senior housing communities to take advantage of the exemption.

The Department, many now agree, has finally gotten it right. Under the new regulations, which went into effect September 18 of this year, a housing facility can self-certify. It is amazing, we do not let many other folks self-certify that it falls under the Fair Housing Act exemption by simply filling out a straightforward, easy-to-understand checklist of facilities and services designed for older folks, which, I add, I do think is too lenient, not too strong. My staff does not like me to say that, but that is what I think. I think it should be more stringent, if you are a senior community meeting the exemption.

But the checklist contains a menu of some 114 facilities and services in 11 categories. If a facility provides a mere 10 of them, like wheelchair accessibility, communal recreation facilities, periodic vision or hearing tests or fellowship meetings, it qualifies as a senior housing project and may exclude families with children.

I want to make it clear to seniors who are not happy with me about this, I do not even think that is stringent enough, but at least it attempts to make the distinction.

If a facility's status is challenged, it need only show that the certification was accurate at the time of the alleged violation. The list of facilities and services included in the new rule was drawn from amenities actually provided by a wide cross-section of senior housing developments across the country, large and small, affluent and less well off, manufactured housing communities, condominiums and single-family communities.

In testimony before Senator BROWN's subcommittee, a representative from the Department of Housing and Urban Development testified to the extreme flexibility and cost consciousness built into the new guidelines. Here is what he said, and I quote:

> The rule does not assume that people living in housing for older persons are frail, disabled or require nursing home care. It does not require congregate dining or on-site medical care. The facility and services may be provided on or off the premises of the housing.

Let me add, I think it should require those things. But they may be provided

by staff, volunteers, including residents and neighbors, or by third parties, such as civic groups or existing organizations in the community.

The new regulation does not require lavish services, nor do the mandated facilities, affordable only by the well-heeled; rather, they simply embody what is already being offered by bona fide senior communities of all sorts across the map. If a facility is providing at least 10 of the 114 facilities or services on the list, it qualifies for an exemption, a self-designated exemption.

The bill's supporters say the bill will make it easier and surer for a housing community to determine whether it qualifies for a fair housing exemption, and they are absolutely right about that. It makes it a lot easier. They do not have to be a senior facility. They can just not like kids. They can just not like kids around.

What kind of message are we sending to families with children, most of whom are breaking their necks just making it? What are we saying? We want to make it easier for you to have a rationale to keep me out of that community with my 14-year-old daughter?

I think it is outrageous—I acknowledge, I am the only one who seems upset about this; no one else is here to speak against it, that I am aware of—unless they want to make it even easier and just say it is not in vogue to have kids: "If you have kids, go off and live by yourself." The other folks should go off and live by themselves, and if the kids want to follow, so be it. Think about it for a minute.

Let us say that a complex contains 100 units; that all of these are occupied by two people; and that 80 percent are occupied by at least one person over the age of 55. In this hypothetical community, it will be able to lawfully discriminate against families with children under this bill if as few as 80 residents of the 200 of them are over the age of 55, while 120 could be under the age of 55, and we could put up a sign: "No children allowed."

They probably all call themselves great Americans, too, by the way. They all talk about how they care about families, and they may even go visit their grandchildren and pat them on the head on their birthdays and Christmas. What does that say, if you can build a community where 80 out of 200 people living in the community are over 55 and you can say "no kids"? If we want population control, this may be one of the indirect ways of going at it.

To my mind, the math just does not add up to fairness for families and children. I believe this bill will open the door to the very kind of discrimination we sought to outlaw in 1988, and I think it will make it just too easy for folks to hang a sign on the door that just says, "No children allowed."

I cannot support this bill. I urge my colleagues not to support this bill. I realize that I am going to hear an awful lot from senior citizens about their rights. I do not think there is anybody on this floor who votes to protect the rights of seniors any more than I do, but no senior, unless they have a physical or emotional problem and need, has a right to tell a kid they cannot live next door. It is just too darn bad, and we are allowing it here.

I might add—well, I will not add anything else, because I will just get myself in trouble if I keep thinking about it and keep talking about it. I do not think this is the right thing to do.

I am sure to most, because we are so busy, this is just a clarification of an existing piece of legislation. That is how it is advertised. I respect my colleague from Colorado. He is joined in support for this by many of the strongest allies in the area of civil rights, many of the colleagues on this floor, my colleagues who I tried rally a little bit about this. They seem to think I am kind of off. One of them even said, "BIDEN, that's because you come from a big Catholic family, you keep talking about the size of families."

I do not like people who discriminate against kids. Period. I think it is well-intended what is being done here, but I want to tell you, if you are 55 years old, ambulatory, still working, have no problem, live at home, have a wife or have a husband, you are hanging around the house, and you are fine and you do not have any special needs, you should not be able to say a kid cannot move next door to you. Period. Period.

I just think this is wrong. I think it is dead wrong. But I am going to lose. I just want to make sure when my children and grandchildren read this, they will know their old man and their grandfather meant what he said.

The only important thing—the only important thing—in this whole outfit is kids. That is the only important thing. All the rest is insignificant. And when we allow people to say, "No kids here," it is like we say, "No dogs here," it is like we say, "No blacks here." That is just wrong, unless there is a real good and compelling reason for it. The fact you are over 55 and 80 out of 200 people in a community over 55, that "ain't" good enough for me.

I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. BROWN. Mr. President, I yield myself 2 minutes. I want to pay tribute to my very thoughtful colleague from Delaware. His comments are heartfelt, and I know he is very sincere. I know his concerns come from a genuine interest in seeing that the irrationality of discrimination does not pervade our society, and that we evaluate and work with each other on the basis of reasonableness, thoughtfulness and caring. I want to pay tribute to him because I have a great deal of respect for him and what brings him to his position.

I am persuaded that this is a good bill for a couple of reasons. One, I believe seniors, who have reached that stage in life where they need to be in a safe, supportive environment, should be allowed that opportunity. That is what the bill does.

Second, Mr. President, I am persuaded that the guidelines that HUD came up with are simply an attempt to make it impossible to make this exemption for seniors housing work, not reasonable attempts at regulation. After two administrations, three attempts at regulations, four Congresses, specific Federal legislation directing HUD to fix this, countless lawsuits, numerous hearings and policy decisions, a record number of constituent letters to agencies, the fact is that we ought to act and make it possible for seniors to have units by themselves, if they wish it.

Mr. President, let me make two observations. One, nobody who wants to be around kids, by this measure, is precluded from being around kids. It does not do that. It also ought to be noted, Mr. President, that when you have senior housing and seniors sell their home and move into the senior housing, it makes available additional units to families who have children. We ought to ask ourselves: where did the senior who moves into a seniors community come from? Certainly they are vacating other housing. So the process of senior housing is one that adds units for family units, not subtracts from it.

Last, Mr. President, I think any objective observer would look at the guidelines that have come out from HUD and understand they have simply not served the American people. To suggest that to have senior housing units, you have to have to have access to swimming pools or hair salons, or access to a clubhouse, or life guards, or exercise instructors, or crafts instructors, or golf courses, or a lawyer's office, or polka and ballroom dancing instructors, or fashion shows, is simply to recognize what they have done with these regulations. They have said that you have to be rich to qualify for senior housing.

Mr. President, the reality is this: The majority of Americans who retire do not have a lot of extra money and a lot of them cannot afford these things. What we have done is come up with HUD regulations that are reserved for the very rich, and that is silly and wrong, and it ought to be corrected. This bill does that. This bill is about expanding freedom, about giving seniors choices. I think it is a wise measure. It is why the House passed it by such an overwhelming margin.

A concern that has been raised about H.R. 660 is whether it requires a seniors community to be intended for 100 percent occupancy by people over the age

of 55. Section 807 (b)(2)(C) states that the housing is "intended and operated for occupancy by persons 55 years of age or older." The congressional intent of this provision is simply that the main purpose behind creating the community is to provide housing for older persons. Any suggestion that this requires the community to intend that 100 percent of the units be occupied by those 55 and older is a grave misconception. the true meaning behind this general statement is evident in the bill's language, the legislative history, the subcommittee report, and current Federal regulations.

This legislation will not require all units in a seniors community to be intended for use by persons over the age of 55. The bill language makes it obvious exactly when counting occupancy is critical. The bright-line standard it creates clears up any confusion in determining what constitutes seniors housing: At least 80 percent of the occupied units are occupied by at least 1 person who is 55 years of age or older—not 100 percent and not total units—80 percent of occupied units.

But the general purpose of the community, as outlined by the section in question, is to provide housing for older persons—and the definition of what constitutes housing for older persons is that 80 percent of the occupied units are occupied by persons 55 years of age and older.

The language of the bill is clear on this point, and so is the legislative history. In 1988, Congress extended the Fair Housing Act to prohibit discrimination in housing against families with children. At the same time, however, Congress provided for the exemption of three different types of seniors housing, including the one we are examining today; that is, housing "intended or operated for occupancy by at least one person 55 years of age or older per unit."

The fact that H.R. 660 does not require 100 percent occupancy for housing of persons 55 and older becomes even more evident when one compares this category of seniors housing with another one of the three original exemptions. The second category is "housing intended for, and solely occupied by, persons 62 years of age or older." Note the striking difference, besides age, between these two categories: The one we are concerned with today no where states that housing is to be solely occupied by persons 55 years of age and older. Yet if this was the congressional intent, certainly it would have been delineated in 1988 when the three categories were first introduced.

The subcommittee report also promotes this interpretation. In the section-by-section analysis, the provision in question is interpreted so that "the housing provider can demonstrate its intent to providing housing for persons 55 years or older, even if it allows persons under age 55 to continue to occupy dwelling units or move into the housing facility and occupy dwelling units, as long as the housing facility maintains the 80 percent occupancy threshold."

The congressional intent voiced throughout the legislative history and subcommittee report is to make it easier for seniors communities to qualify as housing for older persons, thereby making seniors housing, particularly lower income seniors housing, more affordable. Requiring 100 percent of the units in a community, occupied or not, to be intended only for persons age 55 and older does not accomplish this goal—in fact, it makes qualifying as seniors housing more burdensome and would further restrict the availability of affordable seniors housing.

What Congress does intend is to create a 20-percent buffer zone for seniors communities so that they can more easily qualify, and remain qualified, as housing for older persons. It is easy to predict several situations that could arise making this buffer zone a necessary and vital protection for seniors housing.

Suppose an elderly woman owns a condominium in a seniors housing community. When this woman passes away, she wants to leave the home to her middle-aged son. Inheritance and transfer of property are an everyday occurrence in our democratic society, and the 20-percent buffer zone outlined in H.R. 660 would accommodate such a bequest.

Or consider the widow of a senior citizen who has passed away. If the surviving spouse is younger than 62 or 55, then, without H.R. 660, they face not losing a loved one, but also having to move out of their own home. This is not the role of the Federal Government. H.R. 660 corrects this.

The possible scenarios that affect seniors housing go even further—to potentially threatening the very existence of seniors communities. If a seniors apartment complex has 100 rooms available but can only find enough interested seniors to occupy 90 of them, this bill would permit the remaining 10 rooms to be occupied by families or other people under age 55. Forcing the communities to leave these 10 apartments vacant because seniors were not available could threaten the economic viability of running a seniors community. H.R. 660 protects seniors from that risk.

Current Federal regulations also support the fact that housing "intended and operated for occupancy by persons age 55 and older" does not mean 100 percent occupancy is required. Current regulations require similar intent as what is proposed in H.R. 660. In regard to housing for persons 55 and over, it states that the owner or manager of a seniors community must "publish and adhere to policies and procedures which demonstrate an intent to provide housing for persons 55 years of age or older." Not at any time has HUD interpreted this to mean 100 percent occupancy by seniors. This is a general statement requiring that the main purpose behind the housing facility is to provide housing for seniors. No specific or numerical requirements are prescribed, just that the goal of their venture is to make seniors housing available.

A specific, numerical requirement is prescribed in this bill, but you won't find it before the bright-line test in section 807(b)(2)(C)(i). This bright-line standard is the force of H.R. 660, replacing the ambiguous "significant facilities and services" requirement that currently exists. But nothing else in this language prescribes any occupancy requirements beyond the bright-line standard of 80 percent actual occupancy.

Nothing in the legislative history, congressional intent, current CFR's, or language of this bill requires seniors communities to have the intent to occupy 100 percent of their housing units with persons 55 years of age and older. There is a well-thought and intentional 20 percent buffer zone to protect seniors communities and ensure they are effective, not unduly burdened, and able to provide the best services to our most valued citizens at the most affordable cost. The bright-line standard and everything surrounding this bill make that clear. Do not be misguided by inaccurate and hasty fears. H.R. 660 does not require the intention of 100 percent occupancy, but rather the clear, understandable condition that to be considered housing for older persons, 80 percent of the occupied units must be occupied by persons age 55 and older.

Mr. President, I believe this completes all the arguments. I ask unanimous consent that all time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

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

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

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 590 Leg.]

YEAS—94

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

NAYS—3

Biden	Chafee	Leahy

NOT VOTING—2

Bradley	Faircloth

So the bill (H.R. 660), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH. 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. 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.

PARTIAL-BIRTH ABORTION BAN ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1833, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate resumed the consideration of the bill.

Pending:

(1) Smith amendment No. 3080, to provide a life-of-the-mother exception.

(2) Dole amendment No. 3081 (to amendment No. 3080), of a perfecting nature.

(3) Pryor amendment No. 3082, to clarify certain provisions of law with respect to the approval and marketing of certain prescription drugs.

(4) Boxer amendment No. 3083 (to amendment No. 3082), to clarify the application of certain provisions with respect to abortions where necessary to preserve the life or health of the woman.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, the Senate is not in order.

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

Mr. SMITH. Mr. President, I ask for the yeas and nays on the Boxer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3081 TO AMENDMENT NO. 3080

Mr. SMITH. Mr. President, I now call for the regular order with respect to the Dole amendment.

The PRESIDING OFFICER. The Senator has that right. The pending question is the Dole amendment No. 3081 to the Smith amendment 3080.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask for the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I want to make it clear that my hope is to offer two amendments to this bill for consideration by the Senate. One would deal with the problem of a deadbeat father having standing to bring lawsuits, and the other one would deal with the question of who is civilly or criminally liable under the bill. At the appropriate time, with the concurrence of the sponsor of the bill, I will offer those amendments.

Mr. President, at the appropriate time I will try to offer those amendments for the Senate's consideration. I will make copies available in the RECORD.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, it is my intention to offer an amendment concerning deadbeat dads. The amendment would make it clear that fathers who are deadbeat and do not marry the mother do not have the right to sue under this bill and thereby gather a financial bonanza. I circulated a draft of that amendment to the parties who are leading the debate on this bill.

I ask unanimous consent that I be allowed to offer that amendment without a second-degree amendment being in order.

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

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer the amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I would ask that we go into a quorum.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Will the Senator yield for a question before he begins? And I am fully supportive of his amendment, the way he is approaching it.

Mr. BROWN. I am happy to yield.

Mrs. BOXER. I just want to get on the record that it is not the Senator's intention to have his amendment voted on prior to the Boxer amendment and the Dole amendment but, rather, after the Boxer and the Dole amendments are disposed of?

Mr. BROWN. That is an accurate statement of my intention, and my hope would be that absent agreement, we would save my amendment until after the disposition of those two amendments.

The PRESIDING OFFICER. The Senator needs to make a request.

Mr. BROWN. Mr. President, I ask unanimous consent that no vote occur on the Brown amendment, which I am about to offer, until the Boxer and Dole amendments are disposed of.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank my friend, and I wish him the best of luck with his amendment, which I will support.

Mr. BROWN. I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment.

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

AMENDMENT NO. 3085

(Purpose: To limit the ability of dead beat dads and those who consent to the procedure to collect relief as provided for in this section)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 3085:

On page 2, line 14, strike "(c)(1) The father," and insert the following: "(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure,".

Mr. BROWN. Mr. President, as drafted, the bill now extends the right to sue a physician and others involved in the partial-birth abortion process, to the father and other parties.

It is this Senator's belief that extending the right to sue under the bill to a father, who has assumed the responsibilities of fatherhood, is appropriate, but it is also my belief that to extend the privilege of standing and the potential enrichment it could convey to someone who has not assumed the real responsibilities of fatherhood would be a tragic mistake. To allow someone a financial windfall when they have not married the mother, when they have not lived up to their responsibilities in our society, would send exactly the wrong message. It would have the effect of granting possibly substantial financial remuneration to someone who has not been willing to meet his commitment to society or to meet the commitments of fatherhood. It would reward a deadbeat dad, something I believe is simply wrong. So this amendment makes it clear that someone who has not married the mother does not have the right to be enriched.

Mr. President, I think that sums up the amendment, and I hope the Senate will favorably consider it after it has had an opportunity to consider and dispose of the Dole and Boxer amendments.

I yield the floor.

Mr. SMITH. Mr. President, I just want to say to the Senator from Colorado that we support his amendment. We think it is a good amendment and enhances the bill, and we are pleased to support it. I appreciate the fact that the Senator has offered it.

Mr. President, is the pending business the Smith-Dole amendment?

AMENDMENT NO. 3081

The PRESIDING OFFICER. It is the Dole amendment, which is a second-degree amendment to the Smith amendment, amendment 3081, I believe.

Mr. SMITH. I thank the Chair. That being the case, at this time I rise in very strong support of this pending amendment, Dole-Smith or Smith-Dole, life-of-the-mother exception amendment.

In addition, I also, in the course of my remarks, would be addressing another amendment that the Senate will be considering later this evening, which is the Boxer amendment, Senator BOXER's partial-birth abortion-on-demand amendment.

Mr. President, the underlying bill, H.R. 1833, which came to us from the House, bans what I have described as the brutal and inhumane partial-birth-abortion procedure. That is the only abortion procedure that it bans. Testimony to the contrary notwithstanding, this is the only abortion technique, the only abortion method that is banned under 1833. It includes an affirmative defense exception under which a physician would be subject to no penalty if that physician is able to demonstrate that he or she reasonably believed that the mother's life was in danger and no other medical procedure would suffice to save her life.

Obviously, Mr. President, a two-thirds majority of the House of Representatives believed that the affirmative defense provision of H.R. 1833 fully protected the life of the mother. It was an overwhelming vote in the House, and, of course, as we indicated yesterday, there were pro-choice Republicans, pro-choice Democrats, and pro-life Democrats and Republicans who supported overwhelmingly this legislation. So in spite of the fact that it has been called extremist, the truth of the matter is many people on all sides of the issue supported H.R. 1833 in the House.

In addition, as I have noted previously, the American Medical Association's Council on Legislation voted unanimously to endorse H.R. 1833 with the affirmative defense provision in it.

It is clear then, based on that decision, that the AMA Council also believed that the affirmative defense provision would fully protect any doctor who performed a partial-birth abortion if it was performed to save the mother's life when no other procedure was available to save the mother's life, even though, as we have indicated over and over in the testimony and debate in the Chamber of the Senate, we have not seen any witnesses who have come forth in the hearing who said that the mother's life was threatened. But, nevertheless, to be fair, we have put in this exception.

In spite of all that, a number of Senators have argued on the floor and have made the same point to me in private, frankly, that the affirmative defense approach may not give doctors who encounter an exceedingly life-endangering condition of the mother the sufficient latitude that they need. There is no medical evidence in the record produced as a result of the hearing on November 17 before the Judiciary Committee that the partial-birth-abortion procedure is ever necessary to save the life of the mother. As I said, there simply was no testimony. But Senators have expressed discomfort, as I said, in private to me, some wanting to vote for this but felt that they were not comfortable with the affirmative defense approach. In a good-faith effort to accommodate these concerns, last night Senator DOLE and I offered a life-of-the-mother exception amendment, and the new language which would be added immediately at the end of subsection (a) of the pending bill reads as follows:

This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness or injury, provided that no other medical procedure would suffice for that purpose.

Now, we heard some debate here last night from some as if to say a physical disorder would not cover the complications that may arise from a pregnancy where a partial-birth abortion would be performed.

Of course, that would be covered. We are playing semantic games. The intent is to cover this if, in fact, there is a need to protect the life of the mother, which at this point we have never seen any testimony before any of our committees.

The language of this Smith-Dole life-of-the-mother exception amendment is very clear. It could not be clearer. The first part of the amendment is designed to make certain that the exception only applies to cases in which the mother's life is genuinely, physically threatened by some physical disorder, physical illness, or physical injury.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNANIMOUS-CONSENT AGREEMENTS

Mr. SMITH. Mr. President, I ask unanimous consent that there be 90 minutes equally divided between myself and Senator BOXER for debate on the Dole amendment No. 3081 and the Boxer amendment No. 3082, and that following the conclusion or yielding back of time, the amendments be laid aside, and the votes occur first on the Dole amendment, to be followed immediately by a vote on the Boxer amendment on Thursday, December 7, with the time to be determined.

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

Mr. SMITH. I also ask unanimous consent that immediately following the disposition of the State-Justice-Commerce appropriations conference report, that there be 60 minutes to be equally divided in the usual form for closing debate on the two amendments.

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

Mr. SMITH. I further ask unanimous consent that if the Dole amendment No. 3081 is adopted, the Smith amendment No. 3080, as amended, be deemed agreed to without further action or debate.

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

Mr. SMITH. Finally, I ask unanimous consent that immediately following the two back-to-back votes tomorrow, that Senator SMITH or his designee be recognized.

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

Mr. SMITH. In light of this agreement, Mr. President, the leader has asked me to announce there will be no further votes this evening.

AMENDMENT NO. 3081

The second part of the Smith-Dole amendment is intended to ensure that in such dire emergency cases that we talked about, a partial-birth abortion could only be performed if it were the only medical procedure available to save the life of the mother. After all, as we all know now, the partial-birth abortion procedure is, first, brutal, and second, inhumane. It cannot possibly be justified except in a case of true self-defense when there is no other way—no other way—for a doctor to save the mother's life. In that case, self-defense is certainly legitimate and, of course, I would be supportive.

In sum, Mr. President, both Senator DOLE and I believe that this carefully drafted life-of-the-mother exception amendment is fully adequate. You will hear words to the contrary, but it is fully adequate to address the good-faith concerns of those Senators who are not satisfied with the affirmative defense provision in the underlying bill.

As I indicated, I am satisfied with it. But others are not, and I respect the fact that others are not and am willing therefore and have been willing, and Senator DOLE and others have been willing, to change it to clarify it more, to make sure there is no doubt that we support the life-of-the-mother exception.

We are satisfied that our language assures that this exception will not be abused by doctors who are not acting in good faith to save mothers' lives. We feel we have taken care of that in the amendment. Let me be very clear, Mr. President, as clear as I can be. Under the Smith-Dole amendment, no doctor could be convicted of violating the Partial-Birth Abortion Ban Act of 1995 unless the Government proved beyond a reasonable doubt that the doctor had performed a partial-birth abortion that was not covered—not covered—by this life-of-the-mother exception.

As I indicated, Mr. President, this Smith-Dole life-of-the-mother exception amendment fully satisfies—fully—any legitimate concerns that the affirmative defense provision of H.R. 1833 does not adequately protect any doctor that might act to protect the life of the mother where no other procedure is available. We have gone the extra mile by doing this, even though—even though—those of us that have put this amendment forth believe that the affirmative defense provision does, in fact, protect such doctors.

Mr. President, one of the Senators who has consistently made the argument that the affirmative defense provision does not protect doctors in life-saving situations is my colleague on the other side of the issue, the other side of the management here this evening, Senator BOXER. Last night after Senator DOLE and I offered our life-of-the-mother exception amendment, Senator BOXER responded by saying—I want to quote from the CONGRESSIONAL RECORD. "Here we have it, an exception now for life of the mother. I think that is progress. I think that is progress, * * *."

And in the spirit of comity, c-o-m-i-t-y, as opposed to comedy, I welcome Senator BOXER's positive remarks. Senator DOLE and I acted in good faith. We were pleased when she responded in good faith. But later in that same debate there was an about-face by the Senator from California.

I say this with the utmost respect. There was an abrupt change in tune. Here is what Senator BOXER had to say about the Smith-Dole life-of-the-mother exception amendment in the same debate a few minutes after the statement that I just read:

> This so-called life-of-the-mother exception that has been offered by my friend from New Hampshire, with Senator DOLE, is not—let me repeat—is not in any way a life-of-the-mother exception.

I am going to repeat those two lines. First, early in the debate, a quote from Senator BOXER:

> Here we have it, an exception now for the life of the mother. I think that is progress. I think that is progress.

And I welcome those remarks.

Then, later in the same debate, the same evening, quoting Senator BOXER:

> This so-called life-of-the-mother exception that has been offered by my friend from New Hampshire, with Senator DOLE, is not—let me repeat—is not in any way a life-of-the-mother exception.

So, if there is confusion on the part of those who are trying to figure out what Senator BOXER's view is on this, then I certainly understand that confusion.

It is rather curious, is it not, that throughout the Senate's debate on this bill, the other side has repeatedly demanded a life-of-the-mother exception—repeatedly demanded a life-of-the-mother exception. Yet, when we offer one, we get praised for it, then the gears are switched and we are denounced.

I do not know what a flip-flop is, but if that is not one, I do not know what is.

Mr. President, after abruptly changing the position, we then get into rationalization. Then we hear the quote from Senator BOXER:

> So, yes, if a woman had diabetes or some other disease, there would be an exception. But if, in fact, the birth endangered her life, there would be no exception.

That just simply is not true. It simply is not true, and any reasonable person who looks at this amendment will see that it is not true, because it specifically provides for a life-of-the-mother exception.

This is bizarre. I mean it really is bizarre. I have been involved in a lot of debates. I have served in the Congress for 11 years—I served in the Senate for 5 and the House for 6—and I have been involved in debates on everything. You name it, I think I have debated it here somewhere. But I do not think I have ever heard a statement that was as quick a turnaround in the same debate as that.

And I guess my question is, what is the position of the Senator from California? What is the position of the spokesman on the other side of this issue? Is it that we have a life-of-the-mother exception or we do not? She said both. I am curious what the position is. Maybe we will hear it. I do not know.

I said last night if a complication resulting from a pregnancy is not a physical disorder, what is it? I am not a physician. I do not pretend to be a physician. I have never advocated being a physician. I have never said I was a physician, but if a physical disorder, a complication resulting from a pregnancy is not a physical disorder, I do not know what it is.

(Ms. SNOWE assumed the chair.)

Mr. SMITH. Let me reiterate that we can play games with words, we can play semantics and obfuscate and distort the issue, and that is exactly what is occurring here, but the truth of the matter is, this is a life-of-the-mother exception. The other side knows it, but that is not the agenda.

A perfectly normal pregnancy is not a disorder. That is what the agenda is. That is the agenda. They want the right to have an elective—elective—abortion, whether there is a life-of-the-mother exception or not. That is the agenda.

A perfectly normal pregnancy is not a disorder in the sense that some complications arise. It is not an illness, and it is not an injury. It is rather a perfectly normal and natural condition in which millions of women all over the country, all over the world, find themselves in at a given time. Sometimes, however, a woman develops a physical condition or a preexisting condition worsens as a result of the pregnancy and that physical condition poses a grave physical threat to her life.

That situation which I just described, where there is a threat to her life,

clearly, in the words of the Smith-Dole amendment, is a physical disorder, and it is covered. To put it more simply, Madam President, normal pregnancy is a natural physical order. It is not a disorder, it is an order, a natural physical order, and a life-threatening pregnancy is a physical disorder.

In short, our amendment could not be clearer. This is a fully adequate, genuine life-of-the-mother exception. Period. And not only that, it is exactly what Senator BOXER repeatedly—over and over and over and over and over again—on the floor of this Senate prior to the hearing said that she wanted. "I want the life-of-the-mother exception," she said. She said it again in the debate last night. We have it. Then she said we do not have it. First she said we have it, then we do not have it.

Let me say what I think is really going on here. I think that those on the other side, the Senator from California and others, know what this amendment is. They know, in fact, that it is a fully adequate, good-faith life-of-the-mother exception. That is what it is.

What I suspect that they might be afraid of is that the Senate's adoption of the Smith-Dole amendment will make it much more difficult to achieve the real objective. Let us talk about that real objective.

Do you know what the real objective is? To gut this bill. To gut the bill. To kill this bill with a life or health exception, which opens up big doors. The keyword is "health." Everyone really knows in the abortion context what that really means. It means abortion on demand, but we are not talking, I say to my colleagues, about abortion on demand under any circumstances at all in this bill, except the partial-birth abortion. That is the only issue before us today. Nothing else.

Whether or not you support, some time between the 5th and 9th month of gestation, the opportunity for any woman to say—let us just use, for example, at 8½ months gestation, that this is a female child and "I don't want it. Therefore, because I don't want it, because it is a female, I am going to abort it in the following manner: I'm going to allow a doctor to enhance, induce the delivery of everything except the head." So all parts of the child come out of the birth canal with the exception of the head. It is then restrained by the doctor. It is held. Delivery stops because the doctor forcefully stops the child from being born, and then the child is killed by using scissors to the back of the head, with no anesthesia, and a catheter to suck out the child's brains. That is what happens. That is the type of abortion we are talking about here. It is the only type of abortion that we are talking about here. I say to my colleagues, let us not talk about these issues now, such as deformities. We will talk about those later. Let us talk about a healthy female child that somebody decides they do not want only because it is a little girl—no other reason—and they abort it in the manner that I described. That is what the agenda is for those who oppose this amendment.

The Senate will consider, later this evening, this killer amendment. It is an amendment that is designed, again, to gut the bill. You may as well call it the partial-birth abortion-upon-demand amendment. That is what it is. I know my colleagues in the House—good colleagues, who have strong views on this issue, pro-choice views, like SUSAN MOLINARI and PATRICK KENNEDY, a moderate Republican and a liberal Democrat—voted for this ban, because they were so incensed, outraged, horrified, and sickened by a process that would take the life of a child in this manner.

We have seen testimony, Madam President, of people who aborted children in this manner. This is what we are talking about. Let us not forget the manner, because that is what we are talking about—in this manner: by scissors and a catheter in the back of the neck, because they had Down's syndrome. We had testimony on that. My colleagues will recognize and I am sure many of us know that people with Down's syndrome are very productive people. It is very interesting that some of those same people who were staunch advocates for the Americans With Disabilities Act would not want to protect an innocent child who may be born with a disability. That is the height of hypocrisy. It just does not get any worse than that.

When one seriously examines the Boxer amendment, it becomes clear that the "partial-birth abortion-on-demand amendment" is what it is. It totally and completely removes all of the protections of the underlying bill from any baby who is not, in the sole judgment of the abortionist, viable. In other words, under the Boxer amendment, any abortionist who wants to use this brutal and inhumane partial-birth abortion procedure to kill an unborn child who is not yet viable—and viability occurs somewhere around 24 weeks—can do so with total impunity.

The amendment denies previable babies any protection at all. I have no doubt that Martin Haskell, the Nation's foremost partial-birth abortionist, would be very pleased, indeed, if this amendment were adopted. Do you know why he would be pleased? Because Dr. Haskell, by his own admission in statements—he refused to come and speak to the Senate—said he performed a thousand of these abortions like I just described—a thousand of them. Guess what, Madam President? Twenty percent—in other words, 200—were because the child had some medical deformity—Down's syndrome, or who knows—and 80 percent, or 800, by his testimony, were perfectly normal children, who were aborted selectively and electively by someone other than that child, that is for sure. That is what is going on in America. That is all I am trying to stop. That is all I am trying to do here.

I say to my colleagues, as I have said before, and to anybody listening, if you had a pet that you had to euthanize, put to sleep, would you do it by using scissors to insert a hole in the back of the head and suck the brains out of your puppy or your dog without anesthesia? Would you do that? You would be horrified if the local SPCA did that and that was in the paper tomorrow. You would be down there closing the place down, trying to adopt all the pets to get them away from there. That is what you would do. But this goes on. Every day a baby dies like this—in America, at least. We cannot stand here and stop it, with all of the problems we face in America today, such as balancing the budget, keeping the Government from closing down so people do not lose their jobs and are out of work for Christmas, deciding whether or not troops should go to Bosnia? We have to stand here and try to stop something as brutal as this, which should not even be happening? My God.

This amendment that the Senator from California has offered allows any partial-birth abortion on any viable baby. If you do not believe that, I would urge Senator BOXER, when she speaks, to say I will make an exception if it is a little girl, I will make an exception if it is healthy, I will make an exception if it has blue eyes, I will make an exception if it is a little boy, I will make an exception—let me hear it. You will not hear it. You will not hear it because that is not the agenda, because we use it in this cloudy term called the "right to choose."

We are going to see pictures of happy families from the Senator from California. But one picture that is not going to be in that happy family is that little baby who, yes, may have had Down's syndrome, who could be productive, or maybe a normal little girl. You will not see their picture in the happy family, because they did not get a chance to be a part of that happy family.

The post-viability language in the Senator's bill, like her pre-viability language, effectively removes all babies from the protection of this underlying bill. I want my colleagues to understand—and they all know my position on abortion. I believe life begins at conception and that life is sacred and should be protected. But that is not what we are debating today. We are debating one specific type of abortion, an abortion in which labor is induced and the child comes into the birth canal and it is executed with scissors and catheters, brutally, in late-term pregnancies. That is what we are talking about, nothing else. Do not be confused

by the debate on something else because that is not what we are talking about.

So the Boxer amendment would essentially leave the judgment of whether a post-viability partial-birth abortion is necessary to protect the mother's health to the totally wide-open discretion of the abortion doctor. That, Madam President, is a prescription—to use a medical term—for abortion on demand.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes, 5 seconds.

Mr. SMITH. Madam President, to show more precisely why this amendment would gut the bill, let me focus on the legal meaning of the term "health" in the abortion context. The U.S. Supreme Court addressed that very question in the 1973 decision of Doe versus Bolton. "Whether the health of the mother requires an abortion is a judgment," the Court said, "to be made in the light of all factors—physical, emotional, psychological, the woman's age, and relevant to her well-being."

That is very clearly stated. In other words, the Court has given the broadest, most liberal terms imaginable to the term "health" in the abortion context. As U.S. Court of Appeals Judge John Noonan said, "* * * it would be a rare case where a doctor willing to perform an abortion would not be convinced that his patient's well-being required the abortion she asked for."

I am not trying to get into the debate about when a woman's health is at risk. We have had testimony, and we have called for witnesses to come before the committee of the Senate. We have heard testimony in the House. We sought to find people who would come in here, physicians, from anywhere in America, to come in and testify and tell us, the Senate or the House, where there is a case where you would need to do this type of abortion to save the life of a woman. No one testified to that effect.

No one. They could not produce one. They could not even produce somebody that had a partial-birth abortion at the hearing we had, although they asked for the hearing.

The Senate, in recent votes, has rejected this massive health loophole when it decisively defeated the Mikulski medical necessity amendment with respect to abortion coverage under the federal employees health benefit plan a few weeks ago.

The Senate was not fooled then. The Senate will not be fooled now. This Boxer amendment would preserve the status quo, under which barbaric, cruel, and partial-birth abortion procedures are available on demand, a status quo under which a partial-birth abortionist like Dr. Haskell can freely take the lives of babies, like the Down's syndrome little boy that nurse Brenda Shafer saw him destroy.

Brenda Shafer, for those that missed the debate, was a nurse who witnessed a partial-birth abortion, a little boy who had Down's syndrome. She was horrified. She called his little face an angelic face. She said, "I looked into that face and I walked out of that clinic." She was a pro-choice woman who believed in abortion, taught her daughters that, but not this type of abortion. She was horrified, as any ordinary, normal person would be.

My colleagues, all I am asking, in spite of my own personal feelings about this issue, all I am asking my colleagues to do today, all I am asking them to do is to vote to stop this single horrible, disgusting type of abortion which is unnecessary.

The only circumstance under which such a hideous and cruel procedure could possibly be justified would be in a true, absolute case of self-defense where the doctor had no other way to save the mother's life.

That situation—were it ever to happen in a most extreme case anyone can imagine—is provided for under the life-of-the-mother exception amendment that I believe the Senate will adopt.

Stabbing an innocent, tiny baby through the skull and sucking her brains out—how can you justify that, in order to safeguard some vaguely defined expansive notion of the mother's health? How does it help the mother's health to do that?

If it is hydrocephalic, you can drain off the fluid. In the 1 out of 100 that Dr. Haskell performed that was hydrocephalic—the rest were something also, 80 percent elective.

I urge my colleagues, before you vote on this amendment, look at the Supreme Court's decision of health in the context as set forth in Doe versus Bolton. Health involves all factors: physical, emotional, psychological, and the woman's age relevant to her well-being.

In light of that definition, a vote for this is a vote for partial-birth abortion on demand because there just is not any reason why you could not have one under that definition. A health exception to this bill's ban on partial-birth abortions is, quite literally, an exception that would consume the rule.

In other words, in the abortion context, the word "health" in an exception, is a legal term of art, translated into plain English means abortion on demand.

I say, if that is not the case, then I ask my colleagues on the other side, including the Senator from California, to simply stand up and say, "I would not support aborting a child by the partial-birth abortion method."

If a woman came in and said, "I am 8 months pregnant, Dr. Haskell. I have a single baby and I do not want it." I say she should not have that abortion. If the Senator from California should stand up and say that, we will have made progress. I hope she says it, but do not hold your breath. If she does not say it, we know what the real agenda is—abortion on demand, not just regular abortion.

This kind of abortion, scissors, catheter, something you would not do to your dog or your cat. You know you would not. You know you would not do it. There is no way that you would do it. Why would you do it to a child? Why would you allow it to be done to a child?

To be sure, Senator BOXER made a cosmetic attempt to narrow the definition of health by saying, "Serious adverse health consequences to the woman." But the fact remains that under Senator BOXER's amendment, whether there is a serious adverse health consequence to the mother is left solely to the judgment of the attending physician. In other words, the sole medical judgment of the abortionist, the sole medical judgment of Dr. Haskell and his fellow birth abortionists.

The interesting point, all this talk of life of the mother, if it is your daughter and she is in that situation, or your wife, would you take her to an abortion clinic if her life was threatened or would you take her to a hospital? These are performed in abortion clinics. That is interesting, is it not?

In short, Madam President, this narrowing language does not narrow her health exception one iota. The words "serious and adverse" are so clearly subjective, vague and broad as to be utterly meaningless and provides no meaning. Senator BOXER's amendment remains the partial-birth abortion on demand amendment.

In conclusion, I urge my colleagues, I plead, plead, plead with my colleagues one time, let us end this one, horrible, disgusting type of abortion. Let us have the courage to do it. These little kids cannot stand up here on the floor of the Senate. They do not have anybody. They cannot stand here. The ones that are killed never get a chance to stand here. They are not going to be the first woman President. They are not going to be the first minority President. They will not be president of anything.

Do you know what their sin is? They happen to be in the womb of somebody who does not want them. That is their sin. If they were in the womb of somebody who wanted them after 8½ months, they would be allowed to be free and be born and live under the Constitution of the United States. That is their sin. That is their sin. We can do better than that in this country. We have more important things to do than that.

I yield the floor.

Mr. HELMS. First of all, Mr. President, I think all of us who understand

this issue are grateful to the Senator from New Hampshire for his courage and his tenacity in standing up for the unborn, particularly those who have been and otherwise may be destroyed in the most gruesome and horrible way—a partial-birth abortion. I personally am indebted to Senator SMITH, and I admire him very much.

Mr. President, about a month ago, the Senate decided to send H.R. 1833, the Partial-Birth Abortion Ban Act, to the Judiciary Committee with instructions that Senator HATCH and his committee hold at least one hearing and then return the bill to the Senate calendar within 19 days.

The Judiciary Committee has held that hearing and despite the rehashed charges of opponents of this bill, the U.S. Senate can no longer shirk its responsibility. Senator DOLE, by offering a life-of-the-mother exemption to H.R. 1833, has offered a provision that preserves the innocent lives of babies but also answers charges that the original bill did nothing to preserve the lives of the mothers.

Mr. President, Senators have no more excuses. Senators must decide, and should decide soon, whether they will approve a gruesome procedure that is both inhuman and heartless. Senators have heard the partial-birth abortion procedure described. They have seen the graphic depictions. It can easily and factually be said, as Senator SMITH and I discussed when the bill first came to the Senate on November 7, that these innocent, tiny babies are just 3 inches from the protection of the law, only to be mercilessly deprived of their right to live and to love and to be loved.

Senators should also decide whether they will disregard the medical facts and enlightening testimony presented to the Judiciary Committee which confirmed what proponents of the original bill have argued in the House of Representatives and in the Senate—that the voices of tiny babies are being silenced so that a woman can continue to choose to have an abortion in the third trimester.

Let me add, if Senators miss this opportunity to criminalize partial-birth abortions, they will be thumbing their noses at the American public whose outcry against partial-birth abortions is overwhelming.

Mr. President, I was pleased as the House of Representatives listened to the American people and overwhelmingly passed the Partial-Birth Abortion Ban Act by a vote of 288–139 on November 1. If the Senate now follows, as it should, the House's example—and I sincerely hope that the Senate will—the burden then will shift to President Clinton who is more than ready, he says, to use his veto pen in order to appease the pro-abortion lobby unless weighty restrictions are added to the bill.

And that is where we stand today as the Senate has heard from the chorus of Senators, many of whom have taken their marching orders from the powerful abortion lobby. Opponents of the bill have done their best to explain the medical necessity of a procedure that legally allows a doctor to partially deliver a baby, feet-first from the womb, only to have his or her brains brutally removed via the doctor's instruments.

However, Mr. President, these objections by the bill's opponents are hollow attempts to whitewash a hideous wrong. For instance, they continue to persuade Senators that partial-birth abortions are medically necessary in order to preserve the health of pregnant women.

Of course, ask NARAL and the other proabortion groups to define a "medically necessary" situation and you'll hear a variety of answers including "emotional stress," "depression," or "psychological indecision." NARAL even defined "medically necessary" abortions as "a term which generally includes the broadest range of situations for which a state will fund abortion."—"Who Decides? A Reproductive Rights Issues Manual—1990".

Mr. President, I suggest we ask the American people who are ringing the phones off the hooks of Senate offices whether they see eye to eye with NARAL and other pro-abortion groups. They are not fooled. They recognize these semantic games as a smokescreen to demand abortion at any time, for any reason.

More important, the medical evidence declares that this procedure is not needed to protect the health of the mother in a late-term crisis pregnancy. Don't take it from me. Take it from Dr. Pamela E. Smith, Director of Medical Education in the Department of Obstetrics and Gynecology at Chicago's Mount Sinai Hospital.

Dr. Smith, in her November 4 letter to me, states that assertions implying that a partial-birth abortion is needed to protect the health of a woman in a late-term complicated pregnancy is "deceptive and patently untrue." Dr. Smith even goes as far to explain in her October 28 letter to Congressman CHARLES CANADY that such a procedure, in fact, presents medical risks to the patient.

In her testimony before the Judiciary Committee on November 17, Dr. Smith asks an important question that I wish every opponent of this bill would attempt to answer, and it is this:

> Why would a procedure considered to impose a significant risk to maternal health when it is used to deliver a baby alive, suddenly become the "safe method of choice" when the goal is to kill the baby?

Mr. President, I ask unanimous consent that Dr. Smith's letter from November 4, 1995, her letter from October 28, 1995, and her November 17 testimony before the Judiciary Committee be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Even Dr. Warren Hern—author of "Abortion Practice," considered by the American Medical Association as the Nation's most widely used textbook on abortion standards and procedures—boldly disputes the safety of this late-term abortion, calling it "potentially dangerous."

Ask Dr. Hern what he thinks about partial-birth abortions as a safe option for late-term abortions. Let me repeat Dr. Hern's comments from a November 20 article in the American Medical News. He says, "You really can't defend it," referring to a partial-birth abortion. He continues, "I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

Mr. President, I ask unanimous consent that the November 20, 1995, American Medical News article titled, "Outlawing Abortion Method," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HELMS. Mr. President, allow me to address one more objection raised by opponents of this bill. In fact, the National Abortion Federation raised it with me in a November 3 letter, complete with pictures of severely abnormal babies. The NAF claims that it is the tragedy of deformed and abnormal babies that has produced a need for partial-birth abortions. Without this procedure, they portend, a pregnant woman's health will be threatened—Dr. Smith and other doctors have already refuted this point—and such abnormalities are "incompatible with life."

Now, Mr. President, nobody, in their right mind, would ever wish for a mother and father to face the heartbreaking experience of their newborn being delivered with a severe abnormality. Nobody would ever want a child to endure the physical and emotional scars of a physical deformity. Yet, for these reasons, they claim partial-birth abortions should remain legal.

Again, I disagree and ask opponents of the bill to consider the reasons given by Dr. Martin Haskell, a noted proponent and practitioner of partial-birth abortions, as to why this procedure is conducted. Dr. Haskell, in a 1993 interview with American Medical News, states that 20 percent are conducted for genetic reasons, and the other 80 percent are purely elective—purely to get rid of the child.

And according to materials presented to a House Judiciary subcommittee, the non-elective reasons given for a partial-birth abortion conducted by the late Dr. James McMahon included such

"flaws" as a cleft palate. Are these the type of genetic reasons these babies suffer painful deaths?

Mr. President, the facts are in and I will not belabor them further. But they clearly prove that partial-birth abortions are unnecessary to preserve the health of a woman in a late-term complicated pregnancy. Simply put, a partial-birth abortion is another means for a woman to terminate her unwanted child very late in pregnancy.

I urge my colleagues, do not be deceived by the pro-abortion rhetoric which would have you believe that this cruel procedure is needed. Instead, listen to the advice of medical experts. Consider the outcry of the American people who recognize partial-birth abortions as inhuman and stand up for the most helpless and innocent human beings imaginable.

I thank the distinguished Senator from New Hampshire, and I admire him and the great work he has done. I yield the floor.

EXHIBIT 1

NOVEMBER 4, 1995.

U.S. Senate,
Washington, DC.

DEAR SENATOR: I am a medical doctor, board certified in the specialty of obstetrics and gynecology. I am also in the process of completing a master's in public health with enhanced analytical skills in maternal and child health at the University of Illinois at Chicago. For the past 15 years I have practiced in the inner city of Chicago and currently I am the Director of Medical Education in the Department of Obstetrics and Gynecology at Mt. Sinai Hospital; a member of the Association of Professors in Gynecology and Obstetrics; and the President Elect of the American Association of Profile Obstetricians and Gynecologists. It has recently been brought to my attention that on November 7th the Senate will consider the Partial Birth Abortion Ban. As a fellow citizen I urge you to support this legislation.

As you are probably aware the partial birth abortion procedure involves delivering a human fetus by breach extraction until only the head remains inside the birth canal. The practitioner then kills the baby by inserting a pair of scissors into the base of the skull and removing the baby's brains with a vacuum. This is the procedure the proposed bill seeks to ban.

Last week, despite a tremendous amount of medical misinformation given by the opponents of H.R. 1833, the Partial Birth Abortion Ban received strong support in its passage in the House. As this measure is now being presented for Senate consideration please be aware of the following medical facts:

1. Opponents insinuated that aborting a living human fetus is sometimes necessary to preserve the reproductive potential and/or life of the mother. Such an assertion is deceptive and patently untrue. Even if the fetus is grotesquely malformed, a living intrauterine pregnancy is not a health risk to its mother unless the woman suffers from extremely rare medical problems that would preclude pregnancy under any circumstances.

2. Partial birth abortion is a surgical technique devised by secluded abortionists in the unregulated abortion industry to save them the trouble of "counting the body parts" that are produced in dismemberment procedures. It is not a "standard of care" for anything. Equally important is the fact that the risks involved in dismemberment procedures and partial birth abortion include istrogenically produced cervical incompetence and uterine rupture. Medical alternatives (like prostaglendine) do not pose these risks but have the undesirable "side effect" of sometimes producing a living child. Women who were "counseled" by abortionists that they were submitting themselves to a procedure that was "safe" and that would insure their future reproductive potential were deceived and lied to. These women actually risked losing their uterus or their lives by submitting to these dangerous intrauterine extractions.

3. In breach extractions frequently the baby's head "slips out." Since the practitioners of this procedure (who by their own reports up until 1993 had performed at least 3,000 of these procedures) have never reported a survivor you can be assured that some of these fetuses were constitutional persons who were murdered.

4. The baby is alive throughout the entire procedure until the scissors are jammed into the base of the skull.

5. There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

Additionally, given the recent attempts by the ACGME to coerce OBGYN residents into becoming abortion providers, many profile and prochoice physicians in training are concerned that they will be forced to witness and/or participate in gruesome abortion techniques. Most of these individuals support the decriminalization of abortion . . . but are extremely uncomfortable with procedures that destroy a life that is undeniably human.

I therefore urge you to consider these factors during the deliberations on this bill. The health status of women and children in this country can only be enhanced by banning partial birth abortions.

Sincerely,

PAMELA E. SMITH, M.D., FACOG.

OCTOBER 28, 1995.

Hon. CHARLES CANADY,
Chairman, Subcommittee on the Constitution, House Committee on the Judiciary, Washington, DC.

DEAR CONGRESSMAN CANADY: It has recently been brought to my attention that opponents of HR 1833 have stated that this particular abortion technique should maintain its legality because it is sometimes employed by physicians in the interest of maternal health. Such an assertion not only runs contrary to facts but ignores the reality of the risks to maternal health that are associated with this procedure which include the following:

1. Since the procedure entails 3 days of forceful dilatation of the cervix, the mother could develop cervical incompetence in subsequent pregnancies resulting in spontaneous second trimester pregnancy losses and necessitating the placement of a cerclage (stitch around the cervix) to enable her to carry a fetus to term.

2. Uterine rupture is a well known complication associated with this procedure. In fact, partial birth abortion is a "variant" of internal podalic version . . . a technique sometimes used by obstetricians in this country with the intent of delivering a live child. However, internal podalic version, in this country, has been gradually replaced by Cesarean section in the interest of maternal as well as fetal well being (see excerpts from the standard text Williams Obstetrics pages 520, 521, 865 and 866).

Furthermore, obstetrical emergencies (such as entrapment of the head of a hydrocephalic fetus or of a footling breech that has partially delivered on its own) are never handled by employing this abortion technique. Cephalocentesis, (drainage of fluid from the head of a hydrocephalic fetus) frequently results in the birth of a living child. Relaxing the uterus with anesthesia, cutting the cervix (Duhrssen's incision) and Cesarean section are the standard of care for a normal, head entrapped breech fetus.

There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother. Partial birth abortion is a technique devised by abortionists for their own convenience . . . ignoring the known health risks to the mother. The health status of women in this country will thereby only be enhanced by the banning of this procedure.

Sincerely,

PAMELA E. SMITH, M.D.,
Director of Medical Education,
Department of Obstetrics and Gynecology.

TESTIMONY OF PAMELA SMITH, M.D. ON H.R. 1833, THE PARTIAL-BIRTH ABORTION BAN ACT, U.S. SENATE JUDICIARY COMMITTEE, WASHINGTON, DC, NOVEMBER 17, 1995

Mr. Chairman, honorable members of the Judiciary Committee, my name is Pamela Eleashia Smith. I am a medical doctor, board-certified in the specialty of obstetrics and gynecology, having received my training at Cornell University, Yale University, the University of Chicago, and Mt. Sinai Hospital in Chicago.

For the past 15 years I have practiced in the inner city of Chicago. I am currently the Director of Medical Education in the Department of Obstetrics and Gynecology at Mt. Sinai Hospital; an Assistant Professor at the Finch University/Chicago Medical School; a member of the American College of Obstetrics and Gynecologists; and the President-elect of the American Association of Pro-Life Obstetricians and Gynecologists.

Honorable senators, before I testified on this legislation on June 15, before the House Judiciary Committee's Subcommittee on the Constitution, I went around and described the procedure of partial-birth abortion to a number of physicians and laypersons who I knew to be pro-choice. They were horrified to learn that such a procedure was even legal.

I believe that it is safe to say that until the recent publicity occasioned by the movement of this legislation, most physicians, including obstetrician-gynecologists, knew nothing of this technique as an abortion method. But the partial-birth abortion method is strikingly similar to the technique of internal podalic version, or fetal breech extraction. Breech extraction is a procedure that is utilized by many obstetricians with the intent of delivering a live infant in the management of twin pregnancies, or single-infant pregnancies complicated by abnormal positions of the pre-born infant.

I would invite the members of the subcommittee to review the drawings of the fetal breech extraction method that I have attached to my written testimony, reproduced from Williams Obstetrics, a standard textbook. Compare this with the partial-birth abortion procedure, as laid out step-by-

step by Dr. Martin Haskell in his instructional paper, "Dilation and Extraction for Late Second Trimester Abortion." (In that paper, Dr. Haskell says that he "coined" the term "dilation and extraction." Neither that term nor the term now favored by opponents of H.R. 1833, "intact dilation and evacuation," can be found in any standard medical literature. There is nothing whatever misleading about the term utilized in the bill, "partial-birth abortion.")

In a total breech extraction, the physician—frequently with the aid of ultrasound—grasps the lower extremities of the baby. With the bag of waters serving as a buffer and cervical wedge, the physician pulls the infant towards the cervix and vagina. To facilitate the delivery of the head by flexion, care is taken to maintain the baby's spine in a position that points towards the mother's bladder.

Depending upon the size of the infant, an attempt may be made to delivery the baby without rupturing the bag of waters. In such a case, the bag of waters facilitates delivery of the head by mechanically maintaining cervical dilation. Should the bag of waters rupture and the head become entrapped, it can be released by cutting the cervix, or a Cesarean section can be performed to deliver the baby abdominally.

Partial-birth abortions, which according to the physicians who perform them have been done on babies from the ages of 19 weeks to full term, represent a perversion of the above technique. In these procedures, one basically relies on cervical entrapment of the head, along with a firm grip, to help keep the baby in place while the practitioner plunges a pair of scissors into the base of the baby's skull. The scissors also creates an opening for the insertion of a suction curette to remove the baby's brains.

If, my chance, the cervix is floppy or loose and the abortionist does not keep a good grip, he may encounter the dreadful "complication" of delivering a live baby—undoubtedly, a constitutional "person" with an inalienable right to life. Thus, the practitioner must take great care to insure that the baby does not move those additional few inches that would transform its status from one of an abortus to that of a living human child.

Another brazen attempt to mislead the American public as to the reality of the pain experienced by the victims of this procedure is the assertion that the anesthesia kills the baby. Such a statement runs contrary to published reports made by abortion practitioners, is not consistent with basic principles of the pharmacology of drug distribution in the pregnant female, and violates common sense. Twenty-five percent of all pregnancies in this country are delivered by Cesarean section and many women receive potent narcotics to relieve their pain during labor. Yet it is essentially unheard of that a human fetus in labor dies secondary to anesthesia given to its mother.

I note that the American Society of Anesthesiologists issued the following statement recently:

Recent debate in the U.S. House of Representatives and Senate regarding late-term abortions has resulted in the distribution of misleading and potentially dangerous information to the public. The procedure, described in the media and during congressional debate, was developed by the late Dr. James T. McMahon. In testimony before Congress last June, Dr. McMahon incorrectly stated that the fetus dies from the anesthesia administered to the mother.

According to the president of the American Society of Anesthesiologists (ASA), Dr. Norig Ellison, the anesthesia administered to the mother in connection with such a procedure does not kill the fetus. Very little anesthesia crosses the placenta when general anesthesia is administered to the mother, and many pregnant women are safely anesthetized every day without ill effects to the fetus.

ASA is concerned that because of publicity given to Dr. McMahon's erroneous testimony, pregnant women may delay necessary and perhaps lifesaving medical procedures due to misinformation regarding the effect of anesthetics on the fetus.

Of course, if a baby really were dead, H.R. 1833 would not apply, since the definition of "partial-birth abortion" is "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus * * *"

The cruelty of this treatment of the human fetus is quite evident to those who do not avert their gaze or close their minds. But these abortion procedures also carry with them significant risks to maternal health.

Partial-birth abortion is not a standard of care for anything. In fact, partial-birth abortion is a perversion of a well-known technique used by obstetricians to delivery breech babies when the intent is to delivery the child alive. However, as the enclosed references in Williams "Obstetrics" readily document, this technique is rarely used in this country because of the well known associated risk of maternal hemorrhage and uterine rupture. The 19th edition of Williams "Obstetrics" states the following in regards to the safety of this method of breech delivery:

"Despite numerous attempts to defend or condemn this procedure, there is presently insufficient evidence to document its safety . . . There are few, if any indications for internal podalic version other than the delivery of a second twin. The possibility of serious trauma to the fetus and the mother during internal podalic version of a cephalic presentation is apparent . . ."

Why would a procedure that is considered to impose a significant risk to maternal health when it is used to delivery a baby alive, suddenly become the "safe method of choice" when the goal is to kill the baby? And if abortion providers wanted to demonstrate that somehow this procedure would be safe in late-pregnancy abortions, even though its use has routinely been discouraged in modern obstetrics, why didn't they go before institutional review boards, obtain consent to perform what amounts to human experimentation, and conduct adequately controlled, appropriately supervised studies that would insure accurate, informed consent of patients and the production of valid scientific information for the medical community?

It is also noteworthy that even leading authorities on late-term abortion methodology have expressed the gravest reservations regarding this technique. Consider, for example, this excerpt from an article in the November 20 edition of American Medical News, the official newspaper of the American Medical Association.

"I have very serious reservations about this procedure," said Colorado physician Warren Hern, MD, the author of "Abortion Practice," the nation's most widely used textbook on abortion standards and procedures. Dr. Hern specializes in late-term procedures . . . [O]f the procedure in question he says, "You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

Dr. Hern's concerns center on claims that the procedure in late-term pregnancy can be safest for the pregnant woman and that without this procedure women would have died. "I would dispute any statement that this is the safest procedure to use," he said.

Turning the fetus to a breech position is "potentially dangerous," he added. "You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that."

Dr. Hern said he could not imagine a circumstance in which this procedure would be safest. He did acknowledge that some doctors use skull-decompression techniques, but he added that in those cases fetal death has been induced and the fetus would not purposely be rotated into a breech position.

The behavior of the abortion industry in regards to this current controversy is chillingly reminiscent of the Tuskegee syphilis experiment conducted by medical and public health personnel over two decades ago. In this infamous study, poor black men were deceived and lied to and a known lifesaving treatment option was withheld so that the researchers could follow the "natural course" of the disease. Apparently some individuals in our country failed to learn a valuable lesson from this tragic chapter in our nation's recent history. Pregnant women should not be experimented upon under the guise of a deceptive rubric called "choice."

Furthermore, since the partial-birth abortion procedure requires three days of forceful dilation of the cervix, the mother could develop cervical incompetence in subsequent pregnancies, resulting in spontaneous second-trimester pregnancy losses and necessitating the placement of a cerclage (stitch around the bottom of the womb) to enable her to carry a baby to term. It is therefore a fact that this procedure represents a risk to future fertility of the patient. It does not represent the safest way for the patient to maintain her fertility, as abortion advocates proclaim.

Opponents of HR 1833 have also argued that "decreasing the size of the fetal head to allow delivery" is done to save the mother the risk of "ripping and tearing" the bottom of the womb. But in fact, the standard of care for handling a baby who is breech with an entrapped head at the cervix is not partial-birth abortion. Caphalocentesis (drainage of fluid from the head of a hydrocephalic fetus) frequently results in the birth of a living child. Relaxing the uterus with anesthesia, cutting the cervic (Duhrssen's incision), and Cesarean section are the recognized options in the medical community to deal with this obstetrical problem.

In short, there are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the life or health of the mother.

Opponents of HR 1833 have similarly erroneously declared that the partial-birth abortion method is necessary to protect the "emotional health" of the mother. Certainly, I do not lightly dismiss the accounts of women and families who have experienced the anguish of learning, late in pregnancy, that their babies have serious or even lethal disorders. In my own years of practice and training, I have taken care of many women who were carrying babies with fatal fetal anomalies. My most recent such patient was a 19-year-old female who was pregnant for the third time. Her previous two pregnancies

were remarkable for severe nausea and vomiting, and she delivered two children who died before they were two months old secondary to heart abnormalities. With her current pregnancy the patient was weak, dehydrated, and emotionally torn between the desire to bear a child and the horrible prospect of attending another funeral. Our clinic staff, all of whom are pro-life, counseled her on her options, supported her medically in the hospital, and respected her initial decision to terminate her pregnancy. However, the next day, the patient's nausea and vomiting receded, she changed her mind, and now intends to carry the baby to term.

Which brings to mind another erroneous insinuation presented by opponents of HR 1833: the assertion that as soon as a patient is discovered to have a fetus with an anomaly, the pregnancy must be aborted immediately because the baby has a high chance of dying before labor begins, representing a threat to the life of the mother. Such a claim is deceptive. It is often intended to sell the patient on the abortion option.

First of all, it is not the standard of care to immediately terminate the life of a living fetus just because that baby has abnormalities. What is appropriate is to inform the patient of your clinical suspicions, discuss with her all of the options, as well as the risks associated with terminating her pregnancy prematurely, and then develop a plan of management that respects the patient's values and emotional needs. Many women opt to continue such pregnancies.

Although it is highly unlikely that the partial-birth abortion procedure would ever be needed to save a woman's life, HR 1833 specifically states that the procedure would be allowed if the doctor "reasonably believed" that it was necessary to save the mother's life, and that no other procedure would suffice. Abortion providers, however, are fully aware that a lot of other procedures would suffice—but they are primarily interested in making sure that their job of terminating human life can be done according to their own convenience. With the partial-birth method of abortion, the provider is saved the trouble of assembling "baby parts" to make sure that nothing was left inside.

Earlier this year, the late Dr. James McMahon provided to the House Judiciary subcommittee a list of a self-selected sample of 175 cases in which he utilized the partial-birth procedure for so-called "maternal indications." Of this list, one-third (33%) of the time the partial-birth procedure would be more appropriately classified as a contraindication, because the mother already had medical problems that are associated with excessive bleeding, infection or a need to be delivered quickly. These conditions include eclampsia, abruptio placenta, amnionitis, premature rupture of membranes, incompetent cervix, and blood clotting abnormalities.

In addition, another 22% (39 cases) were for maternal "depression," and 16% for conditions consistent with the birth of a normal child (e.g., sickle cell trait, prolapsed uterus, small pelvis).

Opponents of HR 1833 have also asserted that the term "elective" means that the doctor elects to do this procedure rather than to do some other one. I would invite any individual in this country to ask their doctor what the term "elective surgery" means. Or look the word up in the dictionary. It refers to procedures that are optional. In a tape-recorded 1993 interview with American Medical News, Dr. Martin Haskell explicitly distinguished between the 20 percent of his "extraction" procedures (as he calls them) that he said involved fetuses with genetic problems, and the 80 percent that are, in his words, "purely elective."

HR 1833 has already been immensely useful in educating the American public as to the need to keep a watchful eye, in the interest of maternal well being, on the activities of the abortion industry. Enactment of this legislation is needed both to protect human offspring from being subjected to a brutal procedure, and to safeguard the health of pregnant women in America.

EXHIBIT 2

[From the American Medical News, Nov. 20, 1995]

OUTLAWING ABORTION METHOD

(By Diane M. Gianelli)

WASHINGTON.—His strategy was simple: Find an abortion procedure that almost anyone would describe as "gruesome," and force the opposition to defend it.

When Rep. Charles T. Canady (R, Fla.) learned about "partial birth" abortions, he was set.

He and other anti-abortion lawmakers launched a congressional campaign to outlaw the procedure.

Following a contentious and emotional debate, the bill passed by an overwhelming—and veto-proof—margin: 288-139. It marks the first time the House of Representatives has voted to forbid a method of abortion. And although the November elections yielded a "pro-life" infusion in both the House and the Senate, massive crossover voting occurred, with a significant number of "pro-choice" representatives voting to pass the measure.

The controversial procedure, done in second- and third-trimester pregnancies, involves an abortion in which the provider, according to the bill, "partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

"Partial birth" abortions, also called "intact D&E" (for dilation and evacuation), or "D&X" (dilation and extraction) are done by only a handful of U.S. physicians, including Martin Haskell, MD, of Dayton, Ohio, and, until his recent death, James T. McMahon, MD, of the Los Angeles area. Dr. McMahon said in a 1993 AMNews interview that he had trained about a half-dozen physicians to do the procedure.

The procedure usually involves the extraction of an intact fetus, feet first, through the birth canal, with all but the head delivered. The surgeon forces scissors into the base of the skull, spreads them to enlarge the opening, and uses suction to remove the brain.

The procedure gained notoriety two years ago, when abortion opponents started running newspaper ads that described and illustrated the method. Their goal was to defeat an abortion rights bill then before Congress on grounds it was so extreme that states would have no ability to restrict even late-term abortions on viable fetuses. The bill went nowhere, but strong reaction to the campaign prompted anti-abortion activities to use it again.

* * * * *

MIXED FEELINGS IN MEDICINE

The procedure is controversial in the medical community. On the one hand, organized medicine bristles at the notion of Congress attempting to ban or regulate any procedures or practices. On the other hand, even some in the abortion provider community find the procedure difficult to defend.

"I have very serious reservations about this procedure," said Colorado physician Warren Hern, MD. The author of *Abortion Practice*, the nation's most widely used textbook on abortion standards and procedures, Dr. Hern specializes in late-term procedures.

He opposes the bill, he said, because he thinks Congress has no business dabbling in the practice of medicine and because he thinks this signifies just the beginning of a series of legislative attempts to chip away at abortion rights. But of the procedure in question he says. "You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it."

Dr. Hern's concerns center on claims that the procedure in late-term pregnancy can be safest for the pregnant women, and that without this procedure women would have died. "I would dispute any statement that this is the safest procedure to use," he said.

Turning the fetus to a breech position is "potentially dangerous," he added. "You have to be concerned about causing amniotic fluid embolism or placental abruption if you do that."

Pamela Smith, MD, director of medical education, Dept. of Ob-Gyn at Mt. Sinai Hospital in Chicago, added two more concerns: cervical incompetence in subsequent pregnancies caused by three days of forceful dilation of the cervix and uterine rupture caused by rotating the fetus within the womb.

"There are absolutely no obstetrical situations encountered in the country which require a partially delivered human fetus to be destroyed to preserve the life of the mother," Dr. Smith wrote in a letter to Canady.

The procedure also has its defenders. The procedure is a "well-recognized and safe technique by those who provide abortion care." Lewis H. Koplik, MD, an Albuquerque, N.M., abortion provider, said in a statement that appeared in the *Congressional Record*.

"The risk of severe cervical laceration and the possibility of damage to the uterine artery by a sharp fragment of calvarium is virtually eliminated. Without the release of thromboplastic material from the fetal central nervous system into the maternal circulation, the risk of coagulation problems, DIC [disseminated intravascular coagulation], does not occur. In skilled hands, uterine preformation is almost unknown," Dr. Koplik said.

Bruce Ferguson, MD, another Albuquerque abortion provider, said in a letter released to Congress that the ban could impact physicians performing late-term abortions by other techniques. He noted that there were "many abortions in which a portion of the fetus may pass into the vaginal canal and there is no clarification of what is meant by 'a living fetus.' Does the doctor have to do some kind of electrocardiogram and brain wave test to be able to prove their fetus was not living before he allows a foot or hand to pass through the cervix?"

Apart from medical and legal concerns, the bill's focus on late-term abortion also raises troubling ethical issues. In fact, the whole strategy, according to Rep. Chris Smith (R, N.J.), is to force citizens and elected officials to move beyond a philosophical discussion of "a woman's right to choose," and focus on the reality of abortion. And, he said, to expose those who support "abortion on demand" as "the real extremists."

Another point of contention is the reason the procedure is performed. During the Nov. 1 debate before the House, opponents of the bill repeatedly stated that the procedure was used only to save the life of the mother or when the fetus had serious anomalies.

Rep. Vic Fazio (D. Calif.) said, "Despite the other side's spin doctors—real doctors know

that the late-term abortions this bill seeks to ban are rare and they're done only when there is no better alternative to save the woman, and, if possible, preserve her ability to have children."

Dr. Hern said he could not imagine a circumstance in which this procedure would be safest. He did acknowledge that some doctors use skull-decompression techniques, but he added that in those cases fetal death has been induced and the fetus would not purposely be rotated into a breech position.

Even some physicians who specialize in this procedure do not claim the majority are performed to save the life of the pregnant woman.

In his 1993 interview with AMNews, Dr. Haskell conceded that 80% of his late-term abortions were elective. Dr. McMahon said he would not do an elective abortion after 26 weeks. But in a chart he released to the House Judiciary Committee, "depression" was listed most often as the reason for late-term nonelective abortions with maternal indications. "Cleft lip" was listed nine times under fetal indications.

The accuracy of the article was challenged, two years after publication, by Dr. Haskell and the National Abortion Federation, who told Congress the doctors were quoted "out of context." AMNews Editor Barbara Bolsen defended the article, saying AMNews "had full documentation of the interviews, including tape recordings and transcripts."

Bolsen gave the committee a transcript of the contested quotes, including the following, in which Dr. Haskell was asked if the fetus was dead before the end of the procedure.

"No it's not. No, it's really not. A percentage are for various numbers of reasons. Some just because of the stress—intrauterine stress during, you know, the two days that the cervix is being dilated. Sometimes the membranes rupture and it takes a very small superficial infection to kill a fetus in utero when the membranes are broken.

"So in my case, I would say probably about a third of those are definitely dead before I actually start to remove the fetus. And probably the other two-thirds are not," said Dr. Haskell.

In a letter to Congress before his death, Dr. McMahon stated that medications given to the mother induce "a medical coma" in the fetus, and "there is neurological fetal demise."

But Watson Bowes, MD, a maternal-fetal specialist at University of North Carolina, Chapel Hill, said in a letter to Canday that Dr. McMahon's statement "suggests a lack of understanding of maternal-fetal pharmacology. . . Having cared for pregnant women who for one reason or another required surgical procedures in the second trimester, I know they were often heavily sedated or anesthetized for the procedures, and the fetuses did not die."

NEXT MOVE IN THE SENATE

At AMNews press time, the Senate was scheduled to debate the bill. Opponents were lining up to tack on amendments, hoping to gut the measure or send it back to a committee where it could be watered down or rejected.

In a statement about the bill, President Clinton did not use the word "veto." But he said he "cannot support" a bill that did not provide an exception to protect the life and health of the mother. Senate opponents of the bill say they will focus on the fact that it does not provide such an exception.

The bill does provide an affirmative defense to a physician who provides this type of abortion if he or she reasonably believes the procedure was necessary to save the life of the mother and no other method would suffice.

But Rep. Patricia Schroeder (D, Colo.) says that's not sufficient. "This means that it is available to the doctor after the handcuffs have snapped around his or her wrists, bond has been posted, and the criminal trial is under way," she said during the House debate.

Canady disagrees. "No physician is going to be prosecuted and convicted under this law if he or she reasonably believes the procedure is necessary to save the life of the mother."

ORGANIZED MEDICINE POSITIONS VARY

The physician community is split on the bill. The California Medical Assn., which says it does not advocate elective abortions in later pregnancy, opposes it as "an unwarranted intrusion into the physician-patient relationship." The American College of Obstetricians and Gynecologists also opposes it on grounds it would "supersede the medical judgment of trained physicians and . . . would criminalize medical procedures that may be necessary to save the life of a woman," said spokeswoman Alice Kirkman.

The AMA has chosen to take no position on the bill, although its Council on Legislation unanimously recommended support. AMA Trustee Nancy W. Dickey, MD, noted that although the board considered seriously the council's recommendations, it ultimately decided to take no position, because it had concerns about some of the bill's language and about Congress legislating medical procedures.

Meanwhile, each side in the abortion debate is calling news conferences to announce how necessary or how ominous the bill is. Opponents highlight poignant stories of women who have elected to terminate wanted pregnancies because of major fetal anomalies.

Rep. Nita Lowey (D. N.Y.) told the story of Claudia Ames, a Santa Monica woman who said the procedure had saved her life and saved her family.

Ames told Lowey that six months into her pregnancy, she discovered the child suffered from severe anomalies that made its survival impossible and placed Ames' life at risk.

The bill's backers were "attempting to exploit one of the greatest tragedies any family can ever face by using graphic pictures and sensationalized language and distortions," Ames said.

Proponents focus on the procedure's cruelty. Frequently quoted is testimony of a nurse, Brenda Shafer, RN, who witnessed three of these procedures in Dr. Haskell's clinic and called it "the most horrifying experience of my life.

"The baby's body was moving. His little fingers were clasping together. He was kicking his feet." Afterwards, she said, "he threw the baby in a pan." She said she saw the baby move. "I still have nightmares about what I saw."

Dr. Hern says if the bill becomes law, he expects it to have "virtually no significance" clinically. But on a political level, "it is very, very significant."

"This bill's about politics," he said, "it's not about medicine."

Ms. MOSELEY-BRAUN. I thank the Senator from California for sharing time and I ask unanimous consent to be added as a cosponsor of her amendment.

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

Ms. MOSELEY-BRAUN. Madam President, I continue to be astounded when I consider the extent to which a woman's constitutional right to choice has been taken away in this, the 104th Congress.

First came the Hyde amendment limiting a poor woman's reproductive choice because Government contributed to the payment of her health care. Then came the battle of parental notification, limiting very young women in their reproductive choices because of their age—not their condition. Then came the battle over military hospitals, limiting military women in their reproductive choices because they or their spouse chose to serve their country. Then came the battle over Federal health insurance, limiting Federal employees and their reproductive choices because they work for the Government.

Now, Madam President, the battle is over this legislation to fine or jail doctors who perform safe, legal, medical procedures, abortions for women who need them late in their pregnancy.

Madam President, today as it has been since the landmark 1973 Supreme Court decision of *Roe* v. *Wade*, the concept of reproductive freedom is under assault. Choice is a matter of freedom. Choice is a fundamental issue of the relationship of female citizens to their Government. Choice is a barometer of equality and a measure of fairness. Choice is central to our liberty.

While, Madam President, I do not believe in abortion personally, I do believe very strongly and fundamentally in the right to choose.

Today, the assault on reproductive choice has taken on a new ferocity. The procedure that has become the focus of this newest assault on choice is a very rare—which you have heard many times—a rare medical procedure used to terminate pregnancies late in the term when the life or health of the mother is at risk and/or when the fetus has severe—severe—abnormalities.

Only one or two doctors in the entire country perform this procedure, the procedure you have heard described. Yes; it is gruesome. But so is the circumstance. This procedure, however, although rare and even though it is gruesome, can be the most medically sound option for preserving the health and life of the woman whose life is at stake, the citizen whose life and liberty is at stake.

Madam President, H.R. 1833, the bill that this amendment relates to, is an unconstitutional, vague ban on the procedure that we have discussed here on the floor and is the vehicle for the newest assault on choice.

A doctor who performed an abortion, one of these late-term abortions, would face up to 2 years in prison and fines. The doctor and the house or the clinic

where he or she worked would also be liable for civil action brought by the father of a fetus or the maternal parents of the woman, if she was under 18 years old.

As I said, this bill is vague. The definition of abortion as covered under this legislation is "partial birth," a term used for its shock value, Madam President, not for its medical accuracy. There is no such medical term as partial birth.

Because doctors cannot agree on what this legislation is intended to ban, they are going to be frightened from performing legal abortions and medically necessary abortions because of the threat of civil or criminal prosecution.

This bill further provides no exception in cases where the banned procedure is used to save the life of the mother. Instead, a doctor would be required after being criminally charged to provide affirmative defense. We flip the whole presumption of innocence on its head and make a doctor provide an affirmative defense that he or she reasonably believed that no other method would save a woman's life.

Madam President, this is foolish and dangerous for us to do. The affirmative defense will result in doctors going to court and maybe even to jail for their efforts to save a citizen's life.

Madam President, even if a true life exception is substituted, there is no exception in this bill in cases where the health of the mother is endangered. It does not allow a doctor to do everything he or she can to protect the health and fertility of his or her patient.

Madam President, this bill is also the first time, to my knowledge, that Congress has attempted to tell a doctor what specific medical procedures he or she cannot perform. By choosing to arbitrarily prohibit one type of procedure and not others—and there are other options as has been discussed—by choosing just one type of procedure regardless of the effect on the life and health and the future reproduction options of the woman involved, this Congress will be micromanaging decisions that are best made in a physician's office.

If a doctor wants to perform an abortion that is covered by this bill, it is because he or she considers the procedure to be the most medically sound for the woman who is involved. Women are going to face life and health risks as well as the loss of fertility as they are forced—forced—to undergo even more hazardous procedures when their own life may be at stake.

Madam President, a couple weeks ago the Senate sent this bill to the Judiciary Committee for a hearing. At that hearing we were able to actually see firsthand some women and talk with some women who had made the hardest choice that any woman can make. Two of the women had the procedure that is referenced in this bill and one woman actually gave birth. All the women had agonized over the decision. It is, after all, the most intimate and most personal decision.

Before I talk about the constitutional policy implications of the legislation, I would like to retell the story of one of the women, Viki, from Naperville, IL. She was at that hearing a few weeks ago but did not have a chance to tell her story. I think it is important that her story be told, because I think she is a very brave person to come in this present environment and tell the story of what was a horrendous, heart-wrenching episode in her life.

Viki and her husband were expecting their third child. At 20 weeks she went for a sonogram and was told by her doctor that she and her baby were completely healthy. She named the baby boy Anthony. At 32 weeks, Viki took her two daughters with her to watch their brother on the sonogram. The technician did not say a word during the sonogram and asked Viki to come upstairs and talk with the doctor. She thought maybe it was because the baby was breech or there was another complication. She is a diabetic and any complication could be serious.

This is a picture of Viki and her family. It is a shame she did not get a chance to testify 2 weeks ago. The doctor at the time was too busy to see her, but called at 7 o'clock in the morning to say that the femurs, the leg bones, seemed a little short, but assured her there was a 99-percent chance that nothing was seriously wrong, but asked her to come in for a level 2 ultrasound.

Viki and her husband found out after the second ultrasound was performed that their child had no brain—no brain. There were eight abnormalities in all. Viki had to make the hardest decision of her life. This is how she explained it: "I had to remove my son from life support—that was me." For Viki, the hardest thing for her as a parent, for any parent, to do is to watch a child be hurt. It is hard enough watching a child get teased at the bus station, much less make a decision such as she and her husband had to make.

The procedure that she underwent took four visits to the doctor. She received anesthesia on the first visit. Her son stopped moving on the first night. She knew at that point that he was gone. This was before the procedure to remove the actual fetus took place.

Having a D&E procedure was particularly important because Viki wanted to know if this was something she would pass to her two daughters. With a D&E an autopsy can be performed. It was an isolated situation, although tragic, and her girls will be able to have children of their own and not have the abnormalities that Viki faced with her son. Her D&E was the closest thing for her body to natural birth. She was able to preserve her fertility, and happily she is now, again, 30 weeks pregnant and the baby that she is carrying looks fine.

This procedure, Madam President, that this Congress is talking about micromanaging to make illegal, saved this woman's ability to have other children, saved this family from having a child with no brain, born only to die moments after he came into this world.

Madam President, this is a true story about a real woman and a family handling an awful, horrible situation in the best way that it can. I know we have heard other stories. I think it is important that we put a real face on these stories because this is not some matter of abstract language. We have to talk about it in constitutional terms, and we have to talk about it in legal terms. We have to talk about it in medical terms. But the reality is this Congress is moving into the territory that we have no business in. I think it is important that we put a human face on it beyond the personal and constitutional implications.

I ask the Senator from California how much longer may I have?

The PRESIDING OFFICER. The Senator from California has 34 minutes.

Mrs. BOXER. Madam President, I yield 5 minutes to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Under H.R. 1833 women will lose a constitutionally based right. Under Roe versus Wade and Planned Parenthood versus Casey, the Supreme Court standard is that a State may not prohibit post-viability abortions necessary to preserve the life or health of a woman. Under H.R. 1833/S. 939, the only recourse is an affirmative defense and even then, this is only for life.

In other words, if you wind up unable to have other children, if you wind up ruined for life, that is OK under this bill.

While H.R. 1833/S. 939 is focused on late-term abortions, doctors who perform early-term abortions by the loosely defined means covered by the bill are subject to the same liability. Choosing to have an abortion when the fetus is not yet viable is clearly a constitutionally protected right under Roe versus Wade. This bill changes that.

This assault on a woman's constitutional rights and this Congress' relentless attack on a woman's right to choose remind me of a famous poem by Martin Niemoller, a Protestant minister held in a German concentration camp for 7 years. I would like to again give you my own, more contemporary version of his parable. I call it "The Assault on Reproductive Rights."

First they came for poor women and I did not speak out—because I was not a poor woman

Then they came for the teenagers and I did not speak out—because I was no longer a teenager.

Then they came or women in the military and I did not speak out—because I was not in the military.

Then they came for women in the Federal Government and I did not speak out—because I did not work for the Government.

Then they came for the doctors and I did not speak out—because I was not a doctor.

Then they came for me—and there was no one left to speak out for me.

Madam President, the fight on this issue is a quintessential fight for freedom. The issue here is whether or not women who are living, breathing citizens of this United States will enjoy the constitutional protection to make the most personal of all decisions—the decision whether or not to reproduce, and whether or not to sacrifice their lives in cases such as that Viki and her family had to go through. That is what is at issue here.

I am not prepared—and I do not believe that it is appropriate—for us to substitute the judgment of the Government, the judgment of the Members of this body, for the judgment of these women, of their families, of their doctors, of their priests, of their pastors. I do not think that it is our business to get that involved in an intimate decision such as this—to tell a woman, no, you may not save your life, or protect your future fertility because some Congressman had an idea that he wanted to pass a law that restrains you in decisions about your own body and your own health. When Viki made the decision to remove her child from life support—her body, and that is what it was—she made a decision with the help of her husband and her doctor that only she could make. The Government has no right to intervene in this relationship between a woman and her body, her doctor, and her God.

It is for that reason that I oppose this legislation, and I support the Boxer amendment.

I would like to also clarify for the RECORD, to make clear that there is right now in this bill no exception, no exception for life of the mother, and that is why the Boxer amendment is so important.

Again, we have no right, I believe, to intervene in the relationship between a woman and her own body, a citizen, in behalf of the fetus that is not yet a citizen. Obviously, we would all want to see life. We all support the idea of a right to life. Of course someone has a right to life. But do not living have rights also? And is not this Constitution written for them? And if it is written for them, is it not inappropriate for this Congress to intervene in areas in which we are not expert and we do not have the capability? I mean, we have no right at all to legislate.

And with that, Madam President, I yield the floor to the Senator from California.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Before my colleague from Illinois leaves the floor, I thank her especially for the updated version of that very famous poem that came out of the Nazi era. Of course, the point is that we need to speak up when people are losing their rights, and sometimes it is a lonely battle and sometimes we may lose it. But I believe deeply that America has a heart and soul and that men and women of goodwill, if they truly listen to this debate, recognize what it is about, and that is what we do trust each other to make tragic, personal, private decisions? Or do we want to hand it over to Senators and Congresspeople?

Ms. MOSELEY-BRAUN. That is right.

Mrs. BOXER. That is what the Senator pointed out. And I come down, and the Senator from Illinois comes down, and I know my colleague presiding tonight comes down on the side of allowing families, families like this, families like Vikki Stella's from Illinois to make those awfully difficult decisions.

I also wish to thank my colleague for really reviewing for us all of the things that have happened to women in this Congress. Many people do not realize that. When she gave us that updated version of the poem, she pointed out the poor women on Medicaid who do not have really have the right to choose anymore because they cannot afford it. This Congress will not allow them to use their Medicaid insurance to cover their right to choose; women in the District of Columbia who happen to have the misfortune of having Senators and Congressmen tell them what to do; Federal employees, women who pay for their own health insurance, a great part of it, no longer can use that insurance; and now any woman in America, any woman in America of any income level in any circumstance is being hit in her heart by the Smith-Dole bill, and it is very hurtful.

I am glad to yield to my colleague.

Ms. MOSELEY-BRAUN. Will the Senator yield?

I never cease to find it a little amusing—I know this gets on some difficult ground in these debates, but most of this debate takes place with people who themselves have never been pregnant.

Mrs. BOXER. That is correct.

Ms. MOSELEY-BRAUN. Quite frankly, having been there—and as the Senator knows, everyone in this Chamber knows, there is nothing more important in my entire life than my son Matthew, but I can tell you I gained 40 pounds, my teeth started to rot, I wound up hospitalized three times. I mean, who has not been through this, who has not been through this who has actually been through a pregnancy? So who can relate to the tragedy and to the emotion and to the physical demand of being in Viki's shoes, being here, pregnant out to here. Remember what it was like when you were pregnant out to here? I was like that in June. It was miserable. Pregnant out to here, only to discover the child that you are carrying, that you have an identification with has no brain, and this legislation would force that child to be born?

I thank the Senator from California for yielding, but I say to you that I think it is also very important that those who cannot be pregnant really should think twice before they talk about this issue.

I thank the Senator.

Mrs. BOXER. I say to my friend, she makes a very good point, because we hear men in this Chamber talk about the joys of birth and the travel through the birth canal, and, yes, we hope every pregnancy is a joyous, wonderful, problem-free moment for every single woman in this country, regardless of her status in the country.

Unfortunately, we know also that is not the case and sometimes the baby is not safe in the womb and sometimes the mother could contract a terrible disease such as cancer and is faced with a choice where, if she carries through with the pregnancy, she could lose her life. And to have people in this Chamber stand up and say they want to be in that living room, in that hospital room, in that family conversation, frankly, makes me feel sick because we were not elected to be part of this family or any other family. We have our own families. Let us take care of our own families. And let us take care of the larger American family. But do not get into the private lives of these people. You have no right to do that. Nobody voted for you to do that. And that is what this is about.

Coreen Costello, the woman I have talked about over these last couple of days, said it best. When she found out this tragic news, she fell to her knees and prayed. She is very religious, very religious. She is a conservative Republican. She does not believe in abortion. And she said the last thing I wanted at that moment was a politician telling me what to do. And yet this bill would deny the Coreen Costellos and the Viki Wilsons an option to save their life, to protect their fertility, and their health because a majority of men in this Senate decided they know better than Viki and Viki's husband and Viki's doctors. What arrogance of power. That is what this debate is all about.

Madam President, I would like to be told when I have 10 minutes remaining on my side.

I am proud to add as original cosponsors to the Boxer amendment Senator BROWN, Senator SPECTER, Senator MURRAY, Senator LAUTENBERG, and Senator SNOWE. I ask unanimous consent that that be made part of the RECORD. And of course, Senator MOSELEY-BRAUN, whom we have already added.

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

Mrs. BOXER. I will open up this debate by saying I do not appreciate when my comments are taken out of context. When I heard about the so-called life-of-the-mother exception, which is absolutely not a life-of-the-mother exception, I was elated that the Senator from New Hampshire was admitting that those of us who said there was no life exception in his bill were right, he finally agreed with us.

When I looked at the amendment, it was entitled "Life-of-the-Mother Exception." I thought it was going to read like all of the life-of-the-mother exceptions which are very straightforward and simply say notwithstanding anything in this bill, there is an exception for the life of the mother. But, no, when I finally read it, I realized, if you will, it is a partial life exception. And this is what I said on the same night.

I have now had an opportunity to read it.

Meaning the amendment.

I want everyone to know that it is really not an exception for the life of the mother because what it says is, essentially, that this procedure will be banned except it will not apply to a partial-birth abortion that is necessary to save the life of the mother whose life is endangered by a physical disorder, illness, or injury.

I say to my friend, this is not a life-of-the-mother exception. That is a pre-existing situation. So, yes, if a woman had diabetes or some other disease, there would be an exception, but if, in fact, the birth itself endangered her life there would be no exception.

That is what I said after I saw the amendment. So let us get that clear, folks. Let us argue about what the differences are here and not try to trap each other into putting a spin on what we are doing.

Now, of course, I say to my colleagues, vote for the Smith-Dole amendment because at least it will help save the life of three or four women out of the couple of hundred a year that find themselves in this circumstance. No problem—vote for it. But then vote for the Boxer-Brown-Specter-Murray-Lautenberg-Snowe-Moseley-Braun amendment because that addresses a true exception for the life of the mother and an exception when serious adverse health risks to the mother exist.

Madam President, as I have said since this debate started, "partial-birth abortion" is not a medical term. There is no such thing as a "partial-birth abortion." No medical text defines "partial-birth abortion." None of the doctors who gave testimony at the Judiciary Committee could define it. It is a made-up term. It is made up by the antichoice forces so that people will get their emotions going.

What is the picture that emerges when you say partial-birth abortion? It sounds like a baby is being born and all of a sudden the mother says, I change my mind. How ridiculous that is. The fact of the matter is, there is no such thing. It is a late-term abortion that is done in an emergency procedure in a tragic situation. And that is what they are going about banning here, a procedure that is used, that is the safest, doctors say, many doctors say, to save the life of the mother or protect her health, her future futility.

Now, another thing that has happened over the past few nights—I say to my friend from New Hampshire, he and I have done this now running, I think it is 3 nights running, plus we did it before when this first came up, plus we have been on national television debating each other on this—he uses the term "abortionist." He uses the term "abortionist."

I again want to say as we debate this emotional issue, a doctor who performs an abortion is a doctor. A doctor who performs a legal medical procedure is a doctor, not an abortionist. That doctor also delivers many, many babies. That doctor is an ob-gyn and deserves respect. If you want to make abortion illegal, that is your right. That is your right. I applaud that right. But do not do it through the backdoor like this, and do not call a doctor who performs a legal procedure an abortionist.

Then there is mention this one doctor did not come to the hearing. He was invited. That is right. I put in the RECORD a letter from his lawyer. This doctor, his life has been threatened. He has been harassed. And we stand up on this floor and call a doctor an abortionist when we are having such an emotional debate.

I applaud Chairman HATCH of the Judiciary Committee who came down and made a speech on this and said, "I endorse this bill. I support it. But I abhor violence." We have to resolve this as human beings with disagreements.

It does not help to raise emotion and attack a physician or a group of people who have chosen to be ob-gyn's who, by the way, vehemently oppose this bill, their organization, the American College of Obstetricians & Gynecologists. And, yes, we heard from one nurse who served 3 days in a clinic who was disputed by her supervisor, but who said this was a terrible procedure. And that is her right to believe that and to say that. But the American Nurses Association—and how many are in that association? Many thousands, and we will have that number tomorrow; many thousands—they absolutely oppose this legislation. These are nurses who want to help people live. They want to help people live.

Why on Earth would we ban a procedure that doctors have testified is necessary to save the life of the mother? Why would we do it? And who are we to do this? This is not a medical school. This is not an ethics panel of a medical school. This is not a board of doctors who sit around and discuss these issues and understand them. I repeat Senator KENNEDY's comment that he made in the Judiciary Committee: "Some Senators are practicing medicine without a license."

We are over our heads if we think we can sit here and because somebody got a drawing explaining the consequences of a procedure, a medical procedure. That is not our job. I do not know anyone who ran for the U.S. Senate who said, "I'm an expert in medical procedures. Vote for me."

We have heard the women's stories. We know how important this procedure was to real women and to their families. We then hear time and time again that many of these abortions were elective—elective. That is a medical term. That is a medical term. It refers to anything other than a life-saving abortion. So we bandy about words like "elective" without knowing what they mean. We talk about medical procedures as if we are physicians.

I have just learned that the American Nurses Association, they do not represent thousands of members; they represent 2.2 million nurses. So, yes, we had one nurse who served 3 days who came out against this procedure; and the American Nurses Association, who represents 2.2 million nurses, says, "Please vote down this ill-conceived bill."

This is not about sex selection or eye-color preferences. I resent the fact that the Senator from New Hampshire would attempt to make a statement that Senators who believe there ought to be a life and health exception for the mother support those kinds of abortions. I guess he does not understand the law of the land, Roe versus Wade, which says that subsequent to viability the State has an interest in protecting fetal life, and as long as it takes into consideration the life and health of the mother, the State can pass laws that certainly prohibit abortions for eye color or sex selection.

This debate is not about unwanted pregnancy. This is about wanted and loved babies, children planned and desired by their families, but something horrible happened in the end of the pregnancy, either to the woman in her health or to the fetus, anomalies incompatible with life.

I knew one woman who was diagnosed with cancer in the beginning of the last trimester of her pregnancy and was told if she carried the baby to term, she would die. She had to face that with her husband. They had other children. But she desperately wanted this child. In the end, they decided to save her life.

Who is this Senate to tell her she did the wrong thing? Who is this Senate to tell her doctor he cannot use a procedure that might save her life?

Viki Wilson has two other children. This is Viki Wilson. She is 39. Her husband is Bill. Do you know what he

does? He is an emergency room physician. Do you know what she does? She is a registered nurse. These are their two children. John is 10 and Katie is 8. They happen to live in Fresno, CA. He saves lives in the emergency room. He exposes himself to great danger working there. She is a nurse. She saves lives. And Senators on this floor think they have a right to interfere with their personal decisions? What an outrage.

Their third child, Abigail—they gave her a name—was their baby. Her brain had formed two-thirds outside the head. I want to talk about her story.

The PRESIDING OFFICER (Mr. JEFFORDS). The Chair advises the Senator she has 10 minutes remaining.

Mrs. BOXER. Mr. President, it is a story that will move you. It is a story that was told to the Judiciary Committee, and while you are going to see posters of part of a woman's body drawn like a cartoon, as if a woman is simply a vessel, we are putting a face on this. We are putting a face on this.

We know that Viki's testimony moved the people who heard it.

Tammy Watt's daughter, McKenzie, had no eyes, six fingers, six toes and large kidneys which were failing. The baby had a mass growing outside of her stomach involving her bowel and bladder and affecting her heart and other major organs, and the doctor said they had to use the procedure that this bill will outlaw.

Because we are looking for Viki's story, we may tell it tomorrow. I am going to keep her face up here, and I am going to go on.

This bill criminalizes the late-term abortion procedure by placing the burden on the physician to persuade the judge or jury that "no other medical procedure would suffice to save the life of the woman."

That means a doctor using this procedure can be hauled into court, and I will tell you, the chamber of horrors begins.

Mr. President, I am going to close debate tonight, after my friend from New Hampshire has concluded his presentation, by reading Viki Wilson's story. But at this time, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I yield myself 11 minutes.

This is really an interesting debate, and I said last night, Viki Wilson's story is truly a tragedy and my heart goes out to Viki Wilson. I understand the difficulty and horrible situation that she went through.

But let me read a paragraph from Viki Wilson's testimony. Viki Wilson, before the Senate Judiciary Committee just recently:

> My daughter died with dignity inside my womb. She was not stabbed in the back of the head with scissors. No one dragged her out half alive and killed her. We would never have allowed that.

My bill, the bill that is on the floor before us, or the amendments, would not have precluded Viki Wilson from that procedure. Viki Wilson herself just admitted she would not have done that procedure.

I also want to respond to Senator BOXER on a couple of other points. She made much of the term "elective procedure," as if somebody made it up on the floor when talking about abortion.

This is Dr. Harlan Giles' testimony in court where he says as follows:

> An elective abortion is a procedure carried out for a patient for whom there is no identifiable maternal or fetal indication; that is to say, the patient feels it would be in her best interest to terminate the pregnancy either on social, emotional, financial grounds, et cetera. If there are no medical indications from either a fetal or maternal standpoint, we refer to the termination as elective.

So I think that is pretty clear that I did not make it up and that it is accepted.

I am also looking at the Standard College Dictionary, published by Harcourt Brace. I do not know whether that is acceptable to the Senator from California or not. But the definition of an abortionist is one who causes abortion. That is pretty clear. I do not know why anybody would object to the term "abortionist" when someone being called an abortionist causes an abortion. It seems to be awfully defensive to me.

I want to respond to the Senator from Illinois, and I am sorry she is not here on the floor, in regard to her remarks. The Senator from Illinois, Senator MOSELEY-BRAUN, a few minutes ago said that this bill is unconstitutional. Even in Roe versus Wade—I want to point out, she said it was unconstitutional, but even in Roe versus Wade, the decision that is thrown around here all the time by the prochoice people, obviously, the Supreme Court said that the born child, that is the exact terminology, "the born child" is a "person" entitled to "the equal protection of the law."

Let me repeat that, because the Senator from Illinois said this bill is unconstitutional. Even in Roe versus Wade, the Supreme Court said that the born child is a person entitled to the equal protection of the law.

Now, I ask any reasonable person, if there is anybody left on the face of the Earth who is undecided—hopefully somebody may be in the Senate because we are the ones who have to vote; hopefully, I pray, there might be somebody out there listening and trying to make up their mind—how can anyone reasonably say that a child, feet, legs, toes, little soft rear end, torso, shoulders, arms, hands, part of the neck out of the birth canal, born is not a child or a person because the head still remains inside the birth canal? How can anyone say that? What is not child or not person about what the doctor is holding in his hands?

Suppose it was reversed, Mr. President, and the child's head came first and he began to breathe, is he then born? You bet he is. You bet he is, because that abortionist cannot do a thing to that child when the head comes out first and that child is breathing. He cannot do anything to it, and my colleagues know that.

So what do we do? We reverse the position in the womb, so that the feet come first, with forceps. We reverse the position in the womb. It is a deliberate act, the most horrible act against an innocent child. That is what we are talking about here. That is what we are talking about here.

That is not a "partial birth." What is that? That is a child. How can anyone say that does not deserve protection under the Constitution of the United States? With the greatest respect for the Senator from Illinois, I sure do not read that in the Constitution. I sure do not read that in Roe versus Wade. A born child. Now, if the Senator from Illinois, or any other Senator, wants to take the floor and say here and now that that is not a child, 90 percent of which is in the hands of that person—call him a doctor, an abortionist, call him what you want—and is wiggling, moving, and you can feel the heartbeat, of course, and you can feel the movement of the child—it is wiggling. That is not a child? What is it? My God, what is it? Let us be serious. Of course it is a child. And you deliberately reverse the position in the uterus to make that child come out feet first.

A "chamber of horrors," my colleague said. You bet it is. It is a chamber of horrors in the United States of America. And I have to stand here with some of my colleagues and try to stop something that should not be happening. I heard a lot about doctors and OB-GYN's. No one testified in that hearing who performed one of these, and no one—no one—including Viki Wilson and others, and including the young woman that Senator MOSELEY-BRAUN spoke about, had a partial-birth abortion, because a partial-birth abortion involves killing a child by inserting a catheter and scissors in the back of the head, in the canal. That is a partial-birth abortion. That is what I am stopping. We are not stopping anything else.

I do not know if the Senator from California knows Mary Davenport, OB-GYN, Oakland, CA. She wrote to me on December 1, 1995:

> DEAR SENATOR SMITH: I am writing to you in support of the partial-birth abortion bill. There is no medical indication for this procedure, and the performance of this operation is totally in opposition to 2,000 years of Hippocratic medical ethics. Please do your best to eliminate this procedure. It is not done in any other nation of the world.

If you think I solicited that letter, I have 250 more of them from OB-GYN's all over America who are outraged and disgusted and horrified that we would do this to our children. What kind of a country are we?

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. 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.

Mrs. BOXER. 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. BOXER. Mr. President, how much time do I have remaining on my side?

The PRESIDING OFFICER. Eight minutes 11 seconds.

Mrs. BOXER. Mr. President, I would like to retain 2 minutes of my time, if the Chair will let me know when I have used 5 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator.

Mrs. BOXER. I thank the Chair.

Mr. President, we have just heard a very loud and angry voice. I do not know who that anger is aimed at. I do not know if it is aimed at the Senators who disagree. I do not know who it is aimed at.

We live in a world where we do not know what lies ahead and down the road. We pray to God that every birth experience that we will have in our own personal families and everyone's will be a good one, and that the babies will be healthy.

I want to say that the anger that you just saw here displayed on this floor, in reality, is aimed at families like this in the picture. That is who it is aimed at. These are the families that are the losers. These are the families who will lose a mom if this bill goes forward. Why do I say that? Because doctors have testified that it is the safest procedure to use in the late term.

I am going to read you Viki Wilson's statement, and then I am going to ask you whether you believe Viki Wilson deserves that kind of anger that we just heard on this floor.

This is Viki here in the photo. She is a nurse. This is her husband, who is a doctor in an emergency room.

At 36 weeks of pregnancy, all of our dreams and happy expectations came crashing down around us. My doctor ordered an ultrasound at that time and detected what all my previous prenatal testing failed to detect, an encephalocele. That is a brain growing outside the head. Approximately two-thirds of my baby's brain had formed on the outside of her skull and, literally, I fell to my knees from shock because, being in pediatrics, I realized that she would not survive outside my womb.

My doctor desperately tried to figure out a way to save this pregnancy. All my medical rationality went out the window. I thought there's got to be a way. Let's do a brain transplant. That is how irrational I was. I wanted this baby. My husband and I were praying that there would be a new surgical way, but all the experts concurred that Abigail could not survive outside my womb, could not survive the birthing process because of size of her anomaly. Basically, her head would have been crushed and she would have suffocated, and that would have been her demise, coming through my birth canal. Because of her anomaly, it was also feared that had she come through the birth canal, my cervix would have ruptured.

The doctor explained to me that even if I had gone into spontaneous labor—

Which, by the way, my colleagues say is an alternative.

More than likely my uterus would have ruptured, rendering me sterile, and that was not an acceptable option. It was also discovered during one of my exams. I kept crying on the examining table, saying, "How could this be? You know, there are such strong baby movements." And they said, "I am sorry, Viki, those are seizures." My immediate response was, "Do a C-section and get her out." "Viki, we do C-sections to save babies. We can't save her, and a C-section in your condition is too dangerous, and I can't justify those risks."

The biggest question then became for my husband and I. A high power had already decided that my baby was going to die. The question was, how is she going to die?

We wanted to help her leave this world as painlessly and peacefully as possible and in a way that protected my life and my health, to allow us to have more children. We agonized and we prayed for a miracle.

During our drive to Los Angeles to see the specialist we chose our daughter's name. We named her Abigail, the name that my grandmother has always wanted for a grandchild. We decided if she were to be named Abigail, her great grandmother would be able to recognize her in Heaven. You think of those things when you are going through a crises like this.

Losing Abigail was the hardest thing that ever happened to us in our lives. After we went home, I went into the nursery, held her clothes, crying and thinking I will never be able to tell her that I love her. I have often wondered why this happened to us. What did we do to deserve this pain?

I am a practicing Catholic and I could not help but believe God had some reason for giving me such a burden. Then I found out about this legislation and I knew then and there that Abigail's life had special meaning.

I think God knew I would be strong enough to come here and tell you my story, to stop this legislation from passing and causing incredible devastation for other families like ours because there will be other families in our situation, because prenatal testing is not infallible, and I urge you, please, do not take away the safest method known.

Mr. President, I ask unanimous consent for 5 additional minutes.

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

Mrs. BOXER. Thank you.

I told my Monsignor at my parish that I was coming here to Washington, and he supported me and he said, "Viki, what happened to you was not about choice. You did not have a choice. What you did was about preserving your life." I was grateful for his words and I agree, this is not about choice. This is a medical necessity. It is about life and health.

My kids attend a Catholic school where a playground was named in Abigail's honor. I believe that God gave me the intelligence to make my own decisions, knowing that I am the one who has to live with the consequences.

My husband said to me, as I was getting on the plane coming here to Washington, "Viki, please make sure this Congress realizes this would truly, truly be the Cruelty to Families Act."

So, again, for us, for future families, and for more and more families. We are all sitting at home thinking, this is 1995, no way in a rational situation are they going to see the necessity of this legislation. They are going to realize that when they hear our stories.

Mr. President, why are we getting angry at women like this? Why are we getting angry at husbands like this? Why are we getting angry at families like this? What right do we have to get angry at decent, religious, family-loving people like this? To stand on this floor and wave our arms at people like this, because that is what this is about.

The Smith-Dole exception for life of the woman is not an exception. It only deals with women who come in with a preexisting condition or injury. I pray—I pray—that the Senate will be courageous—because it is very difficult to explain this in 5 minutes to my colleagues—that they will support the Boxer - Brown - Specter - Lautenberg - Moseley - Braun - Murray - Snowe amendment. It is bipartisan, it is the right thing to do.

We have come together as family, loving Members of this U.S. Senate. We have reached across the aisle that divides us, Mr. President. We are standing for these families.

I hope we will lower our voices, because there should not be room for that kind of anger, in my humble opinion. We are trying to reach a rational decision on a heart-wrenching issue here. We should not be angry at each other. We should not be angry at families like this or to the doctors these families turn to in the most difficult circumstances.

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes 18 seconds.

Mr. SMITH. I yield myself 18 seconds and the remainder of the time to the Senator from Ohio.

I say in response to the Senator from California, if the 800 children who were perfectly normal electively aborted could speak here on the floor today, they would be angry, too.

Mr. DEWINE. Mr. President, I think all the arguments have been made. That usually does not stop us. We continue to make them and will probably make some more tomorrow.

Let me try to be very, very brief in closing. I think it is important, as I said 2 days ago on this floor, we keep our eye on the ball, we keep our eye on what this debate is about, what is relevant and what is not relevant.

The horrible tragedy that the Senator from Illinois described a few minutes ago, the horrible tragedies that

my friend from California continues to describe are horrible. They are tragic. Everyone was moved in the committee. I had tears in my eyes before I left the room listening to those horrible tragedies. Our heart goes out to these families. But the fact is these horrible cases are not relevant to what we are talking about. Viki Wilson did not have this procedure.

Let me repeat for my friends on the floor and my friends who may be watching this on TV that Viki Wilson did not have this procedure. I do not know how many times we have to say it. That is what the facts are. None of the three women did. It is simply not true.

Let me read from the proposed statute. "As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." That is not what happened in these particular cases, however sad they say they are.

Let us keep our eye on the ball. Let us keep our eye on the ball and have relevant debate in regard to saving the life of the mother.

The bill, as Senator SMITH introduced it, had an affirmative defense. The amendment that Senator DOLE has proposed should take any doubt away that it is covered because it puts it right in the statute itself—puts that exception, the life-of-the-mother exception. But even, in a sense, of more significance is we will not get to this situation because there has been no credible evidence at all in the hearings—none—that this procedure would ever be used to save the life of the mother. That evidence was just to the contrary. The evidence was that there were other procedures that would be used. This would not be used. You would not use the procedure. The evidence was it would take 3 days, which this procedure does.

Dr. Smith of Chicago, IL, and Mt. Sinai Hospital, a very credible witness, testified this is simply not the standard of care. Let me quote a portion of the testimony from the hearing. If anyone has the doubt about the relevancy, look at this on page 78 of the hearing by the Committee on the Judiciary.

Now, this insinuates that this is a standard of care to take care of a trapped fetal head on a breech deliver. This is totally untrue, and I have provided for you from *Williams Obstetrics* the techniques that are used by obstetricians to deal with this problem. Those techniques include relaxing the womb with halifane or with anesthesia, cutting the cervix, in limited circumstances if you are going to do a Cesarean section to save a term baby, you can do that. And if the baby has what we call hydrocephalus, or water on the brain, you insert a needle and drain that fluid.

The testimony is very, very clear. Of the other procedures that you use, this is simply not one of them at all.

Again, Mr. President, let us keep our eye on the ball. Let us talk about this in a rationale way. Let us talk about what is relevant and what is not relevant.

Time and time again on this floor the argument has been made that if you support this bill, it is an attack on Roe versus Wade. I would submit that flies in the face of any rational discussion about what Roe versus Wade really means and a correct interpretation of it.

Pro-choice individuals in the House of Representatives, such as Representatives KENNEDY, MOLINARI, GEPHARDT, TRAFICANT, each one voted in favor of this. I do not want to put words in their mouths, but I will simply say that a person who is pro-choice could very well support this.

Mr. President, I ask for 3 additional minutes.

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

Mr. DEWINE. Mr. President, a person who is pro-choice could very consistently support this bill as these pro-choice Representatives in the House of Representatives clearly did. A pro-choice person can support this simply by believing, by saying, by arguing that there is some limit to what we will permit; there is some limit to what a civilized people tolerate.

Again, I do not want to put words in their mouths. But I think that clearly is a consistent position with being pro-choice.

So this is not an attack on Roe versus Wade. You simplistically could argue that. But I think it is very, very incorrect.

My friend from California talked about the fact that "America does have a heart and soul." Yes, we have a heart and soul. That is why we are on the floor. That is why Senator SMITH introduced this bill. This is why people across this country—once they learned about the facts of this procedure—are simply saying, "No, it is wrong. We cannot tolerate it. We cannot permit it."

My friend talked about the arrogance of power, that we are somehow arrogant to be making this argument. It is not arrogance. I think it would be, quite frankly, not arrogance but indifference for us to turn our back on this horrible, horrible procedure.

Finally, Mr. President, my friend from California talked about the anger. Who is this directed at, this anger? This anger is not directed at anybody, not a person. It is directed at a procedure that a civilized society simply should not permit.

Mr. President, we will surely continue this debate tomorrow.

At this point, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. 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.

Mrs. BOXER. 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. BOXER. Mr. President, thank you very much.

Mr. President, this has been a very tough debate, and I have 4 minutes left. I am not going to use it. I know the majority leader is ready to say goodnight to all of us for the evening. So maybe we can have some semblance of some sort of dinner.

Mr. President, this has been probably the harshest debate we have had to date on this topic. I think it is so important that when we debate each other, we do it right on the mark, that we get to our differences. I have told some heart-wrenching stories, and these stories were told before the Judiciary Committee by people like Viki Wilson, a nurse, a practicing Catholic. Her husband is an emergency room doctor.

We have here Coreen Costello, whose story I have told a number of times, a conservative Republican, who had been completely against abortion until she faced this tragedy. And she came and told her story.

Then my friends on the other side said: Wait a minute. They made a mistake, these women. They did not have the kind of procedure that we are trying to outlaw.

My friends, that is an interesting debating topic, but do not tell these people what procedure they went through. They read the definition in your bill. Viki Wilson is a nurse. Her husband is a doctor. They read the bill—the doctor that performed this, a doctor that you have attacked over and over again, Dr. James McMahon, who was summoned by Representative CANADY to testify because he performed the very procedure you wish to outlaw.

So if you want to speak out against the Boxer-Brown-Specter-Moseley-Braun-Snowe amendment, et al., you should. You should speak out against our amendment. You should say there should be no exception for the life and serious health consequences to a woman. But do not say that these women do not know what they are talking about and their families do not know what they are talking about, when, in fact, your side has named the very doctor that they used for this late-term abortion, your side has named him and paraded his name around because he used that very procedure you wish to outlaw.

So, Mr. President, this has been a tough night. We have heard raised voices. It has not been pleasant. As a matter of fact, this has been the most unpleasant week that I can remember

here in a long time for me personally, because, yes, I think it is arrogant to insert a politician into this woman's life, into this man's life, and into these children's lives. I do not think that we have the wisdom to know better how they should handle a tragedy such as the tragedy they had to handle.

And I hope and I pray that the bipartisan amendment that I have offered, and which we have reached across the aisle to work together to protect families like this, passes.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I now move to proceed to Senate Joint Resolution 31 regarding the desecration of the flag.

CLOTURE MOTION

Mr. DOLE. I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S.J. Res. 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States:

Bob Dole, Orrin Hatch, Conrad Burns, Ben Nighthorse Campbell, Slade Gorton, Craig Thomas, Alan Simpson, Larry Craig, Trent Lott, Connie Mack, Don Nickles, Spencer Abraham, John Ashcroft, John Warner, Chuck Grassley, and Strom Thurmond.

Mr. DOLE. Mr. President, for the information of all Senators, we have been attempting—and have wasted the whole day—to bring up the flag amendment. We were precluded from doing that by the efforts of the Senator from New Mexico, Senator BINGAMAN. He has every right to do that. I know he is not for the flag amendment, but he indicates he does not mind if we vote on it.

But I wanted to point out that tomorrow is Pearl Harbor day. Tomorrow is December 7. On a Sunday morning 54 years ago, more than 2,300 brave Americans lost their lives during the raid on the U.S. Pacific Fleet. As a testament to their valor, some of the dead are permanently entombed in the U.S.S. *Arizona*, one of the ships sunk during the attack.

As World War II raged on, thousands of other brave American soldiers followed their country's flag into battle. The great sacrifices made by our fighting men and women during this war and in subsequent conflicts—Korea, Vietnam, the Persian Gulf, Somalia—reflect the courage and strength of character of the American people.

Our flag is the unique and beloved symbol of these qualities. Representing Americans of every race, creed, and social background, the flag is also the one symbol that brings to life the phrase "E Pluribus Unum"—Out of many, one.

So it would seem to me that as we look back over the history of America, one of our most enduring national images is the famous picture of six courageous Americans—Sgt. Michael Trank, Cpl. Harlan Block, Pfc. Hamilton Hayes, Pfc. Rene Arthur Gagnon, Pfc. Franklin Runyon, and Pharmacist's Mate John Henry Bradley—who risked their lives to raise Old Glory at the top of Iwo Jima's Mount Suribachi.

These men were not constitutional scholars. They were not legal experts. They were young enlisted men, like so many of the 6,000 American soldiers who gave their lives to their country during the deadly ascent up that hill.

Because of the sacrifices of these men and countless thousands like them, I support this amendment. Because of the flag's unique status as the symbol of the American spirit and experience, I believe it deserves constitutional protection.

AMENDING THE BILL OF RIGHTS

Now, there are those who charge the supporters of the flag amendment with attempting to amend the Bill of Rights. I strongly disagree with this characterization.

It is the Supreme Court—and more precisely five Justices on the court—who amended the bill rights when they concluded in the Texas versus Johnson decision that the Act of flag-burning was constitutionally-protected speech. This misguided ruling effectively overturned 48 State statutes and a Federal law proscribing flag desecration. Most of these statutes had been on the books for decades, without threatening any of our freedoms, including our freedom of speech guaranteed by the first amendment.

And, after all, the first amendment is not absolute. One cannot use libel to convey an opinion and claim first amendment protection. Obscenity, and fighting words, and yelling fire in a crowded theater, all fall outside the first amendment's free-speech guarantee.

In fact, even some of the strongest supporters of the first amendment never imagined that the act—the act—of flag-burning would merit constitutional protection.

As Justice Hugo Black, considered by many legal experts to be a first-amendment absolutist, once put it: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." Or as former Chief Justice Earl Warren explained: "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * *"

So, Mr. President, it's time for a little reality check: We can pass laws making it illegal to destroy U.S. currency, or deface your own mailbox, or even rip the warranty label off your own bedroom mattress. But, according to the Supreme Court, if you want to burn our Nation's most cherished symbol, the flag, just go right ahead.

And that is why we need a flag amendment: not to amend the Bill of Rights, not to change the first amendment, but to correct the Supreme Court's own red-white-and-blue blunder.

Let me make another point: The Framers of the Constitution intentionally made the amendment process a difficult one, requiring the assent of two-thirds of each House of Congress and three-fourths of the State legislatures before an amendment's ratification. These sensible hurdles were designed to protect the Constitution from ill-conceived and frivolous changes. But once an amendment has been ratified, clearing the high hurdles built into the amendment process itself, the American people have spoken.

OPENING A PANDORA'S BOX

Some of those who oppose the flag amendment also claim that ratifying it will open a Pandora's Box—that supporters of other national symbols, no different from the flag, will clamor for similar protection from desecration.

I reject this argument because the flag is unique.

Do we pledge allegiance to the Constitution, or to the Presidential seal, or to any other national symbol? No.

Flag Day, June 14, is a national holiday, but do we have a national holiday honoring the Constitution, or the Presidential seal, or any other national symbol? No.

The "Star Spangled Banner," our national anthem, honors the resiliency of Old Glory. But does our national anthem honor the Constitution, or the Presidential seal, or any other national symbol? No, it does not.

And 48 States and the United States have enacted statutes prohibiting the desecration of the flag. Have the States and Congress passed laws prohibiting the desecration of the Constitution, or the Presidential seal, or any other national symbol? The answer, of course, is "no."

So, as you can see, the flag stands alone. It stands alone as the unique symbol of our ideals, our hopes, our aspirations as a Nation. And that is why I am proud to join today with the citizens flag alliance, the American Legion, and 113 other civic and patriotic organizations representing millions of Americans across this country who support this amendment.

"BANNER YET WAVES"

Mr. President, I will conclude now with a few words from an article entitled, "The Banner Yet Waves," written by the editors of the Reader's Digest.

I read these words during the last debate on the flag amendment, back in 1989, and I want to share them once again with my colleagues. The words continue to ring true today. I quote:

> While Americans know that behind this rectangle of cloth there is blood and great sacrifice, there is also behind it an idea that redefined once and forever the meaning of hope and freedom. Lawyers and justices may debate the act of flag-burning as freedom of expression. But a larger point is inarguable: When someone dishonors or desecrates the banner, it deeply offends, because the flag says all that needs to be said about things worth preserving, loving defending, dying for.

Mr. President, that is what this debate is all about. It is not about making fine legal distinctions or trying to prove who is the best constitutional scholar. It is about protecting that which is sacred to us as citizens of this great country.

Amidst the rich diversity that is America, we must cherish the principles and ideals that bind us together as one people, one Nation, and for which thousands of brave Americans have given their lives. As the unique symbol of these principles and ideals, the flag must receive the constitutional protection it so richly deserves.

Mr. President, I regret that we are now in a position of having to obtain cloture before we can even consider this amendment. I hope that the Senator from New Mexico, who, as I understand, opposes the flag amendment, would find some other way to distract us from what I think is a very important amendment. I know he is concerned about ambassadors. I know he is concerned about treaties. But I can tell him, as I indicated this morning, this Senator is, too. I have tried almost every day to bring this matter to some resolution. We think we are very, very close. And I see no reason to hold up this particular constitutional amendment, Senate Joint Resolution 31, in an effort to become involved in a process that has been going on for weeks and in which the Senator from New Mexico, as far as I know, has not been involved at all. So I have no other course than to hold up other nominations. If he wants to play this game—we cannot bring up bills; we cannot determine what the legislative agenda is going to be—if any Senator can stand up and say I will determine what we will bring up to the floor, if the leaders are powerless, then we have to resort to whatever means we have. In this case, all we can do is file cloture, and we will obtain cloture on Friday morning because I know more than 60 Members will support cloture.

MORNING BUSINESS

Mr. DOLE. I now ask unanimous consent there be a period for the transaction of morning business until the hour of 8 p.m.

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

SOUTH DAKOTA CHAMPIONS

Mr. PRESSLER. Mr. President, today I rise to pay tribute to the champions of the 1995 South Dakota High School Football Playoffs. The playoffs were held at the "Dakota Dome" on the campus of the University of South Dakota in Vermillion on Friday, November 3, and Saturday, November 4.

In class 11AA, the Yankton Bucks won the championship for the second year in a row and the fourth time in school history. First year coach Jim Miner led the Bucks. Quarterback Mason Mehrman was named the game's Most Valuable Player (MVP).

The Vermillion Tanagers capped an undefeated season by claiming the class 11A crown. The Tanagers, who also won a State title for the fourth time in school history, are coached by Gary Culver. Running back Vince Roche was named the game's MVP.

The Cavaliers of Bon Homme County High School, located in Tyndall, South Dakota, won the class 11B championship for the second year in a row. The Cavaliers extended their consecutive winning streak to an impressive 21 games. The Cavaliers are coached by Russ Morrell. Running back Josh Ranek was named the game's MVP.

In class 9A, the Wakonda-Gayville-Volin Panthers won their first State title. The Panthers, who finished the season undefeated, are coached by Glen Ekeren. Quarterback Dan Freng was named the game's MVP.

The Wildcats of Grant-Deuel County High School, located in Revillo, SD, captured their first ever class 9B championship. Coach Chad Gusso led the Panthers. Running back Heath Boe was named the game's MVP.

I congratulate all the coaches, the players, and the parents of these five schools, as well as all the South Dakota schools that competed in this year's playoffs. In the spirit of competition, they have demonstrated the hard work, commitment, and teamwork that it takes to be champions. They all are to be commended for continuing such a great football tradition in South Dakota.

Mr. President, I ask unanimous consent that the rosters of each championship team be included in the Congressional RECORD at this time.

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

YANKTON "BUCKS" (11–0)

No.—Name:	Pos.	Ht.	Wt.	Yr.
12—Mason Mehrman	QB	5–11	165	12

YANKTON "BUCKS" (11–0)—Continued

	Pos.	Ht.	Wt.	Yr.
14—Chris Reiner	QB	6–1	180	12
15—Kevin Jordahl	QB	5–11	165	12
16—Lars Anderson	QB	5–11	165	11
20—Thomas Draskovic	FB	5–9	165	12
21—Aaron Dykstra	HB	5–10	145	11
22—Matt Jensen	HB	5–9	160	12
23—Carl Tweeten	HB	5–11	165	12
27—Jason Hermanson	SE	5–10	150	11
28—Danny Grant	LB	5–7	150	12
30—Wade Buxcel	LB	5–11	160	11
31—Ryan Hanson	HB	5–9	165	11
32—Jeremy Tamislea	HB	5–8	165	12
33—Jacob Wurth	HB	5–11	185	11
34—Matt Bohn	FB	6–1	185	11
36—Scott Nedved	HB	6–0	180	10
40—Derik Budig	FB	6–2	220	12
42—Joe Merkwan	LB	5–10	170	12
43—Paul Creviston	HB	6–0	154	11
44—Joey Novak	QB	5–11	140	11
45—Rusty Williamson	HB	6–1	185	12
46—Scott Elwood	SE	5–10	165	11
51—Jon Rhode	C	6–1	252	11
52—Chris Swanstrom	C	6–1	180	12
54—Brady Muth	T	6–2	245	12
55—Chad Sherman	C	6–0	205	12
56—Daric Mortenson	C	6–0	270	12
60—James Rye	C	5–10	145	12
61—Andy Holst	G	5–11	180	12
62—Kevin Plavec	T	5–10	205	12
63—Nick Sternhagen	G	6–4	230	11
64—Ryan Swanstrom	G	5–11	180	11
65—Chauncy Lanning	T	5–10	170	11
66—Kyle Tacke	G	5–11	175	11
67—Kam Williams	T	5–10	185	12
68—Radim Miksik	K	6–1	180	11
69—Jamie James	T	5–11	245	12
70—Tony Pierce	G	5–11	175	12
71—Chad Ellers	T	5–11	240	11
72—Lance Peterson	G	6–3	250	12
73—Owen Cowles	T	6–0	215	11
74—John Bohlmann	G	5–10	215	11
75—Joey Rempp	G	6–2	225	12
76—Samuel Graham	T	5–11	245	11
77—Derek Danilko	T	6–4	190	12
78—Jason Cwach	T	6–2	265	11
79—Beau Paulson	T	5–10	250	12
80—Jeremy Fischer	SE	6–0	165	12
81—John Fischer	SE	6–2	165	12
82—Mike Rhoades	TE	6–2	165	11
85—Danny Johnson	SE	6–4	190	11
85—Jody Pinkelman	TE	6–0	170	11
86—Scott Robbins	SE	5–8	145	11
87—Matt Christensen	TE	6–3	195	11
88—Nick Meyers	K	6–1	175	12
89—Ryan Heine	TE	6–6	215	12

Head Coach: Jim Milner.

Assistant Coaches: Arlin Likness, Dan Mitchell, Bob Muth.

Student Managers: Matt Gunderson, Jerry Haas, Jake Harens.

Athletic Director: Bob Winter.

Cheerleaders: Mandy Humpal, Laurie Koupel, Michelle Olson, Erika Simonsen, Stephanie Sprecher, Natalie Tapken.

VERMILLION "TANAGERS" (11–0)

No.—Name:	Pos.	Ht.	Wt.	Yr.
2—Ryan Baedke	QB-LB	6-0	180	11
5—Marc Billings	WB-DB	5-11	145	11
6—Joe Guerue	TE-LB	5-8	195	12
7—Josh Merrigan	TE-DE	6-3	200	11
8—Brian McGuire	QB-LB	5-11	160	10
9—Matt Jordt	WB-DB	5-10	155	11
10—Dave Holoch	QB-DB	5-11	155	10
11—Andy Mechtenberg	WB-DB	6-2	160	12
12—Kevin McGuire	QB-DB	6-1	145	12
13—Josh Koller	HB-DB	5-9	150	11
14—Drake Olson	QB-DB	5-11	150	10
16—Mike Groves	HB-LB	5-8	150	11
18—Vince Roche	HB-DB	5-8	175	12
22—Jeremy Johnson	HB-DB	5-8	130	11
23—Micah Thompson	HB-DB	5-6	130	12
25—Tim Willroth	HB-DB	5-6	125	10
26—Brandon Hays	HB-LB	5-8	145	10
29—Matt Taggart	WB-DB	5-9	150	10
30—Joe Ulrich	HB-DB	5-8	145	12
32—Ben Hays	TE-LB	5-10	185	10
33—Jerrod Edelen	HB-LB	6-1	175	10
42—Shane O'Connor	WB-DB	5-7	140	10
43—Travis Gors	WB-LB	5-11	160	12
44—Ben Leber	FB-LB	6-3	205	11
50—Wade Beach	OG-LB	5-9	180	11
51—Rich Schoellerman	OG-LB	5-10	150	12
52—Troy Myron	OT-DL	6-0	170	10
54—Wade Bromwich	OC-DL	5-7	165	10
55—Stafford Larsen	OT-DL	6-2	240	12
56—Kevin Jensen	OC-DL	6-0	225	12
58—Ryan Knutson	OC-LB	5-11	180	11
61—Shawn Benzel	OG-DL	5-9	180	10

VERMILLION "TANAGERS" (11–0)—Continued

	Pos.	Ht.	Wt.	Yr.
62—Cory Moore	OG-DL	6-0	160	11
63—Josh Stewart	OT-DL	6-1	205	10
65—Dan Nelson	OG-DL	6-1	175	10
66—Casey O'Connor	OG-LB	5-9	200	12
67—Jon Leffers	OG-LB	5-8	165	12
69—Matt Sorensen	OT-DE	6-2	185	12
71—Paul Lilly	OT-DL	6-0	220	12
72—Chad Stensaas	OT-DL	5-11	235	10
73—Mike Rasmussen	OG-DL	5-10	175	11
75—Steve Powell	OT-DL	5-10	225	10
78—Chris Ross	OG-DL	5-10	185	10
79—Travis Vacek	OG-DL	5-11	270	11
81—Billy Willroth	SE-LB	6-0	170	12
82—Roland Johnson	SE-DE	6-2	170	11
85—Blaine Schoellerman	SE-DB	6-2	145	10
86—Brett Bartling	TE-DE	5-9	150	10

Head Coach & Athletic Director: Gary Culver.

Assistant Coaches: Roger Heirigs, Jim McGuire.

Student Managers: Teisha Upward, Alison Hogen, Aaron Kerkhove, Aaron Hammer, Mikal Boughton.

Cheerleader Advisor: Jennifer Huska.

Cheerleaders: Amy Johnson, Kerri Wempe, Shanna Manning, Shelley Kulkonen, Sarah White, Heidi Zimmerman.

BON HOMME "CAVALIERS" (11–0)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
1—Chip Carda	RB	5–11	155	10
2—Nick Kortan	RB	5–7	135	10
3—Kevin Morrell	QB	6–2	175	11
5—Jamie Hajek	QB	5–7	135	10
7—Jon Vavruska	RB	5–5	100	9
8—Ryan Kortan	QB	5–10	165	9
14—Kris Vollmer	RB	5–11	145	9
16—Jayson Branaugh	RB	5–9	135	10
18—John Nagel	E	5–6	125	10
21—Corey Meske	E	5–9	140	11
23—Derrik Garhart	RB	5–6	130	10
24—Josh Holland	E	6–1	155	11
27—Dalon Wynia	RB	5–10	155	11
30—Josh Ranek	RB	5–10	170	12
32—Rick Island	RB	5–6	120	9
33—John Showers	E	6–2	160	12
34—Toby Privett	RB	5–4	95	9
35—Brock Tucker	E–RB	5–10	150	10
37—Casey Berndt	RB	5–9	170	11
30—Nathan Lukkes	E	5–9	145	9
40—Nathan Lukkes	E	5–9	145	9
41—Chad Cooper	RB	5–7	140	9
44—Hannon Hisek	RB	5–4	145	10
50—Jared Caba	L	6–0	230	11
51—Dan Walkes	L	5–9	190	11
52—Todd Dvoracek	L	6–1	195	9
55—Matt Johnson	L	5–10	180	9
56—Ben Jacobs	L	6–5	290	11
58—Michael Pechous	L	6–2	175	10
60—Chad Simek	L	5–11	205	12
62—Grant McCann	L	5–9	155	9
63—Kevin Koenig	L	6–6	210	10
64—Bryan Varilek	L	6–5	200	11
66—Jim Saloum	L	6–2	225	10
67—Tony Bares	L	5–8	140	9
70—Chris Garhart	L	5–5	135	9
72—Mike Sedlacek	L	5–8	155	9
75—Travis Berndt	L	6–0	190	9
78—Matt Bierema	L	5–10	170	11
79—Clint Starwait	L	5–10	205	9
82—Chris Schieffer	E	5–6	115	9
85—John Kaida	E	5–10	160	10
87—Dustin Hoffman	E	5–9	160	10

Head Coach and Athletic Director: Russ Morrell.

Assistant Coaches: Byron Pudwill, Vince Tucker, Phil Garhart, Mike Duffek.

Student Managers: Nicole Engstrom, Lisa Humpal, Jenny Rueb, Melinda McNeely, Renee Tjeedsman, Courtney Morrell, Stacy Hellman, Darcie Walkes.

Cheerleaders: Heather Namminga, Kateens Lukkes, Lacie Peterson, Aesli Grande, Jessica Einrem.

GRANT–DEUEL "WILDCATS" (10–1)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
4—Matt Lounsbury	QB–DB	6–0	200	11
5—Josh Beutler	FL–DB	5–5	105	10

GRANT–DEUEL "WILDCATS" (10–1)—Continued

	Pos.	Ht.	Wt.	Yr.
6—Jon Peschong	QB–LB	5–7	120	8
10—Heath Boe	TB–LB	6–1	175	12
11—Dan Peterson	QB–DB	5–4	115	9
12—Eric Stricherz	E–DB	5–9	160	12
15—Tommy Street	FL–DB	5–5	110	9
19—Erik Peterson	E–E	6–0	160	12
20—Brian Schafer	E–E–P	6–2	165	12
21—Josh Morton	L–L	5–7	125	8
23—Jared Engebretson	L–E	6–2	215	12
30—Kelly Kasuske	E–E	5–9	140	9
31—Cory Street	B–DB	5–5	125	10
32—Parry Toft	B–DB	5–7	135	10
34—Ricky Taylor	FL–DB	5–7	130	10
35—Mathias Lindberg	FL–DB	5–9	140	11
41—Matt Bunting	E–DB	5–8	135	10
42—David Hixon	B–DB	5–11	160	12
44—Garrett Hennings	FB–LB	5–11	185	10
45—Jamie Schafer	B–DB	5–7	130	9
52—Matt Loeschke	E–E	6–5	200	9
55—Nick Ansbach	E–E	6–1	190	10
56—Chad Johnson	L–L	6–2	215	12
58—Jed Sportz	L–L	5–11	170	8
60—Tim Karels	L–L	5–7	145	11
62—Russell Schuelke	L–L	5–10	150	8
64—Nathan Boe	B–DB	5–8	120	8
65—Harris Hixon	B–DB	5–5	120	9
70—Ben Johnson	L–L	5–9	175	8
73—Rusty Rabine	L–L	6–0	275	8
75—Garrett Novy	L–L	6–1	200	9
80—David Bunting	E–DB	5–11	130	11
83—Justin Syrstad	L	5–9	155	9
84—Jason Ebsen	L	5–4	170	9
95—Josh Anderson	L	5–8	170	9
99—Wade Novy	L	6–2	270	12

Head Coach: Chad Gusso.

Assistant Coaches: Barry Pickner, Galen Schoenfeld.

Student Managers: Brian Dallman, Jesse Street, Matt Lynde, Tyler Pickner, Shawn Erp.

Cheerleaders: Jodi Wollschlager, Jill Wollschlager, Sharona Iverson, Lindsey Swenson, Wendy Bear.

WAKONDA-GAYVILLE-VOLIN "PANTHERS" (11–0)

	Pos.	Ht.	Wt.	Yr.
No.—Name:				
7—Brent Barta	QB–LB	5–8	145	11
9—Damon Eggers	HB–DB	5–9	150	11
10—Andy McCue	HB–DB	5–8	140	10
11—Dan Freng	QB–S	6–4	215	12
12—Guy Eggers	QB–DB	5–9	145	9
17—Tim Olen	HB–LB	5–8	150	11
18—Eric McCue	HB–LB	5–10	160	12
19—John Peterson	HB–LB	5–10	130	11
20—Daniel Welman	HB–S	5–10	160	12
21—Tyler Hoxeng	HB–LB	5–11	175	9
22—Shannon Snow	HB–S	5–8	140	12
26—Mike Kool	HB–LB	5–9	165	11
32—Mark Zimmerman	G–DT	5–11	170	9
45—Sam Johnsen	HB–LB	6–1	190	12
49—Jeremy Hanisch	G–N	5–8	200	11
51—Chris Happe	G–DE	6–2	235	12
52—Josh Oien	G–DE	5–8	180	10
53—John Freeburg	E–DE	6–0	170	9
55—Don Logue	E–DE	6–5	185	12
59—Ken Girard	G–DE	5–10	165	11
64—Nick Buckman	G–LB	5–9	180	10
65—Nick Tripp	C–DE	5–10	212	11
66—William Crissey	DE–DT	5–10	185	9
68—Tom Orr	G–DE	6–0	240	11
73—J.R. Willman	G–N	5–10	205	12
80—Keith Light	E–LB	6–3	205	12
85—Justin Hazen	G–DE	5–10	185	10
87—Mike Pollman	FB–LB	6–2	220	12
88—Colter Saccento	E–DE	6–3	150	11
89—Bob Greely	G–DL	5–10	195	11

Head Coach: Glen Ekeren.

Assistant Coaches: Monte Neitzel, Tom Culver.

Student Managers: Brandon Steffen, John Ganschow, Nick Skonovd, Jesse Ekeren.

Cheerleaders: Amy Anderson, Darcy Bye, Megan Dreesan, Erica Freeburg, Mandy Klamm, Janet Lueth, Carmen Vogel, Emily Fenhaus.

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. KENNEDY. Mr. President, last week, President Clinton became the first United States President to visit Northern Ireland. The extraordinarily enthusiastic welcome he received from the people was an impressive demonstration of their desire for peace and their gratitude for President Clinton's and America's commitment to that great goal.

Large crowds of both Protestants and Catholics welcomed the President on the Peace Line in Belfast and again at the City Hall for the lighting of the Christmas tree. In addition, the President was also cheered by a large crowd in Dublin when he spoke at College Green during his visit the next day to Ireland.

Just before the President left for his trip, the Irish Prime Minister, John Bruton and the British Prime Minister, John Major, announced the launching of the twin-track process of an international commission on arms, to be led by our former colleague Senator George Mitchell, and talks leading to all-party negotiations by the end of February. The two Prime Ministers credited President Clinton with helping to bring about this significant development. President Clinton's commitment to peace in Northern Ireland has had a profound and positive impact on the efforts of all sides to achieve a lasting peace.

President Kennedy always remembered his 1963 trip to Ireland as among the happiest days of his presidency. I have no doubt that President Clinton will remember his trip with the same fondness.

President Clinton spoke eloquently throughout his visit to England, Northern Ireland, and Ireland and I congratulate him on the remarkable success of his visit. I know several of my colleagues would like to join me in placing the President's statements in the RECORD. I therefore will begin with his first speech which was given to the British Parliament in London. I ask unanimous consent that it may be printed in the RECORD.

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

REMARKS BY THE PRESIDENT TO THE HOUSES OF PARLIAMENT, ROYAL GALLERY OF THE PALACE OF WESTMINSTER, LONDON, ENGLAND, NOVEMBER 29, 1995

My Lord Chancellor, Madam Speaker, Lord Privy Seal, the Lord President of the Council, Mr. Prime Minister, my lords and members of the House of Commons: To the Lord Chancellor, the longer I hear you talk the more I wish we had an institution like this in American government. I look out and see so many of your distinguished leaders in the House of Lords, and I think it might not be a bad place to be after a long and troublesome political career. (Laughter.) My wife and I are honored to be here today, and I thank you for inviting me to address you.

I have been here to Westminster many times before. As a student, I visited often, and over the last 20 years I have often returned. Always I have felt the power of this place, where the voices of free people who

love liberty, believe in reason, and struggle for truth have for centuries kept your great nation a beacon of hope for all the world, and a very special model for your former colonies which became the United States of America.

Here, where the voices of Pitt and Burke, Disraeli and Gladstone rang out; here where the rights of English men and women were secured and enlarged; here where the British people's determination to stand against the tyrannies of this century were shouted to the entire world, here is a monument to liberty to which every free person owes honor and gratitude.

As one whose ancestors came from these isles, I cherish this opportunity. Since I entered public life I have often thought of the words of Prime Minister Churchill when he spoke to our Congress in 1941. He said that if his father had been American and his mother British, instead of the other way around, he might have gotten there on his own. (Laughter.) Well, for a long time I thought that if my forebears had not left this country perhaps I might have gotten here on my own—at least to the House of Commons.

But I have to tell you, now our American television carries your Question Time. And I have seen Prime Minister Major and Mr. Blair and the other members slicing each other up, face-to-face—(Laughter)—with such great wit and skill, against the din of cheers and jeers. I am now convinced my forebears did me a great favor by coming to America. (Laughter.)

Today the United States and the United Kingdom glory in an extraordinary relationship that unites us in a way never before seen in the ties between two such great nations. It is perhaps all the more remarkable because of our history.

First, the war we waged for our independence; and then barely three decades later, another war we waged in which your able forces laid siege to our Capitol. Indeed, the White House still bears the burn marks of that earlier stage in our relationship. And now, whenever we have even the most minor disagreement I walk out on the Truman Balcony and I look at those burn marks, just to remind myself that I dare not let this relationship get out of hand again. (Laughter.)

In this century we overcame the legacy of our differences. We discovered our common heritage again, and even more important, we rediscovered our shared values. This November, we are reminded of how exactly the bonds that now join us grew—of the three great trials our nations have faced together in this century.

A few weeks ago we marked the anniversary of that day in 1918 when the guns fell silent in World War I, a war we fought side by side to defend democracy against militarism and reaction. On this Veterans Day for us and Remembrance Day for you, we both paid special tribute to the British and American generation that, 50 years ago now, in the skies over the Channel, on the craggy hills of Italy, in the jungles of Burma, in the flights over the Hump did not fail or falter. In the greatest struggle for freedom in all of history, they saved the world.

Our nations emerged from that war with the resolve to prevent another like it. We bound ourselves together with other democracies in the West and with Japan, and we stood firm throughout the long twilight struggle of the Cold War—from the Berlin Airlift of 1948, to the fall of the Berlin Wall on another November day just six years ago.

In the years since, we have also stood together—fighting together for victory in the Persian Gulf, standing together against terrorism, working together to remove the nuclear cloud from our children's bright future; and together, preparing the way for peace in Bosnia, where your peacekeepers have performed heroically and saved the lives of so many innocent people. I thank the British nation for its strength and its sacrifice through all these struggles. And I am proud to stand here on behalf of the American people to salute you.

Ladies and gentlemen, in this century, democracy has not merely endured, it has prevailed. Now it falls to us to advance the cause that so many fought and sacrificed and died for. In this new era, we must rise not in a call to arms, but in a call to peace.

The great American philosopher, John Dewey, once said, "The only way to abolish war is to make peace heroic." Well, we know we will never abolish war or all the forces that cause it because we cannot abolish human nature or the certainty of human error. But we can make peace heroic. And in so doing, we can create a future even more true to our ideals than all our glorious past. To do so, we must maintain the resolve and peace we shared in war when everything was at stake.

In this new world our lives are not so very much at risk, but much of what makes life worth living is still very much at stake. We have fought our wars. Now let us wage our peace.

This time is full of possibility. The chasm of ideology has disappeared. Around the world, the ideals we defended and advanced are now shared by more people than ever before. In Europe and many other nations long-suffering peoples at last control their own destinies. And as the Cold War gives way to the global village, economic freedom is spreading alongside political freedom, bringing with it renewed hope for a better life, rooted in the honorable and healthy competition of effort and ideas.

America is determined to maintain our alliance for freedom and peace with you, and determined to seek the partnership of all like-minded nations to confront the threats still before us. We know the way. Together we have seen how we succeed when we work together.

When President Roosevelt and Prime Minister Churchill first met on the deck of the HMS Prince of Wales in 1941 at one of the loneliest moments in your nation's history , they joined in prayer, and the Prime Minister was filled with hope. Afterwards, he said, "The same language, the same hymns, more or less the same ideals. Something big may be happening, something very big."

Well, once again, he was right. Something really big happened. On the basis of those ideals, Churchill and Roosevelt and all of their successors built an enduring alliance and a genuine friendship between our nations. Other times in other places are littered with the vows of friendship sworn during battle and then abandoned in peacetime. This one stands alone, unbroken, above all the rest; a model for the ties that should bind all democracies.

To honor that alliance and the Prime Minister who worked so mightily to create it, I am pleased to announce here, in the home of British freedom, that the United States will name one of the newest and most powerful of its surface ships, a guided missile destroyer, the United States Ship Winston Churchill. (Applause.)

When that ship slips down the ways in the final year of this century, its name will ride the seas as a reminder for the coming century of an indomitable man who shaped our age, who stood always for freedom, who showed anew the glorious strength of the human spirit.

I thank the members of the Churchill family who are here today with us—Lady Soames, Nicholas Soames, Winston Churchill—and I thank the British people for their friendship and their strength over these many years.

After so much success together we know that our relationship with the United Kingdom must be at the heart of our striving in this new era. Because of the history we have lived, because of the power and prosperity we enjoy, because of the accepted truth that you and we have no dark motives in our dealings with other nations, we still bear a burden of special responsibility.

In these few years since the Cold War we have met that burden by making gains for peace and security that ordinary people feel every day. We have stepped back from the nuclear precipice with the indefinite extension of the Nuclear Non-proliferation Treaty, and we hope next year a comprehensive test ban treaty.

For the first time in a generation parents in Los Angeles and Manchester and, yes, in Moscow, can now turn out the lights at night knowing there are no nuclear weapons pointed at their children. Our nations are working together to lay the foundation for lasting prosperity. We are bringing down economic barriers between nations with the historic GATT Agreement and other actions that are creating millions of good jobs for our own people and for people throughout the world. The United States and the United Kingdom are supporting men and women who embrace freedom and democracy the world over with good results, from South Africa to Central Europe, from Haiti to the Middle East.

In the United States, we feel a special gratitude for your efforts in Northern Ireland. With every passing month, more people walk the streets and live their lives safely—people who otherwise would have been added to the toll of The Troubles.

Tomorrow I will have the privilege of being the first American President to visit Northern Ireland—a Northern Ireland where the guns are quiet and the children play without fear. I applaud the efforts of Prime Minister Major and Irish Prime Minister Bruton who announced yesterday their new twin-track initiative to advance the peace process, an initiative that provides an opportunity to begin a dialogue in which all views are represented and all views can be heard.

This is a bold step forward for peace. I applaud the Prime Minister for taking this risk for peace. It is always a hard choice, the choice for peace, for success is far from guaranteed, and even if you fail, there will be those who resent you for trying. But it is the right thing to do. And in the end, the right will win. (Applause.)

Despite all of the progress we have made in all these areas, and despite the problems clearly still out there, there are those who say at this moment of hope we can afford to relax now behind our secure borders. Now is the time, they say, to let others worry about the world's troubles. These are the siren songs of myth. They once lured the United States into isolationism after World War I. They counseled appeasement to Britain on the very brink of World War II. We have gone down that road before. We must never go down that road again. We will never go down that road again. (Applause.)

Though the Cold War is over, the forces of destruction challenge us still. Today, they are armed with a full array of threats, not

just the single weapon of frontal war. We see them at work in the spread of weapons of mass destruction, from nuclear smuggling in Europe to a vial of sarin gas being broken open in the Tokyo subway, to the bombing of the World Trade Center in New York.

We see it in the growth of ethnic hatred, extreme nationalism and religious fanaticism, which most recently took the life of one of the greatest champions of peace in the entire world, the Prime Minister of Israel.

We see it in the terrorism that just in recent months has murdered innocent people from Islamabad to Paris, from Riyadh to Oklahoma City. And we see it in the international organized crime and drug trade that poisons our children and our communities.

In their variety these forces of disintegration are waging guerrilla wars against humanity. Like communism and fascism, they spread darkness over light, barbarism over civilization. And like communism and fascism, they will be defeated only because free nations join against them in common cause.

We will prevail again if, and only if, our people support the mission. We are, after all, democracies. And they are the ultimate bosses of our fate. I believe the people will support this. I believe free people, given the information, will make the decisions that will make it possible for their leaders to stand against the new threat to security and freedom, to peace and prosperity.

I believe they will see that this hopeful moment cannot be lost without grave consequences to the future. We must go out to meet the challenges before they come to threaten us. Today, for the United States and for Great Britain, that means we must make the difference between peace and war in Bosnia.

For nearly four years a terrible war has torn Bosnia apart, bringing horrors we prayed had vanished from the face of Europe forever—the mass killings, the endless columns of refugees, the campaigns of deliberate rape, the skeletal persons imprisoned in concentration camps.

These crimes did violence to the conscience of Britons and Americans. Now we have a chance to make sure they don't return. And we must seize it.

We must help peace to take hold in Bosnia because so long as that fire rages at the heart of the European Continent, so long as the emerging democracies and our allies are threatened by fighting in Bosnia there will be no stable, undivided, free Europe. There will be no realization of our greatest hopes for Europe. But most important of all, innocent people will continue to suffer and die.

America fought two world wars and stood with you in the Cold War because of our vital stake in a Europe that is stable, strong and free. With the end of the Cold War all of Europe has a chance to be stable, strong and free for the very first time since nation states appeared on the European Continent.

Now the warring parties in Bosnia have committed themselves to peace, and they have asked us to help them make it hold—not by fighting a war, but by implementing their own peace agreement. Our nations have a responsibility to answer the request of those people to secure their peace. Without our leadership and without the presence of NATO there will be no peace in Bosnia.

I thank the United Kingdom that has already sacrificed so much for its swift agreement to play a central role in the peace implementation. With this act, Britain holds true to its history and to its values. And I pledge to you that America will live up to its history and its ideals as well.

We know that if we do not participate in Bosnia our leadership will be questioned and our partnerships will be weakened—partnerships we must have if we are to help each other in the fight against the common threats we face. We can help the people of Bosnia as they seek a way back from savagery to civility. And we can build a peaceful, undivided Europe.

Today I reaffirm to you that the United States, as it did during the defense of democracy during the Cold War, will help lead in building this Europe by working for a broader and more lasting peace, and by supporting a Europe bound together in a woven fabric of vital democracies, market economies and security cooperation.

Our cooperation with you through NATO, the sword and shield of democracy, can help the nations that once lay behind the Iron Curtain to become a part of the new Europe. In the Cold War the alliance kept our nation secure, and bound the Western democracies together in common cause. It brought former adversaries together and gave them the confidence to look past ancient enmities. Now, NATO will grow and expand the circle of common purpose, first through its Partnership for Peace, which is already having a remarkable impact on the member countries; and then, as we agree, with the admissions of new democratic members. It will threaten no one. But it will give its new allies the confidence they need to consolidate their freedoms, build their economies, strengthen peace and become your partners for tomorrow.

Members of the House of Commons and Noble Lords, long before there was a United States, one of your most powerful champions of liberty and one of the greatest poets of our shared language wrote: "Peace hath her victories, no less renowned then war." In our time, at last, we can prove the truth of John Milton's words.

As this month of remembrance passes and the holidays approach, I leave you with the words Winston Churchill spoke to America during America's darkest holiday season of the century. As he lit the White House Christmas Tree in 1941, he said, "Let the children have their night of fun and laughter. Let us share to the full in their unstinted pleasure before we turn again to the stern tasks in the year that lies before us. But now, by our sacrifice and bearing, these same children shall not be robbed of their inheritance or denied their right to live in a free and decent world."

My friends, we have stood together in the darkest moments of our century. Let us now resolve to stand together for the bright and shining prospect of the next century. It can be the age of possibility and the age of peace. Our forebears won the war. Let us now win the peace.

May God bless the United Kingdom, the United States and our solemn alliance. Thank you very much. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. LEAHY. Mr. President, I join Senator KENNEDY in congratulating President Clinton on his successful trip to the United Kingdom and Ireland. Although I was not able to accept the President's invitation to accompany him on that historic visit due to other commitments I had in Vermont, like millions of Americans I followed his travels closely in the press. One of the most memorable events was the President's speech to the workers at the Mackie Metal Plant in Belfast.

Mackie's is located on the Peace Line which has historically divided Catholics from Protestants. People from both communities come together at Mackie's to an integrated work force where they work side by side. At Mackie's, President Clinton spoke of those who helped bring about the peace process—the political leaders, and more importantly, the people of Northern Ireland "who have shown the world in concrete ways that here the will for peace is now stronger than the weapons for war."

The President called for an end to punishment beatings as well as for the full participation in the democratic process of those who have renounced violence. He said that the United States will stand with those who take risks for peace. The President spoke for all of us that day and I ask unanimous consent that his remarks be printed in the RECORD.

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

REMARKS BY THE PRESIDENT TO EMPLOYEES AND COMMUNITY OF THE MACKIE METAL PLANT

[Belfast, Northern Ireland, Nov. 30, 1995]

This is one of those occasions where I really feel that all that needs to be said has already been said. I thank Catherine and David for introducing me, for all the school children of Northern Ireland who are here today, and for all whom they represent. A big part of peace is children growing up safely, learning together and growing together.

I thank Patrick Dougan and Ronnie Lewis for their remarks, for their work here, for all the members of the Mackie team who are with us today in welcoming us to this factory. I was hoping we could have an event like this in Northern Ireland at a place where people work and reach out to the rest of the world in a positive way, because a big part of peace is working together for family and community and for the welfare of the common enterprise.

It is good to be among the people of Northern Ireland who have given so much to America and the world, and good to be here with such a large delegation of my fellow Americans, including, of course, my wife, and I see the Secretary of Commerce here and the Ambassador to Great Britain, and a number of others. But we have quite a large delegation from both parties in the United States Congress, so we've sort of got a truce of our own going on here today. (Laughter.)

And I'd like to ask the members of Congress who have come all the way from Washington, D.C. to stand up and be recognized. Would you all stand? (Applause.)

Many of you perhaps know that one in four of America's Presidents trace their roots to Ireland's shores, beginning with Andrew Jackson, the son of immigrants from Carrickfergus, to John Fitzgerald Kennedy whose forebears came from County Wexford. I know I am only the latest in this time-honored tradition, but I'm proud to be the first sitting American President to make it back to Belfast. (Applause.)

At this holiday season all around the world, the promise of peace is in the air. The

barriers of the Cold War are giving way to a global village where communication and cooperation are the order of the day. From South Africa to the Middle East, and now to troubled Bosnia, conflicts long thought impossible to solve are moving along the road to resolution. Once-bitter foes are clasping hands and changing history. And long-suffering people are moving closer to normal lives.

Here in Northern Ireland, you are making a miracle—a miracle symbolized by those two children who held hands and told us what this whole thing is all about. In the land of the harp and the fiddle, the fife and the lambeg drum, two proud traditions are coming together in the harmonies of peace. The cease-fire and negotiations have sparked a powerful transformation.

Mackie's Plant is a symbol of Northern Ireland's rebirth. It has long been a symbol of world-class engineering. The textile machines you make permit people to weave disparate threads into remarkable fabrics. That is now what you must do here with the people of Northern Ireland.

Here we lie along the peace line, the wall of steel and stone separating Protestant from Catholic. But today, under the leadership of Pat Dougan, you are bridging the divide, overcoming a legacy of discrimination where fair employment and integration are the watchwords of the future.

On this shop floor men and women of both traditions are working together to achieve common goals. Peace, once a distant dream, is now making a difference in everyday life in this land. Soldiers have left the streets of Belfast; many have gone home. People can go to the pub or the store without the burden of the search or the threat of a bomb. As barriers disappear along the border, families and communities divided for decades are becoming whole once more.

This year in Armagh on St. Patrick's Day, Protestant and Catholic children led the parade together for the first time since The Troubles began. A bystander's words marked the wonder of the occasion when he said, "Even the normal is beginning to seem normal."

The economic rewards of peace are evident as well. Unemployment has fallen here to its lowest level in 14 years, while retail sales and investment are surging. Far from the gleaming city center, to the new shop fronts of Belfast, to the Enterprise Center in East Belfast, business is thriving and opportunities are expanding. With every extra day that the guns are still, business confidence grows stronger and the promise of prosperity grows as well.

As the shroud of terror melts away, Northern Ireland's beauty has been revealed again to all the world—the castles and coasts, the Giants Causeway, the lush green hills, the high white cliffs—a magical backdrop to your greatest asset which I saw all along the way from the airport here today, the warmth and good feeling of your people. Visitors are now coming in record numbers. Indeed, today, the air route between Belfast and London is the second busiest in all of Europe.

I want to honor those whose courage and vision have brought us to this point: Prime Minister Major, Prime Minister Bruton, and before him, Prime Minister Reynolds, laid the background and the basis for this era of reconciliation. From the Downing Street Declaration to the joint framework document, they altered the course of history. Now, just in the last few days, by launching the twin-track initiative, they have opened a promising new gateway to a just and lasting peace. Foreign Minister Spring, Sir Patrick Mayhew, David Trimble and John Hume all have labored to realize the promise of peace. And Gerry Adams, along with Loyalist leaders such as David Irvine and Gary McMichael, helped to silence the guns on the streets and to bring about the first peace in a generation.

But most of all, America salutes all the people of Northern Ireland who have shown the world in concrete ways that here the will for peace is now stronger than the weapons of war. With mixed sporting events encouraging competition on the playing field, not the battlefield; with women's support groups, literacy programs, job training centers that served both communities—these and countless other initiatives bolster the foundations of peace as well.

Last year's cease-fire of the Irish Republican Army, joined by the combined Loyalist Military Command, marked a turning point in the history of Northern Ireland. Now is the time to sustain that momentum and lock in the gains of peace. Neither community wants to go back to the violence of the past. The children told of that today. Both parties must do their part to move this process forward now.

Let me begin by saying that the search for common ground demands the courage of an open mind. This twin-track initiative gives the parties a chance to begin preliminary talks in ways in which all views will be represented and all voices will be heard. It also establishes an international body to address the issue of arms decommissioning. I hope the parties will seize this opportunity. Engaging in honest dialogue is not an act of surrender, it is an act of strength and common sense. (Applause.)

Moving from cease-fire to peace requires dialogue. For 25 years now the history of Northern Ireland has been written in the blood of its children and their parents. The cease-fire turned the page on that history; it must not be allowed to turn back. (Applause.)

There must also be progress away from the negotiating table. Violence has lessened, but it has not disappeared. The leaders of the four main churches recently condemned the so-called punishment beatings and called for an end to such attacks. I add my voice to theirs. (Applause.)

As the church leaders said, this is a time when the utmost efforts on all sides are needed to build a peaceful and confident community in the future. But true peace requires more than a treaty, even more than the absence of violence. Those who have suffered most in the fighting must share fairly in the fruits of renewal. The frustration that gave rise to violence must give way to faith in the future.

The United States will help to secure the tangible benefits of peace. Ours is the first American administration ever to support in the Congress the International Fund for Ireland, which has become an engine for economic development and for reconciliation. We will continue to encourage trade and investment and to help end the cycle of unemployment.

We are proud to support Northern Ireland. You have given America a very great deal. Irish Protestant and Irish Catholic together have added to America's strength. From our battle for independence down to the present day, the Irish have not only fought in our wars, they have built our nation, and we owe you a very great debt. (Applause.)

Let me say that of all the gifts we can offer in return, perhaps the most enduring and the most precious is the example of what is possible when people find unity and strength in their diversity. We know from our own experience even today how hard that is to do. After all, we fought a great Civil War over the issue of race and slavery in which hundreds of thousands of our people were killed.

Today, in one of our counties alone, in Los Angeles, there are over 150 different ethnic and racial groups represented. We know we can become stronger if we bridge our differences. But we learned in our own Civil War that that has to begin with a change of the heart.

I grew up in the American South, in one of the states that tried to break from the American Union. My forebears on my father's side were soldiers in the Confederate Army. I was reading the other day a book about our first governor after the Civil War who fought for the Union Army, and who lost members of his own family. They lived the experience so many of you have lived. When this governor took office and looked out over a sea of his fellow citizens who fought on the other side, he said these words: "We have all done wrong. No one can say his heart is altogether clean and his hands altogether pure. Thus, as we wish to be forgiven, let us forgive those who have sinned against us and ours." That was the beginning of America's reconciliation, and it must be the beginning of Northern Ireland's reconciliation. (Applause.)

It is so much easier to believe that our differences matter more than what we have in common. It is easier, but it is wrong. We all cherish family and faith, work and community. We all strive to live lives that are free and honest and responsible. We all want our children to grow up in a world where their talents are matched by their opportunities. And I believe those values are just as strong in County Londonderry as they are in Londonderry, New Hampshire; in Belfast, Northern Ireland as in Belfast, Maine.

I am proud to be of Ulster Scots stock. I am proud to be, also, of Irish stock. I share these roots with millions and millions of Americans, now over 40 million Americans. And we rejoice at things being various, as Louis MacNeice once wrote. It is one of the things that makes America special.

Because our greatness flows from the wealth of our diversity as well as the strength of the ideals we share in common, we feel bound to support others around the world who seek to bridge their own divides. This is an important part of our country's mission on the eve of the 21st century, because we know that the chain of peace that protects us grows stronger with every new link that is forged.

For the first time in half a century now, we can put our children to bed at night knowing that the nuclear weapons of the former Soviet Union are no longer pointed at those children. In South Africa, the long night of apartheid has given way to a new freedom for all peoples. In the Middle East, Arabs and Israelis are stepping beyond war to peace in an area where many believed peace would never come. In Haiti, a brutal dictatorship has given way to a fragile new democracy. In Europe, the dream of a stable, undivided free continent seems finally within reach as the people of Bosnia have the first real hope for peace since the terrible fighting began there nearly four years ago.

The United States looks forward to working with our allies here in Europe and others to help the people in Bosnia—the Muslims, the Croats, the Serbs—to move beyond their

divisions and their destructions to make the peace agreement they have made a reality in the lives of their people.

Those who work for peace have got to support one another. We know that when leaders stand up for peace, they place their forces on the line, and sometimes their very lives on the line, as we learned so recently in the tragic murder of the brave Prime Minister of Israel. For, just as peace has its pioneers, peace will always have its rivals. Even when children stand up and say what these children said today, there will always be people who, deep down inside, will never be able to give up the past.

Over the last three years I have had the privilege of meeting with and closely listening to both Nationalists and Unionists from Northern Ireland, and I believe that the greatest struggle you face now is not between opposing ideas or opposing interests. The greatest struggle you face is between those who, deep down inside, are inclined to be peacemakers, and those who, deep down inside, cannot yet embrace the cause of peace. Between those who are in the ship of peace and those who are trying to sink it, old habits die hard. There will always be those who define the worth of their lives not by who they are, but by who they aren't; not by what they're for, but by what they are against. They will never escape the dead-end street of violence. But you, the vast majority, Protestant and Catholic alike, must not allow the ship of peace to sink on the rocks of old habits and hard grudges. (Applause.)

You must stand firm against terror. You must say to those who still would use violence for political objectives—you are the past; your day is over. Violence has no place at the table of democracy, and no role in the future of this land. By the same token, you must also be willing to say to those who renounce violence and who do take their own risks for peace that they are entitled to be full participants in the democratic process. Those who show the courage—(applause)—those who do show the courage to break with the past are entitled to their stake in the future.

As leaders for peace become invested in the process, as leaders make compromises and risk the backlash, people begin more and more—I have seen this all over the world—they begin more and more to develop a common interest in each other's success; in standing together rather than standing apart. They realize that the sooner they get to true peace, with all the rewards it brings, the sooner it will be easy to discredit and destroy the forces of destruction.

We will stand with those who take risks for peace, in Northern Ireland and around the world. I pledge that we will do all we can, through the International Fund for Ireland and in many other ways, to ease your load. If you walk down this path continually, you will not walk alone. We are entering an era of possibility unparalleled in all of human history. If you enter that era determined to build a new age of peace, the United States of America will proudly stand with you. (Applause.)

But at the end of the day, as with all free people, your future is for you to decide. Your destiny is for you to determine. Only you can decide between division and unity, between hard lives and high hopes. Only you can create a lasting peace. It takes courage to let go of familiar divisions. It takes faith to walk down a new road. But when we see the bright gaze of these children, we know the risk is worth the reward.

I have been so touched by the thousands of letters I have received from schoolchildren here, telling me what peace means to them. One young girl from Ballymena wrote—and I quote—"It is not easy to forgive and forget, especially for those who have lost a family member or a close friend. However, if people could look to the future with hope instead of the past with fear, we can only be moving in the right direction." I couldn't have said it nearly as well.

I believe you can summon the strength to keep moving forward. After all, you have come so far already. You have braved so many dangers, you have endured so many sacrifices. Surely, there can be no turning back. But peace must be waged with a warrior's resolve—bravely, proudly, and relentlessly—secure in the knowledge of the single, greatest difference between war and peace: In peace, everybody can win. (Applause.)

I was overcome today when I landed in my plane and I drove with Hillary up the highway to come here by the phenomenal beauty of the place and the spirit and the goodwill of the people. Northern Ireland has a chance not only to begin anew, but to be a real inspiration to the rest of the world, a model of progress through tolerance.

Let us join our efforts together as never before to make that dream a reality. Let us join our prayers in this season of peace for a future of peace in this good land.

Thank you very much. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. KERRY. Mr. President, I join in commending President Clinton for his historic visit to Ireland, Northern Ireland, and England.

Those of us who support peace in Northern Ireland watched as the President and First Lady lit the Christmas tree—sent from Tennessee with the help of the Vice President—in front of Belfast's City Hall last Thursday night. Thousands of people—Catholic and Protestant—turned out to celebrate the beginning of the Christmas season and, more importantly, the peace that Northern Ireland has known for more than 15 months.

In his remarks, the President spoke of the historic ties between the people of Northern Ireland and the United States and the bonds we continue to build. Mostly, he and the First Lady spoke of the children of Northern Ireland and their hopes and dreams for a lasting peace. I ask unanimous consent that the remarks of the President and the First Lady may be printed in the RECORD.

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

BELFAST CITY HALL, BELFAST, NORTHERN IRELAND, NOVEMBER 30, 1995

Mrs. CLINTON. Thank you very much, Lord Mayor. And thank all of you. (Applause.) Tonight is a night filled with hope and peace. And for those of us gathered here throughout Northern Ireland and around the world, often it is our children who offer us the clearest and purest reasons why peace and why this peace process is so important.

In a national competition, asking students to share their hopes for a peaceful Northern Ireland in letters to my husband, two students whom you see here tonight, Cathy Harte and Mark Lennox won the top prize. We will be privileged to have them in America at summer camp this coming summer. Tonight it is my privilege to read excerpts from their letters.

This is what Cathy said: "My name is Cathy Harte and I am a 12-year-old Catholic girl. I live in Belfast in Northern Ireland, and I love it here. It's green, it's beautiful, and, well, it's Ireland." (Applause.) "All my life, I have only known guns and bombs with people fighting. Now, it is different. There are no guns and bombs."

Cathy continues: "My dream's for the future, well, I have a lot of them. Hopefully, the peace will be permanent; that one day Catholics and Protestants will be able to walk hand-in-hand and will be able to live in the same areas." (Applause.) "Catholics, Protestants, black or white, it is the person inside that counts." (Applause.) "What I hope," said Cathy, "is that when I have my own children that there will still be peace and that Belfast will be a peaceful place from now on."

Thank you, Cathy. (Applause.)

Mark Lennox is the same age as our daughter, 15. And he explains in his letter the simple hows of achieving peace. And this is what he says: "I am a 15-year-old schoolboy from Glengormley High School. I am very pleased about the chance of permanent peace in Northern Ireland and the chances of living in a secure atmosphere.

"If Northern Ireland is to have a future, then we must all learn to live with each other in a more tolerant way. Also, we must all work hard for peace and make a real effort. We will have to change our ideas and work for change. Change must mean changing our own understanding of each other. We must learn together and know more about our different traditions.

Some people want to destroy peace and the peace process in Northern Ireland." And Mark says, "We must not allow this to happen." (Applause.)

As the Lord Mayor said, in a moment the Christmas tree will be lit as Christmas trees will be lit all over the world in the days to come. This Christmas let us remember the reason behind why we light Christmas trees. Let us remember the reason for this great holiday celebration. And let us remember that we seek peace most of all for our children. May this be one of many, many happy and peaceful Christmases in Northern Ireland this year and for many years to come. (Applause.) And may God keep you and bless you and hold all of you in the palm of His hand. Thank you and God bless you.

(Applause.)

LORD MAYOR. Now, ladies and gentlemen, we have a duty to do tonight. And that is we're going to ask the President to turn the lights on. But you and I have something to do. We have to count down, 10 down to zero. So we want the count, 10, 9—slowly please, so that when the President gets ready I'll give you the okay and then we will have the countdown.

(The Christmas tree is lit.)

The PRESIDENT. Thank you very much. (Applause.) To the Lord Mayor and Lady Mayoress, let me begin by saying to all of you, Hillary and I thank you from the bottom of our hearts for making us feel so very, very welcome in Belfast and Northern Ireland. (Applause.) We thank you, Lord Mayor, for your cooperation and your help in making this trip so successful, and we trust that, for all of you, we haven't inconvenienced you

too much. But this has been a wonderful way for us to begin the Christmas holidays. (Applause.)

Let me also say I understood just what an honor it was to be able to turn on this Christmas tree when I realized the competition. (Laughter.) Now, to become President of the United States you have to undertake some considerable competition. But I have never confronted challengers with the name recognition, the understanding of the media and the ability in the martial arts of the Mighty Morphin Power Rangers. (Applause.)

To all of you whose support enabled me to join you tonight and turn the Christmas tree on, I give you my heartfelt thanks. (Applause.) I know here in Belfast you've been lighting the Christmas tree for more than 20 years. But this year must be especially joyous to you, for you are entering your second Christmas of peace. (Applause.)

As I look down these beautiful streets, I think how wonderful it will be for people to do their holiday shopping without worry of searches or bombs; to visit loved ones on the other side of the border without the burden of checkpoints or roadblocks; to enjoy these magnificent Christmas lights without any fear of violence. Peace has brought real change to your lives.

Across the ocean, the American people are rejoicing with you. We are joined to you by strong ties of community and commerce and culture. Over the years men and women of both traditions have flourished in our country and helped America to flourish.

And today, of course, we are forging new and special bonds. Belfast's sister city in the United States, Nashville, Tennessee, was proud to send this Christmas tree to friends across the Atlantic. I want to thank the most prominent present resident of Nashville, Tennessee, Vice President Al Gore, the Mayor, Phil Bredesen, and the United States Air Force for getting this big tree all the way across the Atlantic to be here with you tonight. (Applause.)

In this 50th anniversary year of the end of World War II, many Americans still remember the warmth the people of Northern Ireland showed them when the army was stationed here under General Eisenhower. The people of Belfast named General Eisenhower an honorary burgess of the city. He viewed that honor, and I quote, "as a token of our common purpose to work together for a better world." That mission endures today. We remain Americans and as people of Northern Ireland, partners for security, partners for prosperity and, most important, partners for peace. (Applause.)

Two years ago, at this very spot, tens of thousands of you took part in a day for peace, as a response to some of the worst violence Northern Ireland had known in recent years. The two morning papers, representing both traditions, sponsored a telephone poll for peace that generated almost 160,000 calls. In the United States, for my fellow Americans who are here, that would be the equivalent of 25 million calls.

The response left no doubt that all across Northern Ireland the desire for peace was becoming a demand. I am honored to announce today that those same two newspapers, the Newsletter and the Irish News, have established the President's Prize, an annual award to those at the grass-roots level who have contributed most to peace and reconciliation. The honorees will travel to the United States to exchange experiences on the issues we share, including community relations and conflict resolution. We have a lot to learn from one another. The President's Prize will underscore that Northern Ireland's two traditions have a common interest in peace.

As you know—and as the First Lady said—I have received thousands of letters from school children all over your remarkable land telling me what peace means to them. They poured in from villages and cities, from Catholic and Protestant communities, from mixed schools, primary schools, from schools for children with special needs. All the letters in their own way were truly wonderful for their honesty, their simple wisdom and their passion. Many of the children showed tremendous pride in their homeland, in its beauty and its true nature. I congratulate the winners. They were wonderful and I loved hearing their letters.

But let me tell you about another couple I received. Eleven-year-old Keith from Carrickfergus wrote: "Please tell everyone in America that we're not always fighting here, and that it's only a small number of people who make the trouble." Like many of the children, Keith did not identify himself as Protestant or Catholic, and did not distinguish between the sources of the violence.

So many children told me of loved ones they have lost, of lives disrupted and opportunities forsaken and families forced to move. Yet, they showed remarkable courage and strength and a commitment to overcome the past. As 14-year-old Sharon of County Armagh wrote: 'Both sides have been hurt. Both sides must forgive."

Despite the extraordinary hardships so many of these children have faced, their letters were full of hope and love and humor. To all of you who took the time to write me, you've brightened my holiday season with your words of faith and courage, and I thank you. To all of you who asked me to do what I could to help peace take root, I pledge you America's support. We will stand with you as you take risks for peace. (Applause.)

And to all of you who have not lost your sense of humor, I say thank you. I got a letter from 13-year-old Ryan from Belfast. Now, Ryan, if you're out in the crowd tonight, here's the answer to your question. No, as far as I know, an alien spacecraft did not crash in Roswell, New Mexico, in 1947. (Laughter.) And, Ryan, if the United States Air Force did recover alien bodies, they didn't tell me about it, either, and I want to know. (Applause.)

Ladies and gentlemen, this day that Hillary and I have had here in Belfast and in Derry and Londonderry County will long be with us—(applause)—as one of the most remarkable days of our lives. I leave you with these thoughts. May the Christmas spirit of peace and goodwill flourish and grow in you. May you remember the words of the Lord Mayor: "This is Christmas. We celebrate the world in a new way because of the birth of Emmanuel; God with us." And when God was with us, he said no words more important than these: "Blessed are the peacemakers, for they shall inherit the Earth." (Applause.)

Merry Christmas, and God bless you all. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. LAUTENBERG. Mr. President, I too would like to congratulate President Clinton on his visit to Ireland and the United Kingdom. His visit reminds us all of the important role that the United States can play, and is playing, in bringing peace around the world.

During his visit, the President visited Derry where he spoke to thousands of people who gathered at the Guild Hall. He also joined the American Ireland Fund and the family of the late Speaker of the House of Representatives in inaugurating the Thomas P. O'Neill Chair for the Study of Peace and Conflict Resolution at Ulster University.

The President also paid tribute to "Ireland's most tireless champion for civil rights and its most eloquent voice of non-violence, John Hume." And he spoke of reconciliation and hope. I am sure he was right when he said that Tip was smiling down on Derry that day.

Mr. President, I ask unanimous consent that the President's addresses in Derry may be printed in the RECORD.

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

REMARKS BY THE PRESIDENT TO THE CITIZENS OF LONDONDERRY, GUILD HALL SQUARE, LONDONDERRY, NORTHERN IRELAND, NOVEMBER 30, 1995

Thank you. (Applause.) Thank you very much. Mr. Mayor, Mrs. Kerr, Mr. and Mrs. Hume, Sir Patrick and Lady Mayhew, and to this remarkable crowd. Let me say—(applause)—there have been many Presidents of the United States who had their roots in this soil. I can see today how lucky I am to be the first President of the United States to come back to this city to say thank you very much. (Applause.)

Hillary and I are proud to be here in the home of Ireland's most tireless champion for civil rights and its most eloquent voice of non-violence, John Hume. (Applause.) I know that at least twice already I have had the honor of hosting John and Pat in Washington. And the last time I saw him I said, you can't come back to Washington one more time until you let me come to Derry. And here I am. (Applause.)

I am delighted to be joined here today by a large number of Americans, including a distinguished delegation of members of our United States Congress who have supported peace and reconciliation here and who have supported economic development through the International Fund for Ireland.

I am also joined today by members of the O'Neill family. (Applause.) Among the last great chieftains of Ireland were the O'Neills of Ulster. But in America, we still have chieftains who are the O'Neills of Boston. They came all the way over here to inaugurate the Tip O'Neill Chair and Peace Studies here at the University of Ulster. (Applause.) This chair will honor the great Irish American and late Speaker of the House of Representatives by furthering his dream of peace in Northern Ireland. And I am honored to be here with his family members today.

All of you know that this city is a very different place from what a visitor like me would have seen just a year and a half ago, before the cease-fire. Crossing the border now is as easy as crossing a speed bump. The soldiers are off the streets. The city walls are open to civilians. There are no more shakedowns as you walk into a store. Daily life has become more ordinary. But this will never be an ordinary city. (Applause.)

I came here because you are making a home for peace to flourish and endure—a local climate responsible this week for the announcement of new business operations

that offer significant new opportunities to you, as well as new hope. Let me applaud also the success of the Inner City Trust and Paddy Doherty who have put people to work rebuilding bombed-out buildings, building new ones, and building up confidence and civic pride. (Applause.)

America's connections to this place go back a long, long time. One of our greatest cities, Philadelphia, was mapped out three centuries ago by a man who was inspired by the layout of the streets behind these walls. His name was William Penn. He was raised a Protestant in Ireland in a military family. He became a warrior and he fought in Ulster. But he turned away from warfare, traded in his armor, converted to the Quaker faith and became a champion of peace.

Imprisoned for his religious views, William Penn wrote one of the greatest defenses of religious tolerance in history. Released from prison, he went to America in the 1680s, a divisive decade here, and founded Pennsylvania, a colony unique in the new world because it was based on the principle of religious tolerance.

Philadelphia quickly became the main port of entry for immigrants from the north of Ireland who made the Protestant and Catholic traditions valuable parts of our treasured traditions in America. Today when he travels to the States, John Hume is fond of reminding us about the phrase that Americans established in Philadelphia as the motto of our nation, "E pluribus unum"—Out of many, one—the belief that back then Quakers and Catholics, Anglicans and Presbyterians could practice their religion, celebrate their culture, honor their traditions and live as neighbors in peace.

In the United States today in just one county, Los Angeles, there are representatives of over 150 different racial, ethnic and religious groups. We are struggling to live out William Penn's vision, and we pray that you will be able to live out that vision as well. (Applause.)

Over the last three years since I have had the privilege to be the President of the United States I have had occasion to meet with Nationalists and to meet with Unionists, and to listen to their sides of the story. I have come to the conclusion that here, as in so many other places in the world—from the Middle East to Bosnia—the divisions that are most important here are not the divisions between opposing views or opposing interests. Those divisions can be reconciled. The deep divisions, the most important ones, are those between the peacemakers and the enemies of peace—those who, deep, deep down inside want peace more than anything, and those who, deep down inside can't bring themselves to reach out for peace. Those who are in the ship of peace and those who would sink it. Those who bravely meet on the bridge of reconciliation, and those who would blow it up.

My friends, everyone in life at some point has to decide what kind of person he or she is going to be. Are you going to be someone who defines yourself in terms of what you are against, or what you are for? Will you be someone who defines yourself in terms of who you aren't, or who you are? The time has come for the peacemakers to triumph in Northern Ireland, and the United States will support them as they do. (Applause.)

The world-renowned playwright from this city, Brian Friel, wrote a play called "Philadelphia, Here I Come." And in a character who is about to immigrate from Ireland thinks back on his past life and says to himself, it's all over. But his alter ego reminds him of his future and replies, and it's about to begin. It's all over and it's about to begin. If only change were that easy.

To leave one way of life behind in search of another takes a strong amount of faith and courage. But the world has seen here over the last 15 months that people from Londonderry County to County Down, from Antrim to Armagh, have made the transition from a time of ever-present fear to a time of fragile peace. The United States applauds the efforts of Prime Minister Major and Prime Minister Bruton who have launched the new twin-track initiative and have opened a process that gives the parties to begin a dialogue in which all views are representative, and all can be heard.

Not far from this spot stands a statue of reconciliation—two figures, ten feet tall, each reaching out a hand toward the other, but neither quite making it across the divide. It is a beautiful and powerful symbol of where many people stand today in this great land. Let it now point people to the handshake of reconciliation. Life cannot be lived with the stillness of statues. Life must go on. The hands must come closer together or drift further apart.

Your great Nobel Prize winning poet, Seamus Heaney, wrote the following words—(applause)—wrote the following words that some of you must know already, but that for me capture this moment. He said: "History says don't hope on this side of the grave, but then, once in a lifetime the longed-for tidal wave of justice can rise up. And hope and history rhyme. So hope for a great sea change on the far side of revenge. Believe that a further shore is reachable from here. Believe in miracles and cures and healing wells."

Well, my friends, I believe. I believe we live in a time of hope and history rhyming. Standing here in front of the Guild Hall, looking out over these historic walls, I see a peaceful city, a safe city, a hopeful city, full of young people that should have a peaceful and prosperous future here where their roots and families are. That is what I see today with you. (Applause.)

And so I ask you to build on the opportunity you have before you; to believe that the future can be better than the past; to work together because you have so much more to gain by working together than by drifting apart. Have the patience to work for a just and lasting peace. Reach for it. The United States will reach with you. The further shore of that peace is within your reach.

Thank you, and God bless you all. (Applause.)

REMARKS BY THE PRESIDENT AT INAUGURATION OF THOMAS P. O'NEILL, CHAIR FOR THE STUDY OF PEACE AND CONFLICT RESOLUTION AT ULSTER UNIVERSITY, MAJOR HALL OF GUILD HALL, LONDONDERRY, NORTHERN IRELAND, NOVEMBER 30, 1995

Mayor and Mrs. Kerr, Sir Patrick and Lady Mayhew, Mr. and Mrs. Hume; to the community and religious leaders who are here and to my fellow Americans who are here, Congressman Walsh and the congressional delegation; Senator Dodd, Senator Mack and others. Let me thank you all for the wonderful reception you have given to Hillary and to me today and, through us, to the people of the United States. And let me thank Tom O'Neill for his incredibly generous remarks. I am honored to be here with him and with his family and with Loretta Brennan Glucksman and the other members of the American Ireland Fund to help inaugurate this Tip O'Neill Chair in Peace Studies.

And thank you, Vice Chancellor Smith, for the degree. You know, I wonder how far it is from a degree to a professorship. (Laughter.) See, I have this job without a lot of tenure, and I'm looking for one with more tenure. (Applause.)

Tip O'Neill was a model for many people he never knew. The model of public service. He proved that a person could be a national leader without losing the common touch, without ever forgetting that all these high-flown speeches we give and all these complex issues we talk about in the end have a real, tangible impact on the lives of ordinary people. And that in any free land, in the end all that really counts are the lives of ordinary people.

He said he was a man of the House, but he was far more. He was fundamentally a man of the people. A bricklayer's son who became the most powerful person in Congress and our nation's most prominent, most loyal champion of ordinary working families.

He loved politics because he loved people, but also because he knew it could make a difference in people's lives. And you have proved here that political decisions by brave people can make a difference in people's lives. Along with Senators Kennedy and Moynihan and former Governor Hugh Carey of New York, he was among the first Irish American politicians to oppose violence in Northern Ireland. And though we miss him sorely, he will long be remembered in the United States and now in Ireland with this O'Neill Chair. It is a fitting tribute to his life and legacy, for he knew that peace had to be nurtured by a deeper understanding among people and greater opportunity for all.

Tip O'Neill was old enough to remember a time when Irish Catholics were actually discriminated against in the United States, and he had the last laugh when they wound up running the place. (Laughter.) In my lifetime—(applause)—I was just thinking that in my conscious political lifetime we've had three Irish Speakers of the House of Representatives: John McCormick and Tip O'Neill of Boston and Tom Foley of Washington State; and, goodness knows how many more we're destined to have.

I am very proud to be here to inaugurate this chair in peace studies. I have been privileged to come here at an important time in your history. I have been privileged to be President at an important time in your history and to do what I could on behalf of the United States to help the peace process go forward.

But the work of peace is really the work of a lifetime. First, you have to put the violence behind you; you have done that. Then, you have to make an agreement that recognizes the differences and the commonalities among you. And this twin-tracks process, I believe is a way at least to begin that process where everyone can be heard.

Then, you have to change the spirit of the people until it is as normal as getting up in the morning and having breakfast, to feel a real affinity for the people who share this land with you without regard to their religion or their politics.

This chair of peace studies can help you to do that. It can be a symbol of the lifetime work of building a peaceful spirit and heart in every citizen of this land.

Our administration has been a strong supporter of the International Fund for Ireland. We will continue to do so because of projects like this one and because of the work still to be done. We were eager to sponsor the conference we had last May, aided by the diligent efforts of our friend, former Senator and Senate Majority Leader George Mitchell who now embarks for you on another historic mission of peace.

I hope very much that Senator Mitchell will succeed. I think the voices I have heard on this trip indicate to me that you want him to succeed, and that you want to succeed.

A lot of incredibly moving things have happened to us today, but I think to me, the most moving were the two children who stood and introduced me this morning in the Mackie Plant in Belfast. They represented all those other children, including children here from Derry who have written me about what peace means to them over the last few weeks.

One young boy said—the young boy who introduced me said that he studied with and played with people who were both Protestant and Catholic and he'd almost gotten to the point where he couldn't tell the difference. (Laughter.) The beautiful young girl who introduced me, that beautiful child, started off by saying what her Daddy did for a living, and then she said she lost her first Daddy in The Troubles. And she thought about it every day, it was the worst day of her life. And she couldn't stand another loss.

The up side and the down side. And those children joined hands to introduce me. I felt almost as if my speech were superfluous. But I know one thing: Tip O'Neill was smiling down on the whole thing today. (Applause.)

The other night I had a chance to go with Hillary to the Ford Theater in Washington, D.C., a wonderful, historic place; it's been there since before our Civil War, and where President Lincoln was assassinated. And I told the people there who come once a year to raise money for it so we can keep it going that we always thought of it as a sad and tragic place, but it was really a place where he came to laugh and escape the cares of our great Civil War. And there, I was thinking that America has always been about three great things, our country: love of liberty, belief in progress, and the struggle for unity.

And the last is in so many ways by far the most difficult. It is a continuing challenge for us to deal with the differences among us, to honestly respect our differences, to stand up where we feel differently about certain things, and still to find that core of common humanity across all the sea of differences which permit us to preserve liberty; to make progress possible and to live up to the deepest truths of our shared human nature.

In the end, that is what this chair is all about. And believe me, we need it everywhere. We need it in the streets of our toughest cities in the United States, where we are attempting to teach our children when they have conflicts, they shouldn't go home and pick up a gun or a knife and hurt each other, they should figure out a way to work through to mutual respect.

We need it in the Middle East, where the Prime Minister of Israel just gave his life to a religious fanatic of his own faith because he dared to make peace and give the children of his country a better future.

We need it in Bosnia, where the leaders have agreed to make peace, but where the people must now purge their heart of the hatred borne of four years of merciless slaughter. We need this everywhere.

So, my friends, I pray not only for your success in making peace, but I pray that through this Chair and through your example, you will become a model for the rest of the world because the world will always need models for peace.

Thank you, and God bless you all. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. DODD. Mr. President, I join my colleagues in congratulating President Clinton on his trip to Northern Ireland, Ireland, and England and I commend him for his continuing contributions to the peace process which have helped silence the guns for more than 15 months.

I was honored to travel with the President on that trip. Not since President Kennedy's visit to Ireland in 1963 have the people of that island so warmly welcomed an American President. It was also the first time that an American President visited Northern Ireland.

On a sunny day in Dublin, a huge crowd turned out to hear the President's address in front of the Bank of Ireland at College Green where he was awarded the Freedom of the City. And later that day he addressed Ireland's Parliament, the Dáil.

Among other things, the President spoke eloquently about the tragedy of the famine 150 years ago and the most bittersweet of blessings which came from it—the arrival in America of Irish immigrants who would help build our country. Today, 44 million Americans claim Irish descent. They are Protestants and Catholics. Many came during the famine and many came before. All want peace in Northern Ireland. As one of those 44 million Irish Americans, I am grateful for the leadership the President has shown in helping to bring peace to that island which means so much to so many of us.

I ask unanimous consent that the President's remarks in Dublin be printed in the RECORD following my remarks.

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

REMARKS BY THE PRESIDENT IN ADDRESS TO THE PEOPLE OF IRELAND, BANK OF IRELAND AT COLLEGE GREEN, DUBLIN, IRELAND, DECEMBER 1, 1995

Thank you very much. (Applause.) First, let me say to all of you Dubliners and all Ireland, Hillary and I have loved our trip to your wonderful country. (Applause.) To the Taoiseach and Mrs. Bruton; Lord Mayor Loftus and Lady Loftus; City Manager Frank Feely; to all the aldermen who conferred this great honor on me.

To the Americans in the audience, welcome to all of you. (Applause.) Are there any Irish in the audience? (Applause.) I want to say also how pleased I am to be here with a number of Irish American members of the United States Congress; and the Irish American Director of the Peace Corps, Mark Gearan; the Irish American Secretary of Education Richard Riley; and the Secretary of Commerce Ron Brown, who wishes today he were Irish American. Thank you all for being here. (Applause.)

I was on this college green once before. Yes. In 1968, when I was almost as young as some of the young students over there. (Applause.) Lord Mayor, I never dreamed I would be back here on this college green in this capacity, but I am delighted to be here. And I thank you. (Applause.)

I am told that in earlier times the honor I have just received, being awarded the Freedom of the City, meant you no longer had to pay tolls to the Vikings. I'm going to try that on the Internal Revenue Service when I get home. I hope it will work. (Laughter.) Whether it does or not, I am proud to say that I am now a free man of Dublin. (Applause.)

To look out into this wonderful sea of Irish faces on this beautiful Irish day I feel like a real "Dub" today—is that what I'm supposed to say? (Applause.) Not only that, I know we have a handy football team. (Laughter.)

Let me say that, as a lot of you know, because of events developing in Bosnia and the prospect of peace there, I had to cut short my trip. But there are a few signs out there I want to respond to. I will return to Ballybunion for my golf game. (Laughter and applause.)

I am also pleased to announce that President Robinson has accepted my invitation to come to the United States next June to continue our friendship. (Applause.)

There's another special Irish-American I want to mention today and that is our distinguished Ambassador to Ireland, Jean Kennedy Smith—(applause)—who came here with her brother, President Kennedy, 32 years ago and who has worked very hard also for the cause of peace in Northern Ireland. (Applause.)

Years ago, Americans learned about Dublin from the stories of James Joyce and Sean O'Casey. Today, America and the world still learn about Dublin and Ireland through the words of Sebastian Barry, Paula Meehan, Roddy Doyle—(applause)—through the films of Jim Sheridan, Neil Jordan; through the voices of Mary Black and the Dolores Keane—(applause)—and yes, through the Cranberries and U-2. (Applause.) I hear all about how America's global—the world's global culture is becoming more American, but I believe if you want to grasp the global culture you need to come to Ireland. (Applause.)

All of you know that I have family ties here. My mother was a Cassidy, and how I wish she were alive to be here with me today. She would have loved the small towns and she would have loved Dublin. Most of all, she would have loved the fact that in Ireland, you have nearly 300 racing days a year. (Laughter.) She loved the horses.

I understand that there are some Cassidys out in the audience today. And if they are, I want to say in my best Arkansas accent, céad míle fáilte—(applause)—béatha saol agus sláinte. (Applause.)

One hundred and fifty years ago, the crops of this gorgeous island turned black in the ground and one-fourth of your people either starved from the hunger or were lost to emigration. That famine was the greatest tragedy in Irish history. But out of that horrible curse came the most bittersweet of blessings—the arrival in my country of millions of new Americans who built the United States and climbed to the top of its best works. For every person here in Ireland today, 12 more in the United States have proud roots in Irish soil. (Applause.)

Perhaps the memory of the famine explains in part the extraordinary generosity of the Irish people, not just to needy neighbors in the local parish, but to strangers all around the globe. You do not forget those who still go hungry in the world today; who yearn simply to put food on the table and

clothes on their backs. In places as far away as the Holy Land, Asia and Africa, the Irish are helping people to build a future of hope.

Your sons and daughters in the Gardai and the defense forces take part in some of the most demanding missions of goodwill, keeping the peace, helping people in war-torn lands turn from conflict to cooperation. Whenever the troubled places of the earth call out for help, from Haiti to Lebanon, the Irish are always among the very first to answer the call.

Your commitment to peace helps conquer foes that threaten us all. And on behalf of the people of the United States, I say to the people of Ireland: We thank you for that from the bottom of our hearts. (Applause.)

Ireland is helping beat back the forces of hatred and destruction all around the world—the spread of weapons of mass destruction, terrorism, ethnic hatreds, religious fanaticism, the international drug trade. Ireland is helping to beat back these forces that wage war against all humanity. You are an inspiration to people around the world. You have made peace heroic. Nowhere are the people of Ireland more important in the cause of peace today than right here at home.

Tuesday night, before I left the United States to come here, I received the happy word that the Taoiseach and Prime Minister Major had opened a gateway to a just and lasting peace, a peace that will lift the lives of your neighbors in Northern Ireland and their neighbors in the towns and counties that share the Northern border. That was the greatest welcome anyone could have asked for. I applaud the Taoiseach for his courage, but I know that the courage and the heart of the Irish people made it possible. And I thank you for what you did. (Applause.)

Waging peace is risky. It takes courage and strength that is a hard road. It is easier, as I said yesterday, to stay with the old grudges and the old habits. But the right thing to do is to reach for a new future of peace—not because peace is a document on paper, or even a handshake among leaders, but because it changes people's lives in fundamental and good ways.

Yesterday in Northern Ireland I saw that for myself. I saw it on the floor of the Mackie Plant in Belfast, with Catholics and Protestants working side by side to build a better future for their families. I heard it in the voices of the two extraordinary children you may have seen on your television, one a Catholic girl, the other a Protestant boy, who introduced me to the people of Belfast with their hands joined, telling the world of their hopes for the future, a future without bullets or bombs, in which the only barriers they face are the limits to their dreams.

As I look out on this sea of people today I tell you that the thing that moved me most in that extraordinary day in Northern Ireland yesterday was that the young people, Catholic and Protestant alike, made it clear to me not only with their words, but by the expressions on their faces that they want peace and decency among all people. (Applause.)

I know well that the immigration from your country to the shores of mine helped to make America great. But I want more than anything for the young people of Ireland, wherever they live on this island, to be able to grow up and live out their dreams close to their roots in peace and honor and freedom and equality. (Applause.)

I could not say it better than your Nobel Prize-winning poet, Seamus Heany, has said: "We are living in a moment where hope and history rhyme." In Dublin, if there is peace in Northern Ireland, it is your victory, too. And I ask all of you to think about the next steps we must take.

Stand with the Taoiseach as he takes risks for peace. Realize how difficult it is for them, having been in their patterns of opposition for so long to the north of you. And realize that those of you who have more emotional and physical space must reach out and help them to take those next hard steps. It is worth doing.

And to you, this vast, wonderful throng of people here, and all of the people of Ireland, I say: America will be with you as you walk the road of peace. We know from our own experience that making peace among people of different cultures is the work of a lifetime. It is a constant challenge to find strength amid diversity, to learn to respect differences instead of run from them. Every one of us must fight the struggle within our own spirit. We have to decide whether we will define our lives primarily based on who we are, or who we are not; based on what we are for, or what we are against. There are always things to be against in life, and we have to stand against the bad things we should stand against.

But the most important thing is that we have more in common with people who appear on the surface to be different from us than most of us know. And we have more to gain by reaching out in the spirit of brotherhood and sisterhood to those people than we can possibly know. That is the challenge the young people of this generation face. (Applause.)

When President Kennedy came here a generation ago and spoke in this city he said that he sincerely believed—and I quote—"that your future is as promising as your past is proud; that your destiny lies not as a peaceful island in a sea of troubles, but as a maker and shaper of world peace."

A generation later Ireland has claimed that destiny. Yours is a more peaceful land in a world that is ever more peaceful in significant measure because of the efforts of the citizens of Ireland. For touching the hearts and minds of peace-loving people in every corner of the world; for the risk you must now continue to take for peace; for inspiring the nations of the world by your example; and for giving so much to make America great, America says, thank you.

Thank you, Ireland, and God bless you all. (Applause.)

REMARKS BY THE PRESIDENT IN ADDRESS TO THE IRISH PARLIAMENT, DÁIL CHAMBER AT LEINSTER HOUSE, DUBLIN, IRELAND, DECEMBER 1, 1995

Mr. Speaker Comhaile, you appear to be someone who can be trusted with the budget. (Laughter and applause.) Such are the vagaries of faith which confront us all. (Laughter and applause.)

To the Taoiseach, the Tánaiste, members of the Dáil and the Seanad, head of the Senate: I'm honored to be joined here, as all of you know, by my wife, members of our Cabinet and members of the United States Congress of both parties—the congressional congregation chaired by Congressman Walsh—they are up there. They got an enormous laugh out of the comments of the Comhaile. (Laughter.) For different reasons they were laughing. (Laughter.)

I thank you for the honor of inviting me here, and I am especially pleased to be here at this moment in your history—before the elected representatives of a strong, confident, democratic Ireland; a nation today playing a greater role in world affairs than ever before.

We live in a time of immense hope and immense possibility; a time captured, I believe, in the wonderful lines of your poet, Seamus Heaney, when he talked of the "longed-for tidal wave of justice can rise up and hope and history rhyme." That is the time in which we live.

It's the world's good fortune that Ireland has become a force for fulfilling that hope and redeeming the possibilities of mankind—a force for good far beyond your numbers. And we are all the better for it.

Today I have traveled from the North where I have seen the difference Ireland's leadership has made for peace there. At the lighting of Belfast's Christmas tree for tens of thousands of people there, in the faces of two communities divided by bitter history, we saw the radiance of optimism born, especially among the young of both communities. In the voices of the Shankill and the Falls, there was a harmony of new hope which we saw. I saw that the people want peace—and they will have it.

George Bernard Shaw, with his wonderful Irish love of irony, said, "Peace is not only better than war, but infinitely more arduous." Well, today, I thank Prime Minister Bruton and former Prime Minister Reynolds and Deputy Prime Minister Spring and Britain's Prime Minister Major, and others, but especially these, for their unfailing dedication to the arduous task of peace.

From the Downing Street Declaration to the historic cease-fire that began 15 months ago, to Tuesday's announcement of the twin-track initiative which will open a dialogue in which all voices can be heard and all viewpoints can be represented, they have taken great risks without hesitation. They've chosen a harder road than the comfortable path of pleasant, present pieties. But what they have done is right. And the children and grandchildren of this generation of Irish will reap the rewards.

Today, I renew America's pledge. Your road is our road. We want to walk it together. We will continue our support—political, financial and moral—to those who take risks for peace. I am proud that our administration was the first to support in the executive budget sent to the Congress the International Fund for Ireland—because we believe that those on both sides of the border who have been denied so much for so long should see that their risks are rewarded with the tangible benefits of peace.

In another context a long time ago, Mr. Yeats reminded us that too long a sacrifice can make a stone of the heart. We must not let the hearts of the young people who yearn for peace turn to stone.

I want to thank you here, not only for the support you've given your leaders in working for peace in Northern Ireland, but for the extraordinary work you have done to wage peace over war all around the world. Almost 1,500 years ago, Ireland stood as a lone beacon of civilization to a continent shrouded in darkness.

It has been said, probably without overstatement, that the Irish, in that dark period, saved civilization. Certainly you saved the records of our civilization—our shared ideas, are shared ideals, our priceless recordings of them.

Now, in our time, when so many nations seek to overcome conflict and barbarism, the light still shines out of Ireland. Since 1958, almost 40 years now, there has never been a single, solitary day that Irish troops did not stand watch for peace on a distant shore. In Lebanon, in Cyprus, in Somalia, in so many other places, more than 41,000 Irish military

and police personnel have served over the years as peacekeepers—an immense contribution for a nation whose Armed Forces today number fewer than 13,000.

I know that during your presidency of the European Union next year, Ireland will help to lead the effort to build security for a stable, strong and free Europe. For all—all you have done, and for your steadfast devotion to peace, I salute the people of Ireland.

Our Nation also has a vital stake in a Europe that is stable, strong and free—something which is now in reach for the first time since nation-states appeared on the continent of Europe so many centuries ago. But we know such a Europe can never be built as long as conflict tears at the heart of the continent in Bosnia. The fire there threatens the emerging democracies of the region and our allies nearby. And it also breaks our heart and violates our conscience.

That is why, now that the parties have committed themselves to peace, we in the United States are determined to help them find the way back from savagery to civility, to end the atrocities and heal the wounds of that terrible war. That is why we are preparing our forces to participate there, not in fighting a war, but in securing a peace rooted in the agreement they have freely made.

Standing here, thinking about the devastation in Bosnia, the long columns of hopeless refugees streaming from their homes, it is impossible not to recall the ravages that were visited on your wonderful country 150 years ago—not by war, of course, but by natural disaster when the crops rotted black in the ground.

Today, still, the Great Famine is seared in the memory of the Irish nation and all caring peoples. The memory of a million dead, nearly two million more forced into exile—these memories will remain forever vivid to all of us whose heritage is rooted here.

But as an American, I must say as I did just a few moments ago in Dublin downtown, that in that tragedy came the supreme gift of the Irish to the United States. The men, women and children who braved the coffin ships when Galway and Mayo emptied; when Kerry and Cork took flight, brought a life and a spirit that has enormously enriched the life of our country.

The regimental banner brought by President Kennedy that hangs in this house reminds us of the nearly 200,000 Irishmen who took up arms in our Civil War. Many of them barely were off the ships when they joined the Union forces. They fought and died at Fredericksburg and Chancellorsville and Gettysburg. Theirs was only the first of countless contributions to our Nation from those who fled the famine. But that contribution enabled us to remain a nation and to be here with you today in partnership for peace for your nation and for the peoples who live on this island.

The Irish have been building America ever since— our cities, our industry, our culture, our public life. I am proud that the delegation that has accompanied me here today includes the latest generation of Irish American leaders in the United States, men and women who remain devoted to increasing our strength and safeguarding our liberty.

In the last century, it was often said that the Irish who fled the great hunger were searching for casleain na n-or—castles of gold. I cannot say that they found those castles of gold in the United States, but I can tell you this— they built a lot of castles of gold for the United States in the prosperity and freedom of our Nation. We are grateful for what they did and for the deep ties to Ireland that they gave us in their sons and daughters.

Now we seek to repay that in some small way—by being a partner with you for peace. We seek somehow to communicate to every single person who lives here that we want for all of your children the right to grow up in an Ireland where this entire island gives every man and woman the right to live up to the fullest of their God-given abilities and gives people the right to live in equality and freedom and dignity.

That is the tide of history. We must make sure that the tide runs strong here, for no people deserve the brightest future more than the Irish.

God bless you and thank you. (Applause.)

PRESIDENT CLINTON'S VISIT TO ENGLAND, NORTHERN IRELAND, AND IRELAND

Mr. PELL. Mr. President, the warm reception President Clinton received last week when he visited Ireland and the United Kingdom was a fitting tribute to his commitment to peace in Northern Ireland.

President Clinton's involvement in the Northern Ireland issue helped bring about the paramilitary cease-fires of 1994 and he continues to impact positively on the efforts for peace there.

On Friday evening, the Irish Government hosted a dinner for President and Mrs. Clinton at Dublin Castle. Irish Prime Minister John Bruton spoke of the President's foreign policy successes, especially his commitment to bringing peace to Northern Ireland. Prime Minister Bruton mentioned in particular United States diplomatic efforts and economic support, including the International Fund for Ireland and the Washington Conference on Investment which the President hosted in May in Washington.

President Clinton commended the Taoiseach for work with Prime Minister Major which led to the recent announcement of the launch of the twin-track process.

I commend to my colleagues the toasts given by the President and Taoiseach and I ask unanimous consent that they be printed in the RECORD.

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

REMARKS BY THE PRESIDENT AND PRIME MINISTER BRUTON IN AN EXCHANGE OF TOASTS, DUBLIN CASTLE, DUBLIN, IRELAND, DECEMBER 1, 1995

Mr. BRUTON. Mr. President, Finola and I heartily welcome you and your wife, Hillary Rodham Clinton, to our country. You have seen for yourselves and felt for yourselves the warmth of the affection and the admiration in which you are held throughout this island. The affection and admiration extends to you personally, to your administration, to the office that you hold, and particularly to the great country that you lead.

We welcome, too, the bipartisan congressional delegation, representing your two great political parties who have come with you to Ireland.

Tonight is for remembering; it's for celebrating and it's for looking ahead. We think of past Presidents of the United States who have visited Ireland—in June 1963, John Fitzgerald Kennedy captivated Ireland as he captivated the world. To us, he was not only a reminder of our past, but a vision of our future. We thank you for sending the late President's sister, Jean Kennedy Smith, to work with us now as your Ambassador. (Applause.)

The late President Richard Nixon visited this country in 1970. And President Ronald Reagan, who visited us in 1984, was, like you, a great friend of this country; a great man whose bravery in publicly acknowledging his illness has given courage, reassurance and consultation to millions across the globe who face the same challenge in their lives.

The ties which bind Ireland and the United States cover all human activity. The story of the Irish in America is the story of America itself. It's a tale of extraordinary success, shown in the presence here tonight of some outstanding Irish Americans. But to the spectacular achievements of the few must be added the lesser triumphs of the many—Irish farmers and builders; policemen and nurses; teachers and firemen, who from Boston to San Francisco have made America what it is today.

In celebrating success let us not forget hardship. This is the 150th anniversary of the Great Famine which drove so many Irish to seek refuge in America, where they found a welcome and an ability to remake their lives through sheer hard work.

As Ireland itself changes, so, too, does its relationship with the United States. The highly educated Irish emigrants of the 1980s and 1990s are helping make America today a stronger and a better place. They moved back and forth between the old world and the new with facility and ease. And many returned here, having worked in the United States, to become part of the young internationally-minded, well-trained work force which, combined with a good tax and investment climate, make Ireland a natural home, a natural base for great United States corporations like Intel, Motorola, Microsoft, and Abbott.

In the 74 years since the treaty of 1921, signed this week 74 years ago, this state of ours, born in fire, has transformed itself into a mature European democracy, secure in its ethos, open to the world and proud of its youth.

American political ideas of liberty, of government based on the consent of the governed and of the separation of powers, have inspired our Irish Constitution. Your Constitution also acknowledges the fact that people do not always agree. Your second President, John Adams, said that "America has been a theater of parties and feuds for nearly 200 years." Judging from your own recent experience, Mr. President, I think you might agree with him. (Laughter.)

But quarrels pass; ideas remain. The use of political power must be based on moral values. As President Jefferson said, "Our interests soundly calculated will ever be found inseparable from our moral duties." Moral duties freely followed are the best compass in personal relations, the best compass in domestic politics, and the best compass in foreign policy.

We admire the achievements of your administration in foreign policy—in Haiti, in the Middle East, and most recently and most notably, in Bosnia. Your country's moral vision has helped bring peace and stability to the world. I know that I speak for all in Ireland when I say thank you from the depth of

my heart for the sustained commitment that you have shown in bringing peace to this country. (Applause.)

At the beginning of your presidency you said that you'd be there for the Irish not just on one day of the year, but every day of the year. You have lived up to that. And so, too, has Vice President Gore, Secretary Christopher, Tony Lake and his staff, and Senator George Mitchell. You and they have given your time and your energies not only to myself and to the Tánaiste, but to many political figures from every side of the divide in Northern Ireland. You've shown balance, as you saw yesterday in Belfast and Derry. You've won respect and confidence right across the divide, across which it is almost impossible to win common respect—the respect that you have won, Mr. President.

And America has backed its words with deeds, as we're seeing in the work of the International Fund for Ireland, and most notably, in the follow-through of your initiative, the Washington Conference on Investment in Ireland.

In Northern Ireland, the key to success and agreement is dialogue. And in dialogue, all must accept those on the other side as they are, not as they might wish them to be. Irish Nationalism is beginning to understand and respect Unionism. Unionists are beginning to understand and respect Nationalism. Both must coexist and must grow together.

The principle of consent is profoundly important. Consent means that the constitutional status of Northern Ireland cannot be changed without the agreement of the people there. But consent also means that the system of government in Northern Ireland must be one to which both communities can agree. In one sense, neither side has a veto. And yet, in another sense, both sides have a veto. So getting agreement isn't going to be easy.

And I believe that we will find in some words of yours, Mr. President, the inspiration that will help us find that illusive agreement. Let us think of all the good that people do on a daily basis—in schools and health care and in business in Northern Ireland. Let us think of the kindness the people there continue to show to one another every day of the week, across the religious divide even at the height of 25 years of trouble. That spirit needs to be reflected in politics.

You said in your inaugural address, "There's nothing wrong with America that cannot be cured by what is right with America." I say there's nothing wrong with Northern Ireland that cannot be cured by what is right with Northern Ireland. There is nothing wrong between North and South on this island that cannot be cured by what is right between North and South on this island. And there's nothing wrong between Britain and Ireland that cannot be cured by what is already right between Britain and Ireland.

While you were still a presidential candidate, in an interview, I believe, to The New York Times in 1992—June, I believe it was—you said, "If you live long enough you'll make mistakes. But if you learn from those, you'll be a better person. It's how you handle adversity, not how it affects you. The main thing is never quit, never quit, never quit." Do you remember saying that? (Applause.)

We will not quit. We will not quit in our search for a balanced, fair and just settlement on this island, and between this island and its neighbors to which all can give equal allegiance.

I'd like to propose a toast—to the President and the people of the United States of America. The President and the people of the United States.

(A toast is offered.) (Applause.)

THE PRESIDENT. To the Taoiseach and Mrs. Bruton, and to all of our hosts. Hillary and I are honored to be here tonight with all of you, and to be here in the company of some of America's greatest Irish Americans, including Senator George Mitchell, who has taken on such a great and difficult task; a bipartisan congressional delegation headed by Congressman Walsh; many members of the Ambassador's family, including Kathleen Kennedy Townsend, Lt. Governor of Maryland; the Mayors of Chicago and Los Angeles; Secretary Riley, the Secretary of Education; Mark Gearan, Director of the Peace Corps. And as I said, we have the Secretary of Commerce, Ron Brown, tonight, who wishes, more than ever before in his life, that he were Irish. (Laughter.) I think he is down deep inside. (Laughter.)

I thank you also for—I see the Mayor of Pittsburgh here—I know I've left out some others—my wonderful step-father, Dick Kelley, who thought it was all right when I got elected President. But when I brought him home to Ireland he knew I had finally arrived. (Laughter and applause.)

You know, the Taoiseach has been not only a good friend to me in our work for peace, but a good friend to the United States. Indeed, he and Finola actually came to Washington, D.C. to celebrate their honeymoon. I think it's fair to say that his honeymoon there lasted longer than mine did. (Laughter and applause.)

I managed to get even with at least one member of Congress—or former member of Congress—when I convinced Senator Mitchell to give into the entreaties of the Taoiseach and the Prime Minister to head this arms decommissioning group. Now, there's an easy job for you. (Laughter.) You know, in Ireland I understand there's a—our American country music is very popular—Garth Brooks said the other day he sold more records in Ireland than any other place in the world outside America. So I told Senator Mitchell today that—he was telling me what a wonderful day we had yesterday in Derry and Belfast, and what a wonderful day we had today in Dublin, and I said, "Yes, now you get to go to work." I said, this reminds me of that great country song, "I Got the Gold Mine and You Got the Shaft." (Laughter and applause.) But if anybody can bring out more gold, George Mitchell can. (Laughter.)

I want to thank the Taoiseach for the courage he showed in working with the Prime Minister of Great Britain, from the day he took office, taking up from his predecessor, Albert Reynolds, right through this remarkable breakthrough that he and Prime Minister Major made on the twin tracks that he helped to forge just two days ago. This is an astonishing development really because it is the first formulation anyone has come up with that permits all views to be heard, all voices to speak, all issues to be dealt with, without requiring people to give up the positions they have taken at the moment. We are very much in your debt.

This has been an experience like none I have ever had before. Yesterday, John Hume, who's joined us, took me home to Derry with him. And I thought to myself—all my life "Danny Boy" has been my favorite song—I never thought I'd get to go there to hear it. But thanks to John, I did.

And then we were before in Belfast. And all of you, I'm sure, were so moved by those two children who introduced me, reading excerpts from the letters. You know, I've got thousands and thousands of letters from Irish children telling me what peace means to them. One thing I am convinced of as I leave here —that there is a global hunger among young people for their parents to put down the madness of war in favor of their childhood. (Applause.)

I received this letter from a teenager right here in Dublin. I thought I would read it to you, to make the point better than I could. This is just an excerpt: "With your help, the chances given to reason and to reasonable people, so that the peace in my country becomes reality. What is lost is impossible to bring back. Children who were killed are gone forever. No one can bring them back. But for all those who survive these sufferings, there is future."

The young person from Dublin who wrote me that was Zlata Filipovic, the young teenager from Bosnia who is now living here, who wrote her wonderful diary that captured the imagination of people all over the world.

I am honored that at this moment in the history of the world the United States has had the great good fortune to stand for the future of children in Ireland, in Bosnia, in the Middle East, in Haiti and on the toughest streets of our own land. And I thank you here in Ireland for taking your stand for those children's future, as well.

Let me say in closing that in this 150th anniversary of the Great Famine, I would like everyone in the world to pay tribute to Ireland for coming out of the famine with perhaps a greater sense of compassion for the fate of people the world over than any other nation. I said today in my speech to the Parliament that there had not been a single, solitary day—not one day—since 1958, when someone representing the government of Ireland was not somewhere in the world trying to aid the cause of peace. I think there is no other nation on Earth that can make that claim.

And as I leave I feel so full of hope for the situation here in Ireland and so much gratitude for you, for what you have given to us. And I leave you with these words, which I found as I was walking out the door from the Ambassador's Residence. The Ambassador made it possible for Hillary and me to spend a few moments this evening with Seamus Heaney and his wife, since I have been running around the country quoting him for two days. (Laughter.) I might say, without his permission. (Laughter.) And he gave Hillary an inscribed copy of his book "The Cure At Troy." And as I skimmed through it, I found these words, with which I leave you:

"Now it's high water mark, and flood tide in the heart and time to go. What's left to say? Suspect too much sweet talk, but never close your mind. It was a fortunate wind that blew me here. I leave half ready to believe that a cripple's trust might walk and the half-true rhyme is love."

Thank you and God bless you. (Applause.)

I thought I had done something for a moment to offend the Taoiseach—he was forcing me on water instead of wine. (Laughter.)

Let me now, on behalf of every American here present, bathed in the generosity and the hospitality of Ireland, offer this toast to the Taoiseach and Mrs. Bruton and to the wonderful people of this great Republic.

(A toast is offered.) (Applause.)

THE TELECOMMUNICATIONS BILL CONFERENCE

Mr. LEAHY. Mr. President, the action of the House Members on the telecommunications bill conference this

morning should send tremors through the Internet community and defenders of the first amendment. They agreed to a provision that would effectively ban constitutionally protected speech on the Internet.

If this amendment becomes law, no longer will Internet users be able to engage in freewheeling discussions in news groups and other areas on the Internet accessible to minors. They will have to limit all language used and topics discussed to that appropriate for kindergarteners, just in case a minor clicks onto the discussion. No literary quotes from racy parts of "Catcher in the Rye" or "Ulysses" will be allowed. Certainly, online discussions of safe sex practices, of birth control methods, and of AIDS prevention methods will be suspect. Any user who crosses the vague and undefined line of "indecency" will be subject to 2 years in jail and fines.

We have already seen the chilling effect that even the prospect of this legislation has had on online service providers. Last week, American On Line deleted the profile of a Vermonter who communicated with fellow breast cancer survivors online. Why? Because, according to AOL, she used the vulgar word "breast". AOL later apologized and indicated it would permit the use of that word where appropriate.

This is a serious misstep by the House Members of the telecommunications bill conference. I urge the full conference to consider the threat this amendment poses to the future growth of the Internet, and reject it.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that November evening in 1972 when I was first 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 about the Federal debt which is slightly in excess of $11 billion shy of $5 trillion—which will be exceeded later 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 the precise size of the Federal debt which, at the close of business yesterday, Tuesday, December 5, stood at $4,988,766,009,862.29 or $18,937.44 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Monday, December 4, 1995—shows an increase of $125,665,418.83. That increase, I'm told, is equivalent to the amount of money needed by 215,311 students to pay their college tuitions for 4 years.

REPORT ON ADMINISTRATION OF EXPORT CONTROLS—MESSAGE FROM THE PRESIDENT—PM 100

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:

In order to take additional steps with respect to the national emergency described and declared in Executive Order No. 12924 of August 19, 1994, and continued on August 15, 1995, necessitated by the expiration of the Export Administration Act on August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) ("the Act"), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the existing procedures for processing export license applications submitted to the Department of Commerce.

The Executive order establishes two basic principles for processing export license applications submitted to the Department of Commerce under the Act and the Regulations, or under any renewal of, or successor to, the Export Administration Act and the Regulations. First, all such license applications must be resolved or referred to me for resolution no later than 90 calendar days after they are submitted to the Department of Commerce. Second, the Departments of State, Defense, and Energy, and the Arms Control and Disarmament Agency will have the authority to review any such license application. In addition, the Executive order sets forth specific procedures including intermediate time frames, for review and resolution of such license applications.

The Executive order is designed to make the licensing process more efficient and transparent for exporters while ensuring that our national security, foreign policy, and nonproliferation interests remain fully protected.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 5, 1995.*

MESSAGES FROM THE HOUSE

At 12 pm., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building."

H.R. 308. An act to provide for the conveyance of certain lands and improvements in Hopewell Township, Pennsylvania, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development.

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the south-eastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the "Bruce R. Thompson United States Courthouse and Federal Building."

H.R. 653. An act to designate the United States courthouse under construction in White Plains, New York, as the Thurgood Marshall United States Courthouse."

H.R. 826. An act to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes.

H.R. 840. An act to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, as the "Walter B. Jones Building and United States Courthouse."

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse."

H.R. 965. An act to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the "Romano L. Mazzoli Federal Building."

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building."

H.R. 2336. An act to amend the Doug Barnard, Jr.—1996 Atlantic Centennial Olympic Games Commemorative Coin Act, and for other purposes.

H.R. 2614. An act to reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the United States Mint to mint and issue platinum and gold bullion coins, and for other purposes.

H.R. 2684. An act to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 255. An act to designate the Federal Justice Building in Miami, Florida, as the "James Lawrence King Federal Justice Building"; to the Committee on the Environment and Public Works.

H.R. 308. An act to provide for the conveyance of certain lands and improvements in

Hopewell Township, Pennsylvania, to a nonprofit organization known as the "Beaver County Corporation for Economic Development" to provide a site for economic development; to the Committee on Governmental Affairs.

H.R. 653. An act to designate the United States courthouse under construction in White Plains, New York, as the "Thurgood Marshall United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 826. An act to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 840. An act to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, as the "Walter B. Jones Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 869. An act to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, as the "Thomas D. Lambros Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 965. An act to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, as the "Romano L. Mazzoli Federal Building"; to the Committee on Environment and Public Works.

H.R. 1804. An act to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, as the "Judge Isaac C. Parker Federal Building"; to the Committee on Environment and Public Works.

H.R. 2336. An act to amend the Doug Barnard, Jr.—1996 Atlantic Centennial Olympic Games Commemorative Coin Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2614. An act to reform the commemorative coin programs of the United States Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the United States Mint to mint and issue platinum and gold bullion coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2684. An act to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 395. An act to designate the United States courthouse and Federal building to be constructed at the south-eastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the "Bruce R. Thompson United States Courthouse and Federal Building."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 665. A bill to control crime by mandatory victim restitution (Rept. No. 104–179).

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. BREAUX:

S. 1450. A bill to provide that certain gaming contracts shall remain in effect, notwithstanding filing for bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1451. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS (for himself, Mr. MCCAIN, and Mr. COATS):

S. 1452. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions; 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. BYRD:

S. Con. Res. 34. A concurrent resolution to authorize the printing of "Vice Presidents of the United States, 1789–1993"; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 1450. A bill to provide that certain gaming contracts shall remain in effect, notwithstanding filing for bankruptcy, and for other purposes; to the Committee on the Judiciary.

THE GAMING CONTRACTS COMPLIANCE ACT

• Mr. BREAUX. Mr. President, today I am introducing legislation that is intended to protect State and local governments from the financial crises caused when a casino declares bankruptcy and shuts down. I believe that gaming corporations should not be allowed to use Federal bankruptcy laws as leverage to gain more concessions from the city and State in which they are operating.

On November 22, 1995, Harrah's casino in New Orleans declared bankruptcy and shut its doors—laying off 2,500 workers and leaving city and State officials facing multimillion-dollar budget shortfalls. As a result, the city may have to lay off as many as 1,000 city workers and substantially curtail city services. It is also estimated that the Louisiana Legislature faces a deficit of between $88.5 and $97.5 million this fiscal year if Harrah's remains closed.

The Gaming Contracts Compliance Act would protect the city of New Orleans and the State of Louisiana, and other cities and State governments in the future, by prohibiting gambling establishments from getting out of their original contracts with city, county (parish), and State governments by declaring bankruptcy. These corporations would be obligated to fulfill the original contracts even as they undergo the reorganization afforded them by bankruptcy protection. Casinos in bankruptcy would be allowed to renegotiate their contracts only if government officials agree.

This legislation would prevent casinos like Harrah's from closing down to force a better deal from State and local governments—all at the expense of local taxpayers and casino workers. State and local officials cannot be left holding an open bag of broken promises given by international gaming operations simply because gambling revenue estimates are off the mark. The welfare of our cities and its citizens must come first.•

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1451. A bill to authorize an agreement between the Secretary of the Interior and a State providing for the continued operation by State employees of national parks in the State during any period in which the National Park Service is unable to maintain the normal level of park operations, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARKS LEGISLATION

Mr. MCCAIN. Mr. President, today, I am pleased to join Senator KYL in introducing legislation to ensure that Grand Canyon National Park and other national park units remain open during Federal budget impasses which result in Government closures.

The bill would authorize the Secretary of the Interior to enter into agreements allowing State and local governments to operate essential park facilities when Federal personnel are furloughed.

As my colleagues are aware, during the recent budget crisis, the Clinton administration decided to shut visitors out of the Grand Canyon and other national parks. This decision hurt countless tourists, many of whom traveled great distances at enormous expense to experience the canyon. And it harmed local businesses that depend upon tourism.

I continue to believe that the decision to close the Grand Canyon was unnecessary. I was interested to note that

the administration did not restrict visitation to national forests or BLM lands, nor to the Mall in Washington—an area administered by the Park Service. Such restrictions, of course, would have been unnecessary, just as shutting visitors out of the Grand Canyon, while politically expedient, was unnecessary.

Nevertheless, I appreciate the willingness of the administration to examine methods of ensuring that such park closure need not occur in the future. Enacting legislation empowering States to operate park units during temporary Federal furloughs, would help us to achieve that end.

Mr. President, my fervent hope is that in the future we can avoid Government shutdowns which penalize not only national park visitors but many others seeking Government services.

However, I trust that my colleagues and the administration will agree, we have an obligation to mitigate the impact on innocent people if and when such crises do occur. In the case of national parks, the State of Arizona and other States as well, are willing to offer their manpower and expertise to avoid the closure of these areas which are so essential to State and local economies. There is no reason the Federal Government should not take them up on that offer, even as we work to make sure that no vital Federal operation is cut off because of the failings of politicians in Washington, DC.

Mr. President, often, our constituents are far better than we at expressing the real-life impact of Government decisions. During the park shutdown I received an open letter from Susan Morely, a constituent of mine from Flagstaff, AZ who relayed a very sad and distressing story about the impact of the closure on her family. She makes the case in favor of this legislation better than anyone else.

I ask unanimous consent that a copy of Susan Morley's letter be printed in the RECORD.

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

To: President Clinton, Members of Congress, Governor Symington, House Speaker Mark Killian, The Media

In 1992, my husband died of cancer at age 41, his dying request was for his ashes to be distributed at Ribbon Falls in the Grand Canyon. This was done shortly after his death.

For the past three years, his brothers and sisters and I and my children have planned a memorial hike so that we could all visit this special site. Family members from Connecticut, New Jersey and California and friends from Washington, D.C. and Arizona came to join us in what was to be an important part of our emotional healing.

Instead, Congress and the President have turned this into an emotional nightmare.

My 13 year old has been crying because she was looking forward to visiting Ribbon Falls with family and friends. How do I explain to her what is happening in Washington?

Family members paid hundreds of dollars for plane tickets, car rentals and hiking gear. People have arranged time off from work. For some, this is their only vacation this year. One teacher had to get special permission from the school superintendent to be here.

We have looked forward to being together as family and friends to celebrate Michael's life in a place he loved, at the bottom of the Grand Canyon.

Instead, we are stranded at the top because the President and our elected representatives in Congress didn't do their jobs.

The Grand Canyon didn't have to close.

American workers didn't have to be furloughed.

Political agendas have brought us to this.

It's time to stop "playing politics" and start running the country.

SUSAN MORLEY,
Flagstaff, Arizona.

Mr. KYL. Mr. President, I rise today to talk about a piece of legislation introduced by Senator MCCAIN and myself. This bill is significant, not only for Arizona, but for every State. It would authorize a cooperative arrangement between the Secretary of the Interior and a State under which State employees would be able to maintain continued operation of national parks in the State during any period in which the National Park Service is unable to. The bill is intended to mitigate the effects of a Government shutdown, or any other situation which could prevent the national parks from continuing normal operations.

The recent Government shutdown affected all of us in various ways. As many of you may have heard on CNN, the administration chose to close the Grand Canyon National Park in Arizona. This was the first time this has happened since the park opened 76 years ago. The closure had very significant and widespread effects, not just for Arizona businesses but for visitors who had come a great distance—some as far as New Zealand—to see this crown jewel of our National Park System.

Governor Symington of Arizona made an offer to assist the National Park Service in keeping the park open. On behalf of the State, he offered to supply the temporary funds and make State personnel available to keep the park functioning and open to visitors. The Department of the Interior refused his offer, citing a number of legal impediments to the State's plan. The purpose of the legislation that Senator MCCAIN and I are introducing today is to overcome these impediments and provide for the legal authorization for the Department and an interested State to enter into an intergovernmental agreement that would allow a State to temporarily assume operations of a national park.

I hope that others will join Senator MCCAIN and myself in sponsoring this legislation.

By Mr. GRAMS (for himself, Mr. MCCAIN, and Mr. COATS):

S. 1452. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions; read the first time.

THE TAXPAYER PROTECTION LOCKBOX ACT

Mr. GRAMS. Mr. President, I rise today to introduce the Taxpayer Protection Lockbox Act. I am pleased to be joined by my good friend and colleague from Arizona, Senator MCCAIN.

Mr. President, in light of what is happening today at the White House—with President Clinton carrying out his threat to veto our plan to balance the Federal budget—this legislation could not be introduced at a more appropriate time.

The American people ought to be disgusted that the President would turn his back on their wishes and veto the Balanced Budget Act of 1995.

After all, the people have called repeatedly on the Federal Government to get its spending under control. The President says he wants to eliminate the wasteful spending, too. Our plan delivers, and yet, our bill is being vetoed.

The people want relief from a Federal tax burden that's consuming 26 percent of their family's monthly income. The President says he wants to provide tax relief too, and even says he supports the child tax credit. Our plan delivers, and yet, our bill is being vetoed.

The people have asked us to reform a welfare system that sucks up tax dollars yet offers few incentives for welfare recipients to move from dependency to independence. The President says he wants welfare reform, too, in fact, he made it a major part of his Presidential campaign. Our plan delivers, and yet, our bill is being vetoed.

Most important, the people are calling on us to balance the Federal budget by the year 2002. The President says he wants a balanced budget, too, and agrees that we can get there in 7 years. Our plan delivers, and yet again, the President is stopping it in its tracks with today's veto.

"I want a budget that includes all of that," says the President—"the spending cuts, tax relief, welfare reform, while it balances in 7 years using honest numbers. I just do not want your budget."

And somehow the President manages to say it with a straight face, even though he has bogged down the budget negotiations by refusing to offer a comprehensive, 7-year plan of his own.

Mr. President, despite all the rhetoric and all the campaign promises, this administration has no real interest in eliminating the Federal deficit and changing the status quo in Washington—they would have to curtail their spending to do it. Today's veto clearly demonstrates the President is

not ready to cut spending. And that has been the pattern in Washington for a very long time—once the Government has gotten its hands on the taxpayers' dollars and squirreled them away into the Federal Treasury, Congress, and the President will spend them.

My legislation, the Taxpayer Protection Lockbox Act, will help ensure that when pork-barrel spending is trimmed from the budget, it is the taxpayers—not the big spenders on Capitol Hill—who will benefit.

For years, Members of Congress have bragged to their constituents about trying to cut the fat out of the Federal budget. Yet as time has passed, Federal spending has gone up, our annual budget deficits have gone up, and the debt we're leaving our children and grandchildren has gone all the way up to $5 trillion.

How can this be? If all of these claims of cutting the budget are right, should spending not go down, not up?

Well, if you are speaking in plain English, it should—a cut means you spend less money this year than you did last year. But in the language of Congress—"Hill-Speak" as some call it—a cut is not necessarily a cut.

For example, under our plan to balance the budget, Medicare spending will grow from $181 billion this year to $277 billion in the year 2002—a 53-percent increase over the next 7 years. But because Medicare will not grow at the uncontrolled rates of the past, those who use Hill-Speak call this increase a "cut."

It does not make much sense, does it? And yet there is more.

Every year, Congress is required to pass the 13 appropriations bills which fund the Federal Government—everything from the National Highway System and NASA to foreign aid and the Postal Service. While many of these programs are important and worthwhile, too many tax dollars are still being used for wasteful pork-barrel projects, which either benefit certain regions of the country at the expense of others, have not been previously authorized by law, or are simply not worth the tax dollars spent on them.

As a member of the Senate pork busters coalition, I have worked to eliminate this wasteful abuse of the taxpayers' hard-earned dollars. For example, during debate on the energy and water appropriations bill, I offered an amendment that would have eliminated $40 million from the Appalachian Regional Commission. I did not believe Minnesota taxpayers should be subsidizing so-called economic assistance to the 13 States, located mostly in the Southeast, which make up the ARC. But due to the program's strong support by Senators whose States benefit from ARC, this amendment was rejected by the Senate.

What is worse about our appropriations system is that even if amendments like mine had passed, these funds are not returned to the Treasury or the taxpayers. Instead, they are placed into a slush fund which can be spent on other programs.

In other words, even when we are successful in passing amendments to cut appropriations spending in these areas, these funds are not used for deficit reduction; they are used for additional spending in other areas. As I said before, only in a place like Washington dominated by Hill-Speak is a cut not necessarily a cut—and the result is a $5 trillion debt for our children and grandchildren.

In an effort to end this abuse of taxpayer dollars and to return honesty to the budget process, the Taxpayer Protection Lockbox Act changes the rules of the budget process to ensure that any funds cut in appropriations bills be dedicated back to the Treasury for the purposes of deficit reduction. By replacing the current Congressional slush fund with a taxpayers' lockbox, my legislation guarantees that when Congress cuts funding for wasteful programs, those dollars are returned to their rightful owners—the taxpayers.

In addition, my legislation creates a new revenue lockbox, which is geared toward our 7-year balanced budget plan.

As we all know, when Congress considers a long-term budget, we take into account economic projections which estimate the amount of tax revenue that will come into the Treasury over the next 7 years. We then use these revenue estimates to determine the extent to which Federal spending can grow without resulting in a budget deficit in the year 2002.

While these estimates by the Congressional Budget Office are generally on the mark, they are, of course, simply estimates. It is likely that even more dollars will come into the Treasury as a result of our balanced budget plan, given the fact that we include tax relief designed to stimulate economic growth, create new jobs and turn tax users into productive taxpayers.

These additional dollars, however, should not be used to feed Congress' appetite for spending; instead, any additional revenue that results from our growth plan should be returned to the taxpayers in the form of additional tax relief. After all, these funds were made available because of the hard work and productivity of the American people; it makes sense to give those dollars back to the taxpayers and encourage even greater productivity, rather than handing them to Washington for more pork-barrel spending.

Even now, we can see the very problem my legislation is designed to address. As part of the budget negotiations, President Clinton has already tried to seize more of the dollars we are returning to the taxpayers in the form of tax cuts, to use them for—you guessed it—more spending.

The bottom line estimates are, the President wants to spend $400 billion more than our Budget Act of 1995 called for—$400 billion more of your money.

Well, the taxpayers cannot afford for us to let him do that today, nor can they afford it in the future. We must ensure that tax dollars are returned to their rightful owners: the taxpayers, not the Government.

And that is just what my revenue lockbox does—it requires that any revenues above and beyond current estimates be used for tax cuts and/or additional deficit reduction. It ensures taxpayers that their hard-earned dollars will no longer be automatically spent by the Government. It ends the misperception that tax dollars belong to the Government, rather than the taxpayers.

Most importantly, it restores honesty to the budget process and ensures that a spending cut is truly a spending cut, even in Washington.

Mr. President, the Taxpayer Protection Lockbox Act earns its name by locking in real deficit reduction, while protecting the American taxpayers when Congress just cannot seem to say "no" on its own. I urge my colleagues to join me in standing up for the taxpayers by supporting this timely legislation.

ADDITIONAL COSPONSORS

S. 413

At the request of Mr. DASCHLE, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from New York [Mr. MOYNIHAN], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1043

At the request of Mr. STEVENS, the name of the Senator from Nevada [Mr. REID] 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. 1146

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1146, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider.

S. 1198

At the request of Mr. COATS, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1198, a bill to amend the Federal Credit Reform Act to improve the budget accuracy of accounting for Federal costs associated with student loans, to phase out the Federal Direct Student Loan Program, to make improvements in the Federal Family Education Loan Program, and for other purposes.

S. 1219

At the request of Mr. MCCAIN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1360

At the request of Mr. BENNETT, the names of the Senator from Florida [Mr. MACK] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1360, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1364

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1364, a bill to reauthorize and amend the Endangered Species Act of 1973, and for other purposes.

S. 1365

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1365, a bill to provide Federal tax incentives to owners of environmentally sensitive lands to enter into conservation easements for the protection of endangered species habitat, and for other purposes.

S. 1366

At the request of Mr. KEMPTHORNE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow a deduction from the gross estate of a decedent in an amount equal to the value of real property subject to an endangered species conservation agreement.

AMENDMENT NO. 3083

At the request of Ms. MOSELEY-BRAUN her name was added as a cosponsor of amendment No. 3083 proposed to H.R. 1833, a bill to amend title 18, United States Code, to ban partial-birth abortions.

At the request of Mrs. BOXER the names of the Senator from Colorado [Mr. BROWN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Washington [Mrs. MURRAY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of amendment No. 3083 proposed to H.R. 1833, supra.

SENATE CONCURRENT RESOLUTION 34—TO AUTHORIZE THE PRINTING OF "VICE PRESIDENTS OF THE UNITED STATES, 1789–1993"

Mr. BYRD submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 34

Whereas the United States Constitution provides that the Vice President of the United States shall serve as President of the Senate; and

Whereas the careers of the 44 Americans who held that post during the years 1789 through 1993 richly illustrate the development of the nation and its government; and

Whereas the vice presidency, traditionally the least understood and most often ignored constitutional office in the Federal Government, deserves wider attention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PRINTING OF THE "VICE PRESIDENTS OF THE UNITED STATES, 1789–1993".

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled "Vice Presidents of the United States, 1789–1993", prepared by the Senate Historical Office under the supervision of the Secretary of the Senate.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,000 copies (750 paper bound and 250 case bound) for the use of the Senate, to be allocated as determined by the Secretary of the Senate; and

(2) a number of copies that does not have a total production and printing cost of more than $11,000.

AMENDMENTS SUBMITTED

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

BROWN AMENDMENT NO. 3084

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions:

On page 2, strike lines 6 through 9, and insert the following:

"(a) Any attending physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

On page 2, line 10 strike "As" and insert "(1) As".

On page 2, between lines 13 and 14, insert the following:

"(2) As used in this section, the term 'attending physician' means, with respect to an individual, the physician whom the individual identifies as having the most significant role in the performance of a partial birth abortion on the individual.

"(3) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity.".

BROWN AMENDMENT NO. 3085

Mr. BROWN proposed an amendment to the bill, H.R. 1833, supra; as follows:

On page 2, line 14, strike "(c)(1) The father," and insert the following: "(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure,".

THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995

McCAIN (AND LEVIN) AMENDMENT NO. 3086

Mr. DOLE (for Mr. McCAIN, for himself and Mr. LEVIN) proposed an amendment to the bill (S. 790) to provide for the modification or elimination of Federal reporting requirements; as follows:

Section 1041(b) of the House amendment is amended by (1) striking paragraph (1), and (2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Section 1102(b)(1)(B) of the House amendment is amended in the quoted matter by (1) striking "reports" and inserting "report", and (2) striking "and section 8152 of title 5, United States Code,".

Section 1121 of the House amendment is amended by striking the matter after subsection (k) and before subsection (l).

Section 2021 of the House amendment is amended in the heading for the section by striking "**ELIMINATED**" and inserting "**MODIFIED**".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10:15 a.m. on Wednesday, December 6, 1995, in open session, to receive testimony on the Bosnian peace agreement, the North Atlantic Council military plan, and the proposed mission for United States military forces deployed with the implementation force [IFOR].

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, December 6, 1995, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business, see attached list.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, December 6, at 9:30 a.m. for a hearing on S. 356, the Language of Government Act of 1995.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, December 6, 1995, to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act, P.L. 101-601. The hearing will take place at 9:30 a.m. in room 485 of the Russell Senate Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a joint hearing with the Committee on Small Business on Small Business and OSHA Reform (S. 1423), during the session of the Senate on Wednesday, December 6, 1995, at 9:30 a.m.

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

COMMITTEE ON SMALL BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for joint hearing with the Committee on Labor and Human Resources on Wednesday, December 6, 1995, at 9:30 a.m., in room 106 of the Dirksen Senate Office Building, to conduct a hearing focusing on OSHA Reform.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, December 6, 1995 at 2 p.m. to hold a closed hearing regarding intelligence matters.

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

ADDITIONAL STATEMENTS

THE GROWING STRENGTH OF DEMOCRACY IN TAIWAN

• Mr. MURKOWSKI. Mr. President, last Saturday we saw once again proof that democracy is alive and well in Taiwan. In free and fair parliamentary elections contested by three leading parties, and with several independent candidates, with some 67 percent participation, and with no unrest or contesting of the results, the people of Taiwan chose their own legislative representatives. By that act, those people once again proved that Taiwan is becoming a mature, democratic state worthy of our admiration.

Let me review here the results of the election. The Kuominatang [KMT] or National Party, which has been ruling Taiwan for many years, won a narrow majority of seats, 85 out of a total of 164, and saw their numbers reduced from 90. The Democratic Progressive Party [DPP], which has been the major opposition group for several years, and which advocates moving toward independence, increased its seats from 50 to 54 seats. The New Party [NP], which advocates a policy of reunification with China, was probably the biggest winner in the polls, increasing its seats from 7 to 21. Finally, a total of four independents won seats in the new legislature.

As is usual following any election, the media pundits are busy analyzing the results and the trends they may or may not indicate. Some papers are saying that the reduction in the KMT's seats and the increase by the NP were the result, in part, of China's attempts to intimidate the Taiwanese over the last few months by testing missiles near Taiwan's shores and making bellicose threats against any attempt to move toward independence. Given what I know about the Taiwanese people, who can be very defiant when challenged, I wonder if this is an accurate analysis. And I certainly hope that the Chinese Government doesn't believe that its tactics of intimidation are going to work.

But no matter what the reason for the result, I think the important point that should be emphasized, as Keith Richburg did in the Washington Post, is that, "Perhaps most remarkable about the elections was that they took place at all. Just 8 years ago, Taiwan was still under martial law. But in 1988 President Lee Teng-Hui launched his quiet revolution to shift Taiwan toward multiparty democracy. Taiwan has emerged as one of Asia's liveliest democracies and the world's freest and most democratic Chinese society."

I'm sure that every analyst will agree with that statement.

So where are we now, Mr. President? In my view, as a result of the election, the KMT will have to take the steps that any Democratic Party would have to take to ensure passage of its program. There will likely be increased maneuvering on votes among the parties as alliances are formed, issue-by-issue, among the three parties. In short, the legislature will have to take into account the will of the people and their elected representatives—a situation which may cause some inefficiencies in the short term, but which will only strengthen Taiwan in the long term as democracy takes firmer hold in that society.

Mr. President, as you know, the next and equally important step in making Taiwan a fully democratized state is a free and fair, multicandidate presidential election. That will take place next march, and it, like the legislative campaign, promises to be very lively.

While President Lee Teng-Hui of the KMT party is favored to win the election at the moment, I'm sure that he and the other candidates will be campaigning very hard over the next month to seek the people's mandate. And that too is a very important matter to keep in mind.

No matter who wins the presidential election, the Taiwanese people will be able to say, next March, that their freely elected President and their freely elected legislature will, for the very first time, have a full and complete mandate.

That in turn will allow the elected leaders to feel confident that the people are behind them as they deal with Taiwan's future and, most important, as they determine their relationship with the People's Republic of China.

Then, and presuming that soon the power struggle in the PRC will be over, it is my hope that both sides will return to a period of reduced tensions and renewed contacts, both economic and political.

In the meantime, it is important for us to take note of positive steps like the Taiwan parliamentary elections which advance the democratization of the world. The people of Taiwan deserve not only our congratulations but also our support as they and their representatives map out their destiny in what we hope will be, in the future, a less volatile and a more peaceful region.•

THE BUDGET AND PUERTO RICO'S NEEDS

• Mr. BREAUX. Mr. President, as the President constructs a 7-year balanced budget plan to present to the Congress, I would like to reiterate my view that Puerto Rico's needs should not be ignored. The program developed by Governor Rosello to apply wage credit incentives to economically developed areas should be considered by the President as he fashions his plan. This would provide an excellent replacement to the termination of section 936.

If no new economic development incentive can be agreed upon this year, Congress can still communicate its intentions to the people of Puerto Rico by pledging to consider a new job creation program at the earliest possible time. As a step toward this commitment, Congress should establish a new section of the code for economic development, and include as an interim measure the 10-year wage credit phase-out passed by the Congress. This technical change, which costs the Federal Treasury nothing, would demonstrate to the American citizens of Puerto Rico that Congress remains committed to its economic development and job creation.•

PATENT PROTECTION UNDER THE GATT

• Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a letter from former Surgeon General Dr. C. Everett Koop.

The letter follows:

NOVEMBER 30, 1995.

Mr. MORTON KONDRACKE,
Executive Editor, Roll Call, Washington, DC.

In your special supplement on the FDA (October 9, 1995), an article appeared concerning patent protection under the General Agreement on Tariffs and Trade (GATT). I am of the firm belief that any action on the part of the U.S. Senate to weaken the hard-fought patent protections of the GATT would imperil the future of intellectual property rights and undermine the research activities of pioneering pharmaceutical companies.

A little-known revolution has taken place in my lifetime. When I started practicing medicine, only a fraction of the drugs that we now take for granted existed. Over the years, I have witnessed great suffering endured by patients and their families that, just a few years later, could have been eased because of the advent of the latest "miracle drug." These breakthrough treatments have brought hope and, in many cases, renewed health to thousands of patients. They are the product of an increasingly important concept: the sanctity of intellectual property.

The right to claim ideas as property allows innovators to invest their time and money bringing those ideas to fruition. It is the basis if our patent system that allowed American ingenuity to prosper throughout the Industrial Age. Today, we are at the dawn of an Information Age and now, more than ever, the rights of intellectual property holders must be protected.

Consider the enormous investment in time, money, and brain power required to bring a single new medicine to patients: 12 years and more than $350 million is the average investment. Only 20% of new compounds tested in a laboratory ever find their way onto pharmacy shelves. Only a third of those ever earns a return on the colossal investment made to discover it.

Though risky and expensive, this process works. The U.S. is the world leader in the development of innovative new medicines. Proceeds from the sales of these medicines support the work and research invested in new successful drugs, as well as the thousands of drugs that never make it out of the lab.

Patent protection makes that investment in research worthwhile—and possible. Recently, patent protection around the world was strengthened and harmonized by the GATT, which required changes that equalized intellectual property protection in all participating countries. These changes are important to encourage the risky, expensive research necessary to provide new medicines to fulfill unmet medical needs.

Now, some generic drug companies are challenging the GATT's advance in intellectual property protection. They are urging Congress to amend the 1948 Hatch-Waxman Act to give them an advantage under the GATT that no other industry enjoys.

A key provision of the Hatch-Waxman Act gives generic drug companies a jump start on marketing by allowing them to use a patented product for development and testing before the patent expires. This special exemption from patent law is not allowed for any other industry. For example, a television manufacturer who wants to market or use its own version of a patented component must wait until the patent expires; otherwise, it risks liability for patent infringement.

In return for these special benefits, the Hatch-Waxman Act requires generic drug companies to wait until the expiration of the research companies' patents before they can begin marketing their drugs. Now, the generic drug industry is asking Congress to give it a special exemption from that restriction as well.

In my opinion, that would be unwise. Treatment discovery has already slowed; we should reverse that process, not ensure it.

While the generic drug industry continues to prosper as a result of the benefits received in the 1984 Act, medical research has continued to become more complex, more costly, and more time consuming, further limiting the effective market life for patented products.

Generic drugs play an important role in helping lower the cost of medicines. But it is the pharmaceutical research industry that discovers and develops those medicines in the first place, investing billions of dollars in research and development that can span decades without any guarantee of success—an investment made possible by our system of patent protection. Preserve protection and you preserve the opportunity for the discovery of future cures and treatments for disease. Undercut that protection, and you undercut America's hope for new and better answers to our health care needs.

Sincerely yours,

C. EVERETT KOOP, M.D.•

PRIVATE SECURITIES LITIGATION REFORM

• Mr. ROTH. Mr. President, complications in my schedule prevented me from casting a vote last night on the conference report to H.R. 1058, the Private Securities Litigation Reform Act of 1995. The report passed by a margin of 65 to 30.

I rise today to indicate my full support for the conference report. This is important legislation, because it provides much-needed reform to the current rules governing private securities litigation, which have led to far too many abusive and costly strike lawsuits. Those suits hurt businesses by hampering the formation of capital and by impairing the orderly working of America's capital markets. This, in turn, hurts all Americans because it places a dangerous drag on the ability of American businesses to create jobs and prosperity. Yet in its scope and effect, the report is appropriately tailored. It addresses the harms caused by frivolous litigation without compromising the ability of plaintiffs who have meritorious claims to be made whole. Moreover, it does not alter the enforcement prerogatives of the Securities and Exchange Commission.

Mr. President, I voted earlier this year in favor of S. 240, the quite similar securities reform bill that the Senate passed in June. Had my schedule permitted, I would have cast my vote last night in favor of the conference report on H.R. 1058. I would like to make it clear today that if President Clinton sees fit to veto the report—an ill-advised step I urge him not to take—I will wholeheartedly support this legislation again in order to override such a veto.•

CAMPAIGN FINANCE REFORM

• Mrs. KASSEBAUM. Mr. President, today I am cosponsoring legislation offered by Senators MCCAIN and FEINGOLD to reform our campaign finance laws. This legislation offers a sensible, bipartisan agreement on steps to change our campaign spending and fundraising laws in ways that I believe are long overdue.

I am aware that there are deep disagreements within the Senate on this issue, and I know there are legitimate concerns about spending limits. However, I have long believed that money should not be the driving force in congressional campaigns.

Mr. President, when I leave the Senate at the end of this term, Kansas will have an open Senate seat for the first time since 1978. Candidates considering this race already are being told that the campaign will cost $2 million or more. In comparison to other, larger States that may seem like a bargain, but the estimates alone impose a high price on our political process.

The simple reality is that many good potential candidates, regardless of party affiliation, take themselves out of the running rather than face the grueling task of raising such huge sums of money. In effect, money has become the first primary election.

Some may applaud that development as a way to screen out candidates who lack commitment or the ability to raise funds. I believe it too often merely screens out candidates who are unwilling to raise and spend large sums of money in order to be elected to public office. Money should not be an unwritten qualification for the Senate, but in fact it is an increasingly critical factor.

The legislation offered by Senator MCCAIN and Senator FEINGOLD does not cure this problem in a perfect and permanent way. The voluntary spending limits set in the bill are just that—voluntary—and can be ignored by candidates who want to spend freely. The incentives for voluntary compliance—free broadcast time, reduced broadcast rates, and reduced mail cost—may be viewed as insufficient and ineffective.

However, Mr. President, I believe this bill offers a workable and realistic framework for changes in the way we finance our campaigns. I know the primary sponsors are open to suggestions and ready to engage in good-faith talks on modifications or changes that might be necessary. However, they believe it is time to move forward with campaign finance reform. I agree with them, and I believe they have offered an excellent starting point for this effort. I applaud their work and ask that I be added as a cosponsor of S. 1219.•

THE BICENTENNIAL ANNIVERSARY OF MARYVILLE, TN

• Mr. FRIST. Mr. President, nestled in shadows of the Great Smoky Mountains, in a setting of unusual and almost idyllic beauty, lies the great city of Maryville, TN. There among grassy hills and rolling farmland, generations of Tennesseeans have lived and worked and raised their families.

It is a place, Mr. President, where family values, community pride, and that distinctive yet intangible quality known as the American spirit still exist, nourished by long tradition and carried on by the countless, quiet everyday heros of American life—neighbors who help neighbors, parents who sacrifice so their children will have a better future, church, and community volunteers who feed the homeless, care for the needy, and nurse the sick. It is a place, Mr. President, where people are proud of their past and optimistic about their future.

In many respects, Mr. President, the citizens of Maryville are not unlike the millions of other Americans who have made our Nation special—unsung heroes who may never realize their own dreams, but are content nevertheless to reinvest those dreams in their children.

This year, Mr. President, as the city of Maryville proudly celebrates its bicentennial year, I wish to pay tribute to those dreams and to that spirit, which not only characterize Maryville's past, but distinguish its citizens up to the present day.

Maryville's early settlers had courage and common sense. They met the crises of their times and lived to see a stronger, better, and more prosperous community. With the strength of heart and mind, they built railways and lumber mills, established churches and schools—always with an eye toward richer community and a better life.

Today, Maryville continues to grow and thrive with new residents and new industry. Its schools are among the best in the land, and in many areas of city government, it is on the cutting edge, developing, and implementing programs to provide its citizens with a safe, modern, and beautiful place to live and visit.

Bernard Baruch once said America has never forgotten the nobler things that brought her into being and that light her path. Those nobler things, Mr. President, live on and prosper in Maryville, TN. Our challenge in government, as Ronald Reagan once said, is to be worthy of them, and to ensure that government helps, not hinders, our way of life.

To all the citizens of Maryville, TN, my heartfelt congratulations and very best wishes for another century of success.•

ESTABLISHMENT OF A NATIONAL BIOETHICS ADVISORY COMMISSION

• Mr. HATFIELD. Mr. President, the President recently announced the creation of a National Bioethics Advisory Commission [NBAC]. Because Congress was in recess when this announcement was made, I would like to take this opportunity to share the good news with my colleagues and to reiterate the importance of this announcement.

There has long been a need for an independent forum for the discussion of bioethical policy issues. In fact, the catalyst for the President's announcement of the creation of the NBAC was the release of a report on human radiation experiments which took place during the cold war. These federally sponsored tests included releasing radioactive substances into the atmosphere near residential populations and injecting pregnant women with radioactive iron to determine its effect on the baby. In many cases, the tests were conducted without the knowledge of the participants. The NBAC will provide a forum for the reevaluation of Federal human research standards to ensure that this never happens again.

There is no question that any experiments conducted with human subjects must be done with full disclosure and a complete examination of the ethical questions involved. But today, research scientists are experimenting with life forms on a more subtle level where the guidelines may not be as patently clear. In their quest to understand the human body and to conquer disease and disability, scientists have turned to the study of the building blocks of living organisms through genetic research and biotechnology.

Genetic research has enormous potential implications for society. For here we are dealing with the very foundations of humanity and nature. Scientists are now able to identify and manipulate gene sequences, and have even begun to create genetically altered life forms. Over the past decade, it has become increasingly apparent that these dramatic advances in biotechnology have outdistanced the legal and ethical parameters that we have in place to deal with them.

Society may reap great benefits from these advances, and other discoveries yet to be made by modern science. But history has taught us that new technologies often bring with them costs as well as benefits. Until now, there has been no mechanism through which to examine the moral and ethical implications of this new technology or to weigh the potential costs to society.

The creation of a National Bioethics Advisory Board is the culmination of many years of efforts to establish such a mechanism. In the 103d Congress, I introduced S. 1042, legislation which would have established a national Biomedical Ethics Advisory Board located within the Department of Health and Human Services. This bill and the two hearings held on this subject last session served to stimulate public dialogue on the need for such a body and established a framework on which the

newly created NBAC was based. The administration, especially Dr. Jack Gibbons, worked closely with me in developing their proposal.

The NBAC will be an independent body comprised of 15 members appointed by the President and are likely to be experts from the fields of philosophy, theology, social and behavioral science, law, medicine, and biological research. They will be charged with reviewing the ethical and moral issues that arise in biomedicine including research involving human subjects, and issues in the management and use of genetic information, including human gene patenting.

The addition of specific language establishing genetic information and gene patenting issues as a priority for the commission was particularly important to me, and one which I strongly encouraged the administration to make. Each year since 1987, I have introduced legislation providing for a moratorium on the patenting of living organisms. I have done so because I firmly believe that it is the responsibility of Congress to carefully consider the broad ramifications of the technologies it encourages through patenting. I believe that this newly created National Bioethics Advisory Commission will provide a suitable structure for evaluating the ethical, environmental, and economic considerations of such patents.

Let me emphasize that no one should construe my vigorous support of this commission as a desire to dampen the drive to discover treatments and cures. I am firmly committed to the advancement of scientific and medical research and have been one of the leading proponents of Federal biomedical research funding in Congress. My desire is simply to ensure that the difficult social and ethical issues surrounding this research are raised and taken into account as public officials struggle to establish appropriate policies and practices relating to biomedicine.

The President should be commended for responding to the critical report on human radiation testing by establishing the NBAC to ensure that the rights of human research subjects are examined and protected in the future. And, by including genetic research and patenting issues, he has ensured that Congress and the administration will be equipped to deal with the profound ethical questions relating to this rapidly advancing field as they arise.

I am proud to have been a part of the effort to make the NBAC a reality and look forward to it serving as a vital link between the scientific community, the Government, and society as we face the difficult ethical questions which accompany our drive to treat and cure disease and disability through biomedical research.●

SECURITIES LITIGATION REFORM ACT

● Mr. BINGAMAN. Mr. President, I was wondering if my friend and colleague from Connecticut, Senator DODD, would yield for a question?

Mr. DODD. I would be glad to respond to a question from the Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator from Connecticut and would ask him if it is his understanding that Section 101(3)(A) relating to sanctions for filing frivolous pleadings is intended to apply the most serious sanction of attorneys' fees and costs for the entire action only to a complaint that substantially violates Rule 11(b)?

Mr. DODD. The Senator from New Mexico is correct that the award of attorneys' fees for the entire action will only be imposed upon a finding that the complaint substantially violates Rule 11(b).

Mr. BINGAMAN. Is it therefore correct to say that for all other pleadings or motions, whether filed by the plaintiff or defendant, that violate Rule 11(b) the sanction would be an award of attorneys' fees for the costs associated with that particular pleading or motion only?

Mr. DODD. The Senator from New Mexico is correct. An award of attorneys' fees for all other pleadings or motions except for the complaint, whether filed by the plaintiff or defendant, would be only for the costs associated with that pleading or motion.

Mr. BINGAMAN. I thank the Senator from Connecticut and have just one more question. Is it the intent of H.R. 1058 that sanctions for the cost of the entire action would apply if the complaint substantially or seriously violates Rule 11(b)?

Mr. DODD. The Senator from New Mexico is correct.

Mr. BINGAMAN. I thank my friend and colleague from Connecticut.●

FEDERAL REPORTS ELIMINATION AND SUNSET ACT

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 790, a bill to provide for the modification or elimination of Federal reporting requirements.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 790) entitled "An Act to provide for the modification or elimination of Federal reporting requirements", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Reports Elimination and Sunset Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

Sec. 1011. Reports eliminated.
Sec. 1012. Reports modified.

Subtitle B—Department of Commerce

Sec. 1021. Reports eliminated.
Sec. 1022. Reports modified.

Subtitle C—Department of Defense

Sec. 1031. Reports eliminated.

Subtitle D—Department of Education

Sec. 1041. Reports eliminated.
Sec. 1042. Reports modified.

Subtitle E—Department of Energy

Sec. 1051. Reports eliminated.
Sec. 1052. Reports modified.

Subtitle F—Department of Health and Human Services

Sec. 1061. Reports eliminated.
Sec. 1062. Reports modified.

Subtitle G—Department of Housing and Urban Development

Sec. 1071. Reports eliminated.
Sec. 1072. Reports modified.

Subtitle H—Department of the Interior

Sec. 1081. Reports eliminated.
Sec. 1082. Reports modified.

Subtitle I—Department of Justice

Sec. 1091. Reports eliminated.

Subtitle J—Department of Labor

Sec. 1101. Reports eliminated.
Sec. 1102. Reports modified.

Subtitle K—Department of State

Sec. 1111. Reports eliminated.
Sec. 1112. International narcotics control.

Subtitle L—Department of Transportation

Sec. 1121. Reports eliminated.
Sec. 1122. Reports modified.

Subtitle M—Department of the Treasury

Sec. 1131. Reports eliminated.
Sec. 1132. Reports modified.

Subtitle N—Department of Veterans Affairs

Sec. 1141. Reports eliminated.

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

Sec. 2011. Reports eliminated.

Subtitle B—Environmental Protection Agency

Sec. 2021. Reports eliminated.

Subtitle C—Equal Employment Opportunity Commission

Sec. 2031. Reports modified.

Subtitle D—Federal Aviation Administration

Sec. 2041. Reports eliminated.

Subtitle E—Federal Communications Commission

Sec. 2051. Reports eliminated.

Subtitle F—Federal Deposit Insurance Corporation

Sec. 2061. Reports eliminated.

Subtitle G—Federal Emergency Management Agency

Sec. 2071. Reports eliminated.

Subtitle H—Federal Retirement Thrift Investment Board

Sec. 2081. Reports eliminated.

Subtitle I—General Services Administration

Sec. 2091. Reports eliminated.

Subtitle J—Interstate Commerce Commission

Sec. 2101. Reports eliminated.

Subtitle K—Legal Services Corporation

Sec. 2111. Reports modified.

Subtitle L—National Aeronautics and Space Administration

Sec. 2121. Reports eliminated.

Subtitle M—National Council on Disability

Sec. 2131. Reports eliminated.

Subtitle N—National Science Foundation

Sec. 2141. Reports eliminated.

Subtitle O—National Transportation Safety Board

Sec. 2151. Reports modified.

Subtitle P—Neighborhood Reinvestment Corporation

Sec. 2161. Reports eliminated.

Subtitle Q—Nuclear Regulatory Commission

Sec. 2171. Reports modified.

Subtitle R—Office of Personnel Management

Sec. 2181. Reports eliminated.

Sec. 2182. Reports modified.

Subtitle S—Office of Thrift Supervision

Sec. 2191. Reports modified.

Subtitle T—Panama Canal Commission

Sec. 2201. Reports eliminated.

Subtitle U—Postal Service

Sec. 2211. Reports modified.

Subtitle V—Railroad Retirement Board

Sec. 2221. Reports modified.

Subtitle W—Thrift Depositor Protection Oversight Board

Sec. 2231. Reports modified.

Subtitle X—United States Information Agency

Sec. 2241. Reports eliminated.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

Sec. 3001. Reports eliminated.

Sec. 3002. Reports modified.

Sec. 3003. Termination of reporting requirements.

TITLE I—DEPARTMENTS

Subtitle A—Department of Agriculture

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking "(a) IMPROVING" and all that follows through "FORECASTS.—"; and

(2) by striking subsection (b).

(c) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed and sections 1559 and 1560 of such Act are redesignated as sections 1558 and 1559, respectively.

(e) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(g) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed and sections 2518 and 2519 of such Act are redesignated as sections 2517 and 2518, respectively.

(i) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

(m) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(n) REPORT ON LAND EXCHANGES IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(o) REPORT ON INCOME AND EXPENDITURES OF CERTAIN LAND ACQUISITIONS.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(p) REPORT ON SPECIAL AREA DESIGNATIONS.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed and sections 1507, 1508, 1509, and 1511 of such Act are redesignated as sections 1506, 1507, 1508, and 1509, respectively.

(q) REPORT ON EVALUATION OF SPECIAL AREA DESIGNATIONS.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(r) REPORT ON AGRICULTURAL PRACTICES AND WATER RESOURCES DATABASE DEVELOPMENT.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "(a) REPOSITORY.—"; and

(2) by striking subsection (b).

(s) REPORT ON PLANT GENOME MAPPING.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(t) REPORT ON APPRAISAL OF PROPOSED BUDGET FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(u) REPORT ON ECONOMIC IMPACT OF ANIMAL DAMAGE ON AQUACULTURE INDUSTRY.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and

(2) by striking paragraph (2).

(v) REPORT ON AWARDS MADE BY THE NATIONAL RESEARCH INITIATIVE AND SPECIAL GRANTS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(w) REPORT ON PAYMENTS MADE UNDER RESEARCH FACILITIES ACT.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(x) REPORT ON FINANCIAL AUDIT REVIEWS OF STATES WITH HIGH FOOD STAMP PARTICIPATION.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking ", and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days".

(y) REPORT ON RURAL TELEPHONE BANK.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

(z) CONFORMING AMENDMENTS.—The table of contents appearing in section 1(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended—

(1) by striking the items relating to sections 1558, 1559, and 1560 and inserting the following:

"Sec. 1558. Sense of Congress concerning rebalancing proposal of the European community.

"Sec. 1559. Sense of the Senate regarding multilateral trade negotations.";

(2) by striking the item relating to section 2513; and

(C) by striking the items relating to sections 2517, 2518, and 2519 and inserting the following:

"Sec. 2517. Establishing quality as a goal for Commodity Credit Corporation programs.

"Sec. 2518. Severability.".

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

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

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).".

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "ANNUAL REPORT" and inserting "REPORT"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(e) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(f) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

(g) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

"(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of each of the following periods:

"(1) The period beginning on the date of the enactment of the Federal Reports Elimination and Sunset Act of 1995 and ending on December 31, 1995.

"(2) Each 10-year period thereafter.".

Subtitle B—Department of Commerce

SEC. 1021. REPORTS ELIMINATED.

(a) REPORT ON LONG RANGE PLAN FOR PUBLIC BROADCASTING.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(b) REPORT ON STATUS, ACTIVITIES, AND EFFECTIVENESS OF UNITED STATES COMMERCIAL CENTERS IN ASIA, LATIN AMERICA, AND AFRICA AND PROGRAM RECOMMENDATIONS.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(c) REPORT ON KUWAIT RECONSTRUCTION CONTRACTS.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(d) REPORT ON UNITED STATES-CANADA FREE-TRADE AGREEMENT.—Section 409(a)(3) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations.".

(e) REPORT ON ESTABLISHMENT OF AMERICAN BUSINESS CENTERS AND ON ACTIVITIES OF THE INDEPENDENT STATES BUSINESS AND AGRICULTURE ADVISORY COUNCIL.—Section 305 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(f) REPORT ON FISHERMAN'S CONTINGENCY FUND REPORT.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(g) REPORT ON USER FEES ON SHIPPERS.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) REPORT ON FEDERAL TRADE PROMOTION STRATEGIC PLAN.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

"(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

"(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

"(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.".

(b) REPORT ON EXPORT POLICY.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out "and" after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

"(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

"(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

"(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.".

Subtitle C—Department of Defense

SEC. 1031. REPORTS ELIMINATED.

(a) REPORT ON SEMATECH.—The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

Subtitle D—Department of Education

SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period.

(b) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a(c)) is amended—

(1) in paragraph (2) by adding at the end "and";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(c) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(d) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking "**AND REPORT**";

(2) in subsection (a), by striking "(a) LOCAL EVALUATION.—"; and

(3) by striking subsection (b).

(e) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(f) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(g) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(h) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(i) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking "and annually submit to the appropriate committees of Congress a report based on such evaluations,".

SEC. 1042. REPORTS MODIFIED.

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking "**REPORT ON**" and inserting "**INFORMATION REGARDING**"; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall collect data for program management and accountability purposes regarding—".

(b) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(c) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(d) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (29 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(e) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.".

Subtitle E—Department of Energy

SEC. 1051. REPORTS ELIMINATED.

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed, and paragraph (5) of that section is redesignated as paragraph (3).

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)) is amended—

(1) by striking paragraph (3);

(2) in paragraph (1) by adding "and" after the semicolon; and

(3) in paragraph (2) by striking "; and" and inserting a period.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEABED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NONPROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed within such period, the Secretary shall report to the Congress in writing within 30 days on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.".

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245) is amended—

(1) by striking subsection (b); and

(2) by striking "(a)".

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

(l) REPORT ON CURRENT STATUS OF COMPREHENSIVE MANAGEMENT FOR NUCLEAR SAFETY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—Section 8(c) of the Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9707(c)) is repealed.

(m) REPORT ON ACTIVITIES OF THE GEOTHERMAL ENERGY COORDINATION AND MANAGEMENT PROJECT.—Section 302(a) of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1162(a)) is repealed.

(n) REPORT ON ACTIVITIES UNDER THE MAGNETIC FUSION ENERGY ENGINEERING ACT OF 1980.—Section 12 of the Magnetic Fusion Energy Engineering Act of 1980 (42 U.S.C. 9311) is repealed.

(o) REPORT ON ACTIVITIES UNDER THE ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1976.—Section 14 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2513) is repealed.

(p) REPORT ON ACTIVITIES UNDER THE METHANE TRANSPORTATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980.—Section 9 of the Methane Transportation Research, Development, and Demonstration Act of 1980 (15 U.S.C. 3808) is repealed.

SEC. 1052. REPORTS MODIFIED.

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after the date of the enactment of this Act and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

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

"(6) the information required under section 133(c).".

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "the date of the enactment of this Act" and inserting "October 24, 1995"; and

(B) by inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter," and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

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

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking ", and annually thereafter".

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting ", as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.".

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.".

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and".

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.".

Subtitle F—Department of Health and Human Services

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substances Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(e) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

"BIANNUAL REPORT

"SEC. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.".

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking "each fiscal year" and inserting "fiscal year 1995, and each second fiscal year thereafter".

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out "annually" and inserting in lieu thereof "biannually".

Subtitle G—Department of Housing and Urban Development

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562 of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "the Secretary of Housing and Urban Development and"; and

(ii) by striking "each", the first place it appears; and

(B) in the second sentence, by striking "involved"; and

(2) in subsection (b)—

(A) by striking "The Secretary of Housing and Urban Development and the" and inserting "The"; and

(B) by striking "each".

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking "**ANNUAL**"; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall no later than December 31, 1995,".

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years),".

Subtitle H—Department of the Interior

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON LEVELS OF THE OGALLALA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(b) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

Subtitle I—Department of Justice

SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(b) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(c) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(d) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(e) MINERAL LEASING ACT.—Section 8B of the Mineral Leasing Act (30 U.S.C. 208–2) is repealed.

(f) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(g) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking ", at least once every 6 months, a report" and inserting ", at such intervals as are appropriate based on significant developments and issues, reports".

(h) REPORT ON FORFEITURE FUND.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

Subtitle J—Department of Labor

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking "annually" and inserting "biennially"; and

(2) by striking "preceding year" and inserting "preceding two years".

(b) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8152 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§8152. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

"8152. Annual report.".

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

Subtitle K—Department of State

SEC. 1111. REPORTS ELIMINATED.

(a) REPORT ON AUDIT OF USE OF FUNDS FOR U.N. HIGH COMMISSIONER FOR REFUGEES.—Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

(b) REPORT ON MATTERS RELATING TO FOREIGN RELATIONS AND SCIENCE AND TECHNOLOGY.—Section 503(b) of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656c(b)) is repealed.

SEC. 1112. INTERNATIONAL NARCOTICS CONTROL.

(a) Section 489A of the Foreign Assistance Act of 1961 (22 U.S.C. 2291l) is repealed.

(b) Section 490A of that Act (22 U.S.C. 2991k) is repealed.

(c) Section 489 of that Act (22 U.S.C. 2291h) is amended:

(1) in the section heading by striking "**FOR FISCAL YEAR 1995**"; and

(2) by striking subsection (c).

(d) Section 490 of that Act (22 U.S.C. 2291j) is amended:

(1) in the section heading by striking "**FOR FISCAL YEAR 1995**"; and

(2) by striking subsection (i).

Subtitle L—Department of Transportation

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(e) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(f) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(g) REPORT ON FEDERAL RAILROAD SAFETY.—(1) Section 20116 of title 49, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 201 of title 49, United States Code, is amended by striking the item relating to section 20116.

(h) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(i) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(j) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(k) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

"(2) For any species determined to be an endangered species or a threatened species under section 4(a), or proposed for listing under section 4(b), prior to the effective date of this section, and for any species for which a final recovery plan has not been published prior to January 1, 1993, the Secretary shall develop and implement a final recovery plan pursuant to the requirements of this section not later than 2 years after the effective date of this section.

"(3) The Secretary shall prepare and publish in the Federal Register a notice of availability of, and request for public comment on, a draft version of any revision of a recovery plan.

"(4) The Secretary shall hold a public hearing on the draft version of each new or revised recovery plan in each county or parish to which the version applies.

"(5) Prior to the decision to adopt a final version of each new or revised recovery plan, the Secretary shall consider all information presented during each hearing held pursuant to paragraph (4) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4). The Secretary shall publish the response of the Secretary to all information presented in such testimony or comments in the final version of the new or revised recovery plan.

"(6) Prior to implementation of a new or revised recovery plan, each affected Federal agency shall consider separately all information presented during each hearing held pursuant to paragraph (5) and received in response to the request for comments contained in the final regulation specified in paragraph (1)(A) or the Federal Register notice specified in paragraph (4).

(l) REPORT ON PIPELINE SAFETY.—Section 60124(a) of title 49, United States Code, is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

Subtitle M—Department of the Treasury

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.".

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out "month" each place it appears and inserting in lieu thereof "calendar quarter".

Subtitle N—Department of Veterans Affairs

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of title 38, United States Code, of is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(c) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (D) as subparagraph (C);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

TITLE II—INDEPENDENT AGENCIES

Subtitle A—Action

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

Subtitle B—Environmental Protection Agency

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)(8)) is amended by striking "Every 6 months after the date of the enactment of this subsection, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation" and inserting "By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure".

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)(3)) is amended by striking "The Administrator shall report annually to the Committee on Public Works and Transportation" and inserting "By January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall report to the Committee on Transportation and Infrastructure".

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (g) as subsections (d) and (e), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking "(a) MONITORING METHODS.—"; and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (e) through (i) as subsections (c) through (g), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle C—Equal Employment Opportunity Commission

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

Subtitle D—Federal Aviation Administration

SEC. 2041. REPORTS ELIMINATED.

The provision that was section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Transportation Inspector General".

Subtitle E—Federal Communications Commission

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

Subtitle F—Federal Deposit Insurance Corporation

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

"(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.".

Subtitle G—Federal Emergency Management Agency

SEC. 2071. REPORTS ELIMINATED.

Section 611(i) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(i)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Subtitle H—Federal Retirement Thrift Investment Board

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.".

Subtitle I—General Services Administration

SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes.", approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

Subtitle J—Interstate Commerce Commission

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.".

Subtitle K—Legal Services Corporation

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

Subtitle L—National Aeronautics and Space Administration

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

"(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND REGIONAL TECHNOLOGY TRANSFER CENTERS.—The National Aeronautics and Space Administration and regional technology transfer centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.".

Subtitle M—National Council on Disability

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

Subtitle N—National Science Foundation

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

Subtitle O—National Transportation Safety Board

SEC. 2151. REPORTS MODIFIED.

Section 1117 of title 49, United States Code, is amended—

(1) in paragraph (2) by adding "and" after the semicolon;

(2) in paragraph (3) by striking out "; and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

Subtitle P—Neighborhood Reinvestment Corporation

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

Subtitle Q—Nuclear Regulatory Commission

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

Subtitle R—Office of Personnel Management

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347(e) of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

Section 1304(e)(6) of title 5, United States Code, is amended by striking out "at least once every three years".

Subtitle S—Office of Thrift Supervision

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out "annually";

(2) by striking out "audit, settlement," and inserting in lieu thereof "settlement"; and

(3) by striking out ", and the first audit" and all that follows through "enacted".

Subtitle T—Panama Canal Commission

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

Subtitle U—Postal Service

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the Mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3005 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

"(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).".

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out "the Board shall transmit such report to the Congress" and inserting in lieu thereof "the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

Subtitle V—Railroad Retirement Board

SEC. 2221. REPORTS MODIFIED.

(a) COMBINATION OF REPORTS.—Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking "On or before July 1, 1985, and each calendar year thereafter" and inserting "As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))".

(b) MODIFICATION OF DATES FOR PROJECTION AND REPORT—Section 22 of the Railroad Retirement Act of 1974 (45 U.S.C. 231u) is amended—

(1) by striking "February 1" and inserting "May 1"; and

(2) by striking "April 1" and inserting "July 1".

Subtitle W—Thrift Depositor Protection Oversight Board

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out "the end of each calendar quarter" and inserting in lieu thereof "June 30 and December 31 of each calendar year".

Subtitle X—United States Information Agency

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

TITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(d) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(e) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(f) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(g) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(h) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.".

SEC. 3003. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2) of this subsection and subsection (d), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual, or other regular periodic report specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 4 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101–576), including provisions enacted by the amendments made by that Act.

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) is the list prepared by the Clerk of the House of Representatives for the first session of the 103d Congress under clause 2 of rule III of the Rules of the House of Representatives (House Document No. 103–7).

(d) SPECIFIC REPORTS EXEMPTED.—Subsection (a)(1) shall not apply to any report required under—

(1) section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n);

(2) section 306 of that Act (22 U.S.C. 2226);

(3) section 489 of that Act (22 U.S.C. 2291h);

(4) section 502B of that Act (22 U.S.C. 2304);

(5) section 634 of that Act (22 U.S.C. 2394);

(6) section 406 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2414a);

(7) section 25 of the Arms Export Control Act (22 U.S.C. 2765);

(8) section 28 of that Act (22 U.S.C. 2768);

(9) section 36 of that Act (22 U.S.C. 2776);

(10) section 6 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3425);

(11) section 104 of the FREEDOM Support Act (22 U.S.C. 5814);

(12) section 508 of that Act (22 U.S.C. 5858);

(13) section 4 of the War Powers Resolution (50 U.S.C. 1543);

(14) section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703);

(15) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(16) section 207 of the International Economic Policy Act of 1972 (Public Law 92–412; 86 Stat. 648);

(17) section 4 of Public Law 93–121 (87 Stat. 448);

(18) section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(19) section 704 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5474);

(20) section 804 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 104 Stat. 72);

(21) section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f);

(22) section 2 of the Act of September 21, 1950 (Chapter 976; 64 Stat. 903);

(23) section 3301 of the Panama Canal Act of 1979 (22 U.S.C. 3871);

(24) section 2202 of the Export Enhancement Act of 1988 (15 U.S.C. 4711);

(25) section 1504 of Public Law 103–160 (10 U.S.C. 402 note);

(26) section 502 of the International Security and Development Coordination Act of 1985 (22 U.S.C. 2349aa–7);

(27) section 23 of the Act of August 1, 1956 (Chapter 841; (22 U.S.C. 2694(2));

(28) section 5(c)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(5));

(29) section 14 of the Export Administration Act of 1979 (50 U.S.C. App. 2413);

(30) section 50 of Public Law 87–297 (22 U.S.C. 2590);

(31) section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a); or

(32) section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469).

AMENDMENT NO. 3086

(Purpose: To make certain technical amendments to the House amendment)

Mr. DOLE. I move that the Senate concur in the House amendment with a further amendment on behalf of Senators MCCAIN and LEVIN. I send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. MCCAIN, for himself and Mr. LEVIN, proposes an amendment numbered 3086.

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

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

The amendment is as follows:

Section 1041(b) of the House amendment is amended by (1) striking paragraph (1), and (2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

Section 1102(b)(1)(B) of the House amendment is amended in the quoted matter by (1) striking "reports" and inserting "report", and (2) striking "and section 8152 of title 5, United States Code,".

Section 1121 of the House amendment is amended by striking the matter after subsection (k) and before subsection (l).

Section 2021 of the House amendment is amended in the heading for the section by striking "ELIMINATED" and inserting "MODIFIED".

Mr. LEVIN. Mr. President, with passage of this bill, today, we are ready to eliminate or modify over 200 statutorily required reports to Congress and to sunset those reports with an annual, semiannual, or other regular periodic requirement, 4 years after the enactment of the bill.

Both the Senate and the House of Representatives have passed the bill in slightly different forms, and I am hopeful that when we send the bill to the House this time, it will be promptly passed and sent to the President for signature. We passed S. 790 on September 12, 1995; the House of Representatives made some minor changes and passed S. 790 on November 14. We have now reviewed the bill and have identified four technical changes that need to be made. These changes would:

Eliminate a mistaken reference in section 1041(b).

Strike an inappropriate section reference in section 1102.

Strike irrelevant material accidentally placed in section 1121.

Change "ELIMINATED" to "MODIFIED" in the heading for section 2021.

The Congressional Budget Office estimates that the enactment of this bill could result in a savings of up to $5 to $10 million, which does not include savings from the reports subject to the sunset provision.

I also want to take this opportunity to express my sincere gratitude to Michael Rhee, formerly of my Oversight Subcommittee staff. Michael served on my staff for 1 year as a Javits Fellow, and he honored well the namesake of his fellowship. Senator Javits would have been proud to have supported a person of the caliber of Michael Rhee. Michael worked tirelessly, meticulously, and doggedly on this legislation, and I can honestly say it would not have happened without him. He was a terrific member of my staff, dedicated to the principles of public service, and we should all be thankful for his commitment and hard work.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. DOLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MEASURE READ FOR FIRST TIME—S. 1452

Mr. DOLE. Mr. President, I understand that S. 1452, introduced today by Senator GRAMS, is at the desk. And I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1452) to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

Mr. DOLE. I now ask for its second reading. And I object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, DECEMBER 7, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. Thursday, December 7; 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, and the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 10:30 a.m., with time between the hours of 9 and 9:30 under the control of Senator MOYNIHAN, 9:30 to 9:45 under the control of Senator DASCHLE or his designee, and the time between the hours of 9:45 and 10:30 under the control of Senator DOLE or his designee; further, at the hour of 10:30 the Senate proceed to the consideration of the conference report to accompany H.R. 2076, the Commerce-State-Justice appropriations bill.

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

PROGRAM

Mr. DOLE. For the information of all Senators, the Senate will begin debate on the Commerce-State-Justice appropriations conference report at 10:30 a.m., Thursday. There is no time agreement on the conference report. It is hoped a vote could occur on adoption of the Commerce-State-Justice appropriations conference report after a reasonable amount of debate. That is estimated to be 2 hours, 3 hours, 4 hours, or 5 hours. I do not think it goes beyond 5 hours, I hope.

But under a previous order, following the disposition of that conference report, the Senate will resume H.R. 1833, the Partial-Birth Abortion Ban Act,

with votes occurring on the Dole and Boxer amendments following 60 minutes of debate.

Senators should also be aware that this evening a cloture motion was filed on the motion to proceed to the constitutional amendment regarding the desecration of the flag, and we can expect a cloture vote on that motion to proceed on Friday, unless we can reach an agreement. I hope we can. I think the bottom of all this is reaching agreement on the State Department reorganization, and three or four other matters, including a number of Ambassadors, the START II Treaty, a vote on the Chemical Weapons Treaty. I understand we are very close to an agreement. I know it has gone on and on and on and on. And I hope we can wrap that up tomorrow morning, vitiate the cloture motion, go ahead and complete action tomorrow evening on the flag amendment.

ORDER FOR ADJOURNMENT

Mr. DOLE. And, finally, Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SMITH.

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

Would the Senator from New Hampshire withhold so the Chair can make an appointment?

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-83, appoints the following individuals to the Commission for the Preservation of America's Heritage Abroad: Rabbi Chaskel Besser of New York, E. William Crotty of Florida, and Ned Bandler of New York.

The Senator from New Hampshire is recognized.

TRIBUTE TO DMITRY VOLKOGONOV

Mr. SMITH. Mr. President, earlier today in Moscow, the world lost a renowned, first-class historian with the highest of morals, Russia lost a key reformer, America lost an ally in the search for the truth about missing American servicemen, and I lost a friend and colleague.

I am speaking of retired Russian Gen. Dmitry Volkogonov who passed away earlier today at the age of 67, following a long battle with cancer.

I first met General Volkogonov in February, 1992, when Senator JOHN KERRY and I traveled to Moscow as the cochairmen of the Senate Select Committee on POW/MIA Affairs.

More than any other person in Russia at the time, General Volkogonov was eager to assist the United States in finding answers about missing American servicemen from the cold war, the Korean war, the Vietnam war, and even World War II. This was a very difficult situation for General Volkogonov because he had to deal with the archives, he had to deal with the KGB, and others who had much information that they would have preferred not to come to the surface. But General Volkogonov bravely pursued it on our behalf.

I will never forget sitting in the general's top-floor office in the Russian Duma in February, 1992, listening to the general detail his preliminary work in Soviet archives on the issue of missing Americans.

It was a cold, winter afternoon in Moscow that day, but as the meeting progressed, the Sun began to shine. In fact, the sunlight was so strong that we literally had to close the blinds in the office. The sunlight was a good sign that day, Mr. President. I knew we were on the right track to seeking answers now that we had found General Volkogonov.

I also knew it would not be long before the Sun began to shine on important information previously tucked away in the darkest corners of the Soviet archives.

Following my first trip to Moscow with Senator KERRY, then-President George Bush and President Yeltsin formally established a Joint Commission on the MIA issue between Russian and the United States. The Russian side was headed by General Volkogonov.

I was happy that Senator KERRY and I were appointed to serve on that Commission, along with Congressmen SAM JOHNSON and PETE PETERSON, both of whom were POW's in Vietnam. During the last 4 years, it was a privilege to work with General Volkogonov, and I was thankful for the opportunities I had to meet with him here in Washington, as well as in Moscow.

Because of the research conducted by General Volkogonov, the United States has received important documentary evidence concerning the fate of unaccounted-for Americans captured or lost in North Vietnam, North Korea, China, and along the borders of the former Soviet Union.

It is the kind of information, Mr. President, that never would have seen the light of day had it not been for General Volkogonov.

He has turned over documents concerning discussions between Joseph Stalin and Chinese officials in 1952 about how many American POW's would be held back during the Korean war. He has also handed over Russian translations of North Vietnamese politburo sessions where it was indicated that more American POW's were secretly being held in North Vietnam than those eventually released.

These documents are both dramatic and disturbing, and it remains for Vietnam, North Korea, and China to fully explain these documents.

I will never forget General Volkogonov sitting in my office telling me that these documents were authentic, and that he would do everything in his power to get them and to get access to them on behalf of the American people. And this is a Russian general.

When these documents were formally turned over to the United States by Russia, General Volkogonov stated—

> It's a delicate issue, but we can't be quiet about it any longer, since it's a humanitarian issue . . . we are talking about men's fates . . . there is no political spin. We want to help the families.

Those were the words of General Volkogonov.

Mr. President, this was obviously a noble cause for the general. America could not have asked for a more committed ally on this issue. He fully understood our joint quest for the truth, and the importance that Americans attached to this inquiry. He had a way of knowing how we felt, how deeply we felt about this issue, specifically our Nation's veterans and the families of our unaccounted for Americans.

When you think of the thousands, if not millions, of people lost in Soviet wars, most of them attributed to Stalin, General Volkogonov took the time to spend looking for these few—compared to the Russian losses—Americans.

General Volkogonov always stood on principle. He took action when he knew it was morally correct to do so. He was not afraid, and he was not deterred. Nothing showed those traits more clearly than when he wrote his books on Stalin and Lenin, based on his archival research, and when he admitted he had been wrong in believing that Soviet-style communism could be more "human and effective" as he put it. Can you imagine the courage of a man who would write something like that?

General Volkogonov was the first Russian general to admit the system had failed—he was the "black sheep" as he put it in an interview earlier this year.

Mr. President, history will judge General Volkogonov very kindly. And historians will owe him a great debt for years to come.

I know both the Russian people and the American people will always be grateful for his enormous contributions. I also hope both our governments understand how important General Volkogonov was in helping to build a bridge of partnership and cooperation between Russia and the United States on these humanitarian issues of missing American servicemen.

I am going to miss my friend, Dmitry Volkogonov, and I know the American people join me in sending our condolences to his wife and two daughters.

Let me conclude by expressing my heartfelt hope that President Yeltsin and the Russian Duma will find someone—it will be difficult—but will find someone to follow in the general's footsteps who is equally committed to disclosing information about unaccounted for American POW's and MIA's.

I can think of no finer tribute to this great man. And let me just say, it would be appropriate, I think, for us to remember him tonight because he is a part of history and he was a great historian. This is what we should have for the historical record for General Volkogonov.

Mr. President, I ask unanimous consent that two obituaries on General Volkogonov from newswire services be printed in the RECORD, and I also ask unanimous consent that the statement by the American chairman of the United States-Russian joint commission, Ambassador Malcolm Toon, be printed in the RECORD.

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

RUSSIAN HISTORIAN VOLKOGONOV DIES AT 67

(By Anatoly Verbin)

MOSCOW, Dec. 6 (Reuter).—General Dmitry Volkogonov, one of the best-known Russian historians of the past decade, died on Wednesday at the age of 67.

Volkogonov was both famed and hated for his revealing works on Vladimir Lenin, Leon Trotsky and Josef Stalin.

The State Duma lower house of parliament stood in silence to pay final tribute to the man who called himself the "black sheep" of the Soviet generals.

He transformed from an orthodox communist standardbearer to a writer triggering the nomenklatura's outrage with books mercilessly stripping away decades of myths about dictator Stalin and Soviet state founder Lenin.

"I was a Leninist and a Marxist for many years until I gradually realised that I and many of my colleagues had been misled," he said in a Reuters interview earlier this year.

"I was not a dissident—I thought the system could be reformed, be made more human and effective, but I was wrong. I was the first general to admit it, a black sheep."

In 1937, when Volkogonov was eight, his father was shot in Stalin's purges and his mother ended up in a labour camp. The young boy's faith in the system was not shaken and he entered the army as an orphan.

He made a perfectly orthodox career in the Soviet Red Army ending with a job as as deputy head of the department responsible for communist indoctrination of troops.

He then become head of the Institute of Military History, which gave him unparalelled access to the nation's top archives. The deeper he delved, the more disillusioned he became.

Volkogonov rose to prominence in 1988 by producing the first Soviet biography of Josef Stalin, which portrayed the dictator as an immoral power-hungry killer.

This was hardly a revelation for Western historians. But it exploded like a bombshell among a people kept in ignorance of their own history for decades.

In 1991, Volkogov and his team produced the first volume of a planned ten-tome official Soviet history of World War Two.

The book, which castigated Stalin for letting himself be outwitted by Hitler, was banned by horrified Soviet Defense Ministry officials.

Volkogonov resigned in protest.

After producing a biography of Soviet rebel-revolutionary Leon Trostky, he tackled what he described as the last bastion—Lenin.

Previous accounts had always been careful to portray the Soviet state's founder as a kindly, wise man whose ideas were subsequently perverted by Stalin.

Volkogonov's biography, based on 3,724 top secret documents, smashed the illusion by unmasking Lenin as ruthless and ready to resort to mass killings to achieve his aims. "Lenin was the anti-Christ, more like the devil . . . All Russia's great troubles stemmed from Lenin," Volkogonov once said.

Volkogonov once served as a military adviser to President Boris Yeltsin. In that capacity, at the end of 1991, he headed a commission which abolished communist party bodies in the armed forces.

Up to his death, he was a co-chairman of a joint Russian-U.S. commission looking into the fates of POWs and missing in action in world War Two, Vietnam and other wars.

DMITRY VOLKOGONOV, MILITARY HISTORIAN AND REFORMER, DEAD AT 67

(By Ntasha Alova)

MOSCOW (AP).—Dmitry Volkogonov, a military historian who helped reveal the truth about Communist Party repression and who headed the Russian-American Commission on missing POWs, has died after a long battle with cancer. He was 67.

Gen. Volkogonov died Tuesday night at a military hospital in Krasnogorsk, outside Moscow, the Interfax news agency reported.

Volkogonov, who as director of the Soviet Defense Ministry's History Museum had extensive access to Soviet military archives, was one of the first historians in Russia to make public the extent of the Communist regime's persecution.

His confirmation that the repression began when the Bolsheviks took power in 1917 and was, in fact, launched by Vladimir Lenin, the Communists' idol, made hardliners revile him and pro-reform forces lionize him.

Volkogonov wrote more than 30 books. Best known are his history works on Lenin, Josef Stalin and Leon Trotsky, written in recent years on the basis of newly opened archive materials.

Born in Siberia in 1928, Volkogonov fell victim to Stalin's repression at an early age, when his father was shot and his mother sent into exile.

Volkogonov joined the Soviet army in 1949 after working as a teacher. He finished a tank school, then made his career as a student and later professor at the Lenin Military-Political Academy for top Soviet army political-propaganda officers.

He later headed the Soviet Defense Ministry's History Museum and conducted archival research there.

Volkogonov met Boris Yeltsin in 1990 when both became members of the Russian parliament, and in 1991 he became security and defense adviser to Yeltsin, then parliamentary speaker. He remained an adviser after Yeltsin became president.

After the 1991 Soviet breakup, Volkogonov presided over a commission charged with creating a Russian defense ministry and armed forces.

When the U.S.-Russia Joint Commission on Prisoners of War and Missing in Action was formed in 1992, Volkogonov became co-chairman, along with Malcolm Toon of the United States.

The commission was charged with determining whether any American servicemen were held on Soviet territory during the Cold War. So far, they have found none.

He also headed a presidential commission charged with finding missing Russian soldiers, including those lost during the war in Chechnya.

In 1993, the retired general was elected to the first post-Soviet parliament on reformer Yegor Gaidar's ticket.

The State Duma, the lower house of parliament. today observed a moment of silence in his honor.

Volkogonov was married, with two daughters.

STATEMENT BY AMBASSADOR MALCOLM TOON, AMERICAN CO-CHAIRMAN OF THE U.S. RUSSIA JOINT COMMISSION

The U.S. side of the U.S. Russia Joint Commission was very saddened to learn of the passing of General-Colonel Antonovich Volkogonov, a fellow soldier for whom we had great respect, which only grew in the three and a half years we worked together. While serving as the Russian co-chairman of the U.S.-Russia Joint Commission on POW/MIA Affairs, General Volkogonov widened the windows of communication with the United States on POW/MIA matters, and was unswerving in his efforts to gain information which would help resolve painful questions about lost American and Soviet service members. Enduring great physical hardship, he nevertheless demonstrated a strength of character so admired by his friends and colleagues. His work will leave an enduring legacy to Russians and to the world alike, and his memory will serve as a beacon to those who continue his efforts. We will miss him.

Mr. SMITH. Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 8:01 p.m., adjourned until Thursday, December 7, 1995, at 9 a.m.