SENATE—*Tuesday, March 14, 1995*

(Legislative day of Monday, March 6, 1995)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Almighty God, ultimate Sovereign of this Nation, gracious Lord of our personal lives, and Providential Guide of this Senate, we dedicate this day to do justly, love mercy, and to walk humbly with You. We are challenged by the realization that the Hebrew meaning of "walk humbly" means "to walk attentively." And so, we commit our minds and hearts to listen attentively to You.

Speak to us so that what we speak may be an echo of Your voice which has sounded in the depth of our receptive souls. In the din of the cacophony of voices demanding our attention and the pressure of the self-seeking forces willfully dominated by self-interest, help us to seek to know and do Your will for what is best for our beloved Nation. Help us to remember that no problem is too small to escape Your concern and no perplexity too great to resist Your solutions. Grant us the greatness of minds tuned to the frequency of the Spirit's guidance. Free us of any tenaciously held positions that may not have been refined by careful listening to You so that our united position together may be that of women and men committed to Your righteousness and justice. So we say with Samuel of old, "Speak Lord, Your servant listens"—I Samuel 3:9. And the same blessing we seek for us this day, we pray for our President, the House of Representatives, the Justices, and all who carry the awesome responsibilities of government in every city and State of our land. Lord God of Hosts be with us yet, lest we forget to listen to You.

In Your holy name, amen.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from South Carolina.

KASSEBAUM AMENDMENT NO. 331

Mr. THURMOND. Mr. President, President Clinton recently issued an Executive order to ban the use of permanent replacement workers during labor disputes involving Government contractors. The Secretary of Labor would have the responsibility to enforce the order by asking Federal agencies to cancel existing contracts, or ban violators from future contracts.

This Executive order is contrary to current law and, therefore, improper. It will deny to Federal contractors a legal right which is available to all other businesses; namely, the right to respond to union economic warfare by hiring permanent replacement workers. This is a fundamental legal right of all employers and should not be eliminated by Executive order.

This administration asserts that the Executive order is simply a procurement policy under the discretion of the President. Yet, Congress has dealt decisively with this issue over the past 4 years by consistently rejecting legislation with the same objective as this order. Furthermore, the right to hire permanent striker replacements has been Federal law for 60 years. Let me repeat that—60 years. Banning the use of permanent replacements by Federal contractors through Executive order is an improper intrusion into the province of the legislative branch of Government.

This Executive order violates the congressional mandate of Federal Government neutrality in labor disputes. Current Federal labor laws are designed to strike a very delicate balance between management and labor. The right to replace strikers is just as much a vital part of that balance as is the right to strike and the right to bargain. This balance has evolved over many years of congressional scrutiny, and this intrusion will change the effectiveness of the law without proper legislative action.

Mr. President, it is a sad day for our Nation whenever one branch of our constitutional form of Government seeks to encroach upon the province of another. The Kassebaum amendment will prohibit the administration from spending any appropriated funds to implement this Executive order. I strongly urge my colleagues to support this amendment and to support cloture.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, may I have a response to the order currently pending from the Chair?

The PRESIDING OFFICER. Under the previous order, the Senator is recognized to speak for up to 30 minutes.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I shall not take that time.

NORTH KOREA

Mr. MURKOWSKI. Mr. President, I would like to speak very briefly on two points, one involving the framework agreement between North Korea, and the other a resolution pending to allow President Li to visit the United States. It is my understanding that the occupant of the chair, Senator THOMAS, also wishes to speak briefly on the matter of President Li's visit to the United States. I would be willing to relieve him from the chair for the period of time for his statement.

If I may proceed, Mr. President, one of the issues I want to bring to the attention of my colleagues that is rather disturbing is associated with the United States and North Korea agreed-to framework on nuclear issues. There is an agreement that has been entered into by the United States directly with the Government of North Korea. As the President will recall, the framework agreement was signed on October 21 and we have so far had some four senatorial committee hearings covering various aspects of the framework agreement. The Foreign Relations Committee has addressed it. The Energy Committee has addressed it. The Armed Services Committee has addressed it, and the Intelligence Committee has addressed it.

In the agreed-to framework, the administration has stressed consistently North Korea's adherence to the terms of that agreement. But I share two specifics with my colleagues concerning recent articles that cast some doubt on North Korea's good faith.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

First, North Korea is conducting vigorous military exercises at this time. In a March 6 Defense News report, it says:

North Korea is conducting its most vigorous winter military exercise in recent years, an event that the U.S. and South Korean officials here attribute, in part, to the U.S. shipments of heavy oil authorized under the October 1994 nuclear package deal with Pyongyang.

Having been in Pyongyang with my colleague, the Senator from Illinois, I think we both find this rather distressing and inconsistent.

I remind my colleagues that the story is referring to the 50,000 tons of oil that was paid for with $4.7 million in Department of Defense emergency funds. Although not intended, the provision of heavy oil to North Korea has the perverse effect of strengthening North Korea's 1-million-man military machine. The story states:

This year's exercises are significant because of the increased air sorties and a surge in the number of armored, mechanized and artillery corps practicing joint warfare operations.

I further point out in the March 6 Defense News the following:

Although U.S. oil is not used directly to fuel military maneuvers, the influx of heavy oil into the country has allowed North Korea to divert other types of fuel reserves from domestic to military use.

We were assured, Mr. President, by the administration that this would not happen. Well, it has happened. What is our response? Well, the United States response is to cancel our winter "team spirit" military exercises with South Korea. I find that very inconsistent. What are we following it up with? The preparation to send 100,000 tons of additional oil in October, without safeguards.

The second report is that North Korea is not fully cooperating with the International Atomic Energy Agency. The March 2 Nucleonics Week reported:

Pyongyang categorically refuses to allow the IAEA to reconstruct the history of fissile materials production at its Yongbyong complex.

The report of Nucleonics Week points out that Pyongyang's refusal to grant access could cause irreparable damage. The North Korean position is that the IAEA will have access to the inside of the reprocessing plant on or after a 5-year period. But IAEA officials report that access to the inside of the plant before then is paramount. The IAEA doesn't know right now what is going on inside the plant, if there is any plutonium separation, or if there are any materials being moved around.

The second story illustrates the problems with the agreed-to framework. We should have had a broader agreement that addressed other issues of concern—such as North Korea Army activities; should have demanded access to the two suspected wastesites, complete and total access to past, current, and future nuclear activities—something we demand from all other nations that are a party to the nuclear proliferation agreement.

We asked South Africa to come clean and they did, but the North Koreans have not. We have left the North Koreans, in the opinion of the Senator from Alaska, with too many cards in their hands.

I have sponsored two specific resolutions, one that is being taken up by the Foreign Relations Committee next week, requiring that we show progress on the framework agreement, and one that was accepted last week on the defense appropriations stating that no further funding could take place without the administration coming to Congress for approval.

RESOLUTION ALLOWING PRESIDENT LI TO VISIT THE UNITED STATES

Mr. MURKOWSKI. Mr. President, I rise to discuss a concurrent resolution expressing the sense of the Senate that the President of Taiwan, Li Teng-hui, be allowed to visit the United States.

We submitted this concurrent resolution, Senate Concurrent Resolution 9, last week. We had 36 bipartisan cosponsors, some 11 or 12 Democrats, and 24 or 25 Republicans.

Specifically, the concurrent resolution calls on President Clinton to allow President Li to come to the United States on a private visit, as opposed to an official state visit. An identical concurrent resolution, House Concurrent Resolution 33, has been submitted in the House by Congressmen LANTOS, SOLOMON, and TORRICELLI.

Why should we simply let the People's Republic of China, our friends in China, dictate to us who can visit our country? The current State Department policy of saying that allowing Li to visit would upset relations with the People's Republic of China offends the Senator from Alaska. I think Taiwan has made great strides toward achieving some of the goals that we have achieved in our democracy, such as ending martial law, free and fair elections, a vocal press, and in human rights great advancements have taken place.

Taiwan is a friendly, democratic, stable, prosperous country and the 5th largest trading partner of the United States and the world's 13th, I might add. They buy twice as much from the United States as from the People's Republic of China. The largest foreign reserves per capita, and contribute to international causes. They are good international citizens.

But the United States continues to give a cold shoulder to the leader of Taiwan. That leader, I might add, is going to run in a reelection effort. It is the first time they have had free and open elections. Last May, in Hawaii, the State Department refused to allow President Li to visit overnight while his plane refueled, and they indicated they would not allow a private visit. The rationale for that was that the President was going on to Central America and his plane had to land for refueling. I think it was the worst type of hospitality evidenced by the State Department in some time. We know that the People's Republic of China is going to bellow about everything we do regarding Taiwan—United States pressures at the United Nations on human rights, World Trade Organization membership, and anything we do for Taiwan is raised as an issue by the People's Republic of China. But, in the end, they will make the same calculation about when to risk offending us on the U.S. market.

I think that the precedent exists for President Li to visit the United States. Consider for a moment, Mr. President, that we have welcomed other unofficial leaders to the United States, such as Dalai Lama, who called on Vice President GORE—over the objections of the People's Republic of China. Yasser Arafat came to the White House ceremony; he was once considered a terrorist. Gerry Adams has been granted numerous visas over British objections.

In each case, the administration made direct choices to allow a visit to advance America's goals. Li's visit would do the same thing. United States-ROC Economic Counsel Conference will hold a meeting in Anchorage, AK. Visiting there would not be a political statement. We are almost another country, in the sense that we are a little out there in the western northern part of the hemisphere, if you will.

What they are asking for here is for Li to visit his alma mater, Cornell University in New York. They would like him to come up in the spring and give an address to the students and faculty. I call on the administration to allow these events.

I remind my colleagues, as we address the friction between Taiwan and China, that there are two organizations—one, the mainland People's Republic of China, and one in Taiwan. They meet regularly and discuss hijackings and commercial and trade activities—everything but politics. Chinese business men and women are probably the best in the world. They recognize that it is necessary that they maintain a dialog, and now we are seeing the opening up of some of the southern ports of China with direct shipment of goods originating in Taiwan. They will not have to go through Hong Kong anymore. So as we look at a stagnant relationship with Taiwan, clearly there is a dialog developing between Taiwan and the People's Republic of China. It is time that we allowed President Li to visit this country.

Mr. President, that concludes my remarks. I see my friend from Illinois on

the floor seeking recognition. I had the pleasure of accompanying him on a recent trip to North Korea and to China, as well. I am sure he has some observations.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

TAIWAN

Mr. SIMON. Mr. President, let me speak briefly on both the Taiwan situation and the North Korean situation.

I am pleased to cosponsor the concurrent resolution of Senator MURKOWSKI. I commend him for his leadership on this.

We ought to maintain a good relationship, if possible, with the People's Republic of China, but they should not be permitted to veto our standing up for human rights.

Senator MURKOWSKI mentioned that when President Lee landed in Hawaii at a military base on his way to Costa Rica, he was not permitted to stay overnight. The base commander was not permitted to come out and greet him.

Is this the President of a dictatorship? We treat dictators better than we treat the freely elected President of Taiwan. Taiwan is doing everything that we say a country should do—free press, a multiparty system, holding elections—and yet we treat them as a pariah. We treat them as they used to treat people with leprosy.

It is very interesting what happened in Germany. There were two Germanys, and we recognized both Governments. Neither Government was particularly happy that we did it, but it did not prevent the two Germanys from coming together. And that should be our attitude toward Taiwan.

I realize that right now formal recognition is not going to be in the cards for Taiwan. But, at the very least, we ought to say to the President of Taiwan, President Lee, who wants to come over to go to his school reunion at Cornell, who was not permitted to do that last time, that he should be able to come to his school reunion at Cornell.

There is also a meeting on United States-Republic of China economic relations. He would like to combine the two. Why should he not be permitted to come and attend those?

As one Senator, I think our conduct toward Taiwan has, frankly, been an embarrassment. If the People's Republic of China squeals some because we show some deference to the leadership of Taiwan, I think we just have to understand that is going to be part of the process.

NORTH KOREA

Mr. SIMON. Mr. President, let me comment also on the North Korean situation.

When Senator MURKOWSKI and I were in North Korea in December, we landed with the first official American plane to land in North Korea since the Korean war. It is important that both the United States and North Korea live up to our agreements.

The situation in Korea is the most volatile anywhere in the world where there are American troops. We have 36,000 to 37,000 American troops just south of the border in Korea. You have about 1 million troops in total facing each other with no communication. Even in the situation with Pakistan and India, there is communication between the two Governments. There is no communication between North Korea and South Korea.

North Korea is unlike any other government on the face of the Earth right now. It is a very tightly controlled dictatorship. The radio stations only have one station. The television stations only have one station. It is like Albania must have been back in the old days of communism.

I think it is important that the United States assist—while making clear to South Korea that we are going to be loyal to our friends there—in communication between the two countries.

Thanks to President Carter, a meeting had been set up between the President of South Korea and Kim Il-song, the leader of North Korea. Then he died fairly suddenly back in July of last year, and that did not happen.

Senator MURKOWSKI and I are working on the possibility of getting some North Korean and South Korean Parliamentarians together, some kind of minimal contact, so that there is some understanding between the two sides, so that what happens on the other side in both cases is not viewed with paranoia.

I would add, I think it is extremely important that North Korea permit South Korea to build the nuclear plants that we talked about. That was the understanding in the agreement that we had with North Korea and they should not back down on that agreement.

I hope we can be of some assistance to North Korea, which feels very isolated now. It is isolated. It has to make this transition from an old-fashioned, extremely monolithic communism to at least a more moderate communism, if their such a phrase, as in China and Vietnam. But I think we can play a constructive role there, and I hope we will.

TAX CUTS

Mr. SIMON. Mr. President, I see my colleague from Wisconsin about to take the floor. I see he has a cartoon about tax cuts. If he is going to speak about tax cuts, I want him to know I agree with him 100 percent. If there is anything irrational—and he will disagree with my next statement—if there is any illustration that shows why we need a balanced budget amendment, we would not be considering tax cuts right now in both political parties. If we had a balanced budget amendment, we would be focusing on balancing the budget.

But I agree 100 percent with my colleague that this is not the time to be moving in the direction of tax cuts.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Under the previous order, the Senator is recognized to speak for up to 15 minutes.

Mr. FEINGOLD. I thank the Chair.

TAX CUT FRENZY

Mr. FEINGOLD. Mr. President, I certainly thank the senior Senator from Illinois for noticing the cartoon and for being one of the first people in this body to come to me and say that we do need to prevent this tax cut frenzy if we are going to be serious about balancing the Federal budget.

I think, Mr. President, now is the time to put the tax cut proposals out of their misery. Let us do it early on so the American people know that there is something real to all this rhetoric in Washington about balancing the Federal budget.

It seems to me, ever since the tax cut frenzy started with the November 8 election, that I have had a hard time finding anyone who is really for it other than a few folks here in Washington.

I have chosen this cartoon from December at Christmastime to illustrate how early the people of America were ahead of the politicians on this issue. It is a very simple cartoon. It shows a couple of parents holding a nice present, "The tax cuts." But their baby holds "The bill." The parents are enjoying this nice present, but passing its cost along to the next generation.

So even before the 104th Congress convened, I feel that the American people were way ahead on this and felt that this just did not make sense and that it did not add up.

I sort of felt as if maybe this issue would die pretty quickly, but I was wrong. In a way, this frenzy for a tax cut, which nobody supports, is the inevitable result of the November 8 election.

In the Milwaukee Sentinel just yesterday, there was an editorial entitled "Tax Cut Plans—Questions About Both Party Plans."

Mr. President, I ask unanimous consent that this editorial from the Milwaukee Sentinel be printed in the RECORD.

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

[From the Milwaukee Sentinel, Mar. 13, 1995]

TAX CUTS PLANS—QUESTIONS ABOUT BOTH PARTY PLANS

Bill Archer, the new Republican chairman of the House Ways and Means Committee, strode to the microphone in a basement hearing room after being introduced by a young couple from Virginia holding their year-old daughter.

It was just the common touch the Texas congressman was seeking to announce the committee's plan to cut taxes by nearly $200 billion over the next five years, or about $140 billion more than President Clinton has proposed in his plan.

Trouble is, both plans butt up against growing popular discontent over the federal deficit, which still will grow by $1 trillion over five years under Clinton's irresponsible budget plan. There also is no indication that Republicans have discovered the magic bullet that will slay the deficit dragon.

The reality is that hardly anyone accepts the current political nostrum that Congress and/or Clinton can cure what ails the nation by advocating spending and tax cuts, all at the same time.

That even includes prominent Republicans such as Bob Packwood, of Oregon, chairman of the Senate Finance Committee, and Pete V. Domenici, of New Mexico, who heads the Budget Committee.

Both have voiced opposition to tax cuts while government continues to spend more than it takes in. The simple truth is that House Republicans have not yet indicated how they would pay for tax cuts in the $200 billion range and still balance the budget.

Still, the Republican plan has some attractive features.

A capital gains tax cut, harangued by Democrats as a payoff to the rich, would benefit millions of middle-class investors and, at least in the short term, increase federal revenue as stockholders liquidate some of their holdings. That could help lead to the creation of revenue-producing jobs.

Similarly, the suggestion that people could withdraw money, free of penalty, from their individual retirement accounts for buying a home or other purposes is another economy booster. For local government, that's a future source of property-tax revenue.

What's confounding about it all is that while Democrats such as Rep. Sam M. Gibbons, of Florida, ranking Democrat on Ways and Means, say it's "the wrong time and the wrong tax cut," you can bet that if it were Clinton and not Archer making a tax cut proposal, Democrats would rush to his banner.

The public, however, is far out in front on this issue and can see through both parties' strategies.

Mr. FEINGOLD. Mr. President, I just want to briefly suggest that this editorial points out that there is still a problem with both parties going after this tax cut idea.

The article says:

Bill Archer, the new Republican chairman of the House Ways and Means Committee, strode to the microphone in a basement hearing room after being introduced by a young couple from Virginia holding their year-old daughter.

It was just the common touch the Texas Congressman was seeking to announce the committee's plan to cut taxes by nearly $200 billion over the next 5 years, or about $140 billion more than President Clinton has proposed in his plan.

The trouble is [the Milwaukee Sentinel says] both plans [both Republican and Democratic plan] butt up against growing popular discontent over the Federal deficit, which still will grow by $1 trillion over 5 years under Clinton's irresponsible budget plan. There also is no indication that Republicans have discovered the magic bullet that will slay the deficit dragon.

The editorial goes on to say, "The reality is that hardly anyone accepts the current political nostrum that Congress and/or Clinton can cure what ails the Nation by advocating spending and tax cuts all at the same time."

So, Mr. President, what the public knew in December has apparently not completely reached the Halls of Congress. Day after day I see evidence, whether at a Wisconsin town meeting, or reading the major national newspapers, that in general the American people and the opinion makers outside of Washington do not want to do this, and thinks it is a foolish way to handle our budgetary problems.

This last night I had a chance to see a few minutes of a C-SPAN program on which two of our colleagues were appearing in front of the National League of Cities, and what they pointed out was that they had different views exactly on what should happen in the Federal budget.

I was intrigued by the different responses on what they said about the tax cut issue. The junior Senator from New Hampshire, Senator GREGG, indicated to the audience he was interested in a $500 billion deficit reduction package, to be passed by the 104th Congress.

I was struck by that figure, because that is exactly what we have already accomplished in the 103d Congress under President Clinton and the Democratic leadership. I am glad to hear that kind of figure is being thrown around. What the Senator from New Hampshire then said was perhaps as a part of the $500 billion—he would not go with the overall Republican contract idea of a $200 billion tax cut, I believe I am correctly characterizing his statement that that was too much—but he said, "Maybe we would look at the President's $63 billion level, and perhaps have that included in the $500 billion."

That got applause. People seemed to feel that was more sensible that a $200 billion tax cut. But then the Senator from Nebraska, the junior Senator from Nebraska, Senator KERREY, took the microphone and said to Senator GREGG, "Now, how much will it take to balance the budget by the year 2002? What is the total figure?" And the indication was that it was well over $1 trillion.

So Senator KERREY indicated that even if we do the $500 billion, we are less than half the way there. Senator KERREY said to this audience of people involved in city government that he was against tax cuts in any form.

I would think people would maybe nod or maybe even disagree. Instead it got a rousing applause. Everyone in the audience gave him a similar strong applause in saying he would fight any of the tax cuts, because they are not consistent with the notion of dealing with the deficit and caring about our children and our grandchildren.

So the common sense is out there. The commonsense view that frankly helped fuel the debate on the balanced budget amendment and had a lot to do with that month-long debate. That common sense is out there.

If this institution is willing to listen, the first thing we will do is say we cannot afford either the Clinton tax cut or the Republican contract tax cut. Of course, I believe the American public would like to have a tax cut if they possibly could. But what they are saying clearly is, we cannot afford it until we get our house in order.

Mr. President, it is not easy to slay the tax cut dragon. I have noticed the allure of a tax cut to politicians, just as the allure of the balanced budget amendment has been very strong. I would have to say, compared to the first time I had a chance to oppose this in December, things look a lot better, especially here in the Senate.

Between November 8 and now I have gone from being the lone voice, according to the Los Angeles Times, against this to being one of many people who are criticizing the tax cut. In fact, I would call it now sort of a healthy competition between a lot of the leading Senators who are saying that they will oppose this.

I even think there is a good strong competition going on to see who can be the toughest on opposing the tax cuts. I think that is very healthy. We do not get anything done around here by being 1 out of 535. I am extremely happy that so many of the leading Senators, especially on the Finance Committee, have openly stated their opposition to either all or part of the tax cuts.

Mr. President, as Senators recall, we did have our test vote on this issue during the balanced budget amendment. The proposition, that we ought to put the tax cut below deficit reduction, got 32 votes, including some of the leading Republicans in the Senate. That was amazing, because it was 32 Senators saying up front they are not for a tax cut.

A couple months ago, people would have said nobody would take that position. It was also very striking because a number of Senators told me they wanted to vote for the amendment, but they were not going to support any amendments to the balanced budget amendment. My guess is we are a lot closer to 50 or even higher than anyone would have imagined at this point.

For example, Mr. President, if we take a look at the reaction, we see in the Washington Post even today an editorial called "Greasing the Tax Cut Rules," and I ask unanimous consent that it be printed in the RECORD.

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

GREASING THE TAX CUT RULES

The President and Congressional Republicans keep saying that to get control of the deficit they have to cut the cost of entitlements. They're right, but even as they've been making the speeches again this year, they're also preparing to change the budget rules to let entitlements partly off the hook.

The president and Republicans both want to cut taxes. It's a terrible competition for them to be engaged in; the government is in no position to give up the revenue. As a way of driving home the cost of tax cuts and creating a political barrier to their enactment, the budget rules used to provide that they be paid for either by offsetting tax increases or by entitlement cuts.

The administration relished neither alternative, and in its budget suggested a third. It proposed a change—it would say careful rereading—of the rules under which tax cuts could also be paid for by cuts in non-entitlement spending or appropriations. The House Republicans, far from objecting, have adopted the idea with enthusiasm. It sounds as if only accountants should care. If the dollars all come from the same Treasury, as they do, what difference does it make which category of programs is trimmed to produce them? A dollar saved one way is surely as good as another.

That's true, and an evasion at the same time. The easing of pressure on the entitlement side of the budget, where cuts are hardest to make because so many people are affected, represented a weakening of budget discipline. The tax cuts the House Republicans propose would cost about $200 billion their first five years and $500 billion the five after that. The Republicans would have found it hard to extract that much from entitlements without getting into the giant programs for the middle class, Social Security and Medicare. As it is, they'll propose to pay half the first-year cost by lowering—again—the caps that the budget rules also impose on appropriations.

The pressure will fall on domestic appropriations only, not defense. Most of the programs the government runs fall into this category—everything from Head Start and highway grants to the costs of operating the national parks and administering the Immigration and Naturalization Service—but together they make up only about a sixth of the budget and as a group have already been much cut in recent years. It's relatively easy, of course, to lower appropriations caps. They're an abstraction. The effect will be felt only later and be spread across enough programs so as to leave few clear political fingerprints. The Republicans say not to worry, that sooner or later they're going to have to cut the major entitlements too in order to balance the budget, as they've also promised. But the old rules would have forced the tax and entitlement cuts to be made at the same time. The new ones make it easier to blur the cost of an irresponsible policy.

Mr. FEINGOLD. Mr. President, the point of that editorial is that although there is this opposition growing in the Senate, there is an effort going on to change the budget rules in such a way that would allow these tax cuts in a way that would immunize, in effect, both entitlements and the defense budget, causing any cuts that might be made to pay for the tax cuts to come, essentially, out of the appropriations areas, out of discretionary funding.

The Washington Post does a good job of criticizing this move, pointing out that it does not bode well for the future of deficit reduction. They commented on what it would mean, given the need for further cuts in discretionary spending, on top of the fair amount we did in the 103d Congress. And they noted that not all of those cuts are going to be applied to reducing the Federal deficit, but instead would be used to promote this tax cut that I am having a hard time finding anyone favoring other than those in Washington.

So, Mr. President, despite the growing criticism of the tax cut around the country and in this body, the skids are being greased for a have-your-cake-and-eat-it-too approach, when it comes to balancing the budget and fixing the tax cut problem.

Mr. President, I turn again to a cartoon that I think describes the problem we have here in Washington. This cartoon refers to a new illness called deficit attention disorder. We talk about the balanced budget amendment, run around the country saying that a balanced budget is the top priority, and we come out here every day and say bringing the deficit under control is our top priority. But this cartoon shows the contrast of those words with the possible actions here. It shows folks running in and out of offices saying, "$50 billion tax cut, $60 billion tax cut, $75 billion tax cut, $100 billion tax cut, $120 billion tax cut."

The cartoon suggests a serious illness in this place. That is, the deficit attention disorder from which institution suffers. Mr. President, I think the worst example of this deficit attention disorder is the very document that the Republican Party says they campaigned and won on—the Republican contract, which calls for increased defense spending, balancing the budget, and tax cuts that dwarf what this cartoon suggests. Notice all the little people in the cartoon talking about tax cuts from $50 billion to $120 billion.

What the Republican contract calls for over the next 10 years is a $700 billion tax cut. What Congressman Archer proposed last week would cost $200 billion over the next 5 years. This includes the $500 tax credit for families making up to $200,000 per year, including changes in IRA's and a variety of other provisions.

Mr. President, this is a very serious example of how, even today, despite all the criticism and all the concern in the other House, the other body especially is continuing to move forward as if not only we do not have a deficit problem, but that we have a giant surplus that can be used for all these cuts.

Mr. President, on March 10, the Washington Post commented on these proposals in an editorial entitled "The Tax Cuts and the Deficit," and I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Mar. 10, 1995]

THE TAX CUTS AND THE DEFICIT

The tax cuts from the House Republican "Contract With America" have been reduced to legislative form. The process hasn't improved them a bit. They remain a bad idea, the revenue loss from which would be more than the sponsors have acknowledged, and more than a government running a deficit of a fifth of a trillion dollars a year can afford to give up.

The cuts would make it harder to reduce the deficit even if the Republicans do come up with a way to pay for them, which despite their pledges they haven't yet. The stated purpose of several of them is to increase savings and investment, but by leaving the deficit larger than otherwise they would reduce the national savings rate. They are also poorly targeted, and the long-term effect of their enactment would likely be to widen the income gap between the better-off and the rest of society.

The last time the Republicans cut taxes, in 1981, they failed to make the spending cuts to match, and the deficit soared. This time they've said the spending cuts will come first; they're still saying that. But the only specific spending cuts of any size that they've advanced thus far have been in welfare and other programs for the poor; that's not the way to finance tax cuts. It is said they may next propose some generalized entitlement and appropriations cuts, lump sums that they will commit themselves to saving over time without spelling out how. That's not the way to do it either, the more so because they've promised that in cutting they won't touch defense or Social Security and can't touch interest on the debt. They've left themselves less than half the budget in which to work. Nor is it just their tax cuts that they have to finance. They've said they'll balance the budget as well. But the more spending cuts they dedicate to the first purpose, the fewer they'll have left for the second. That's the problem.

The Republicans keep saying they want to get at the cost of entitlements. The last Congress, at the administration's behest, did put a dent in the net cost of the largest entitlement, Social Security, by subjecting a larger share of benefits to the income tax. The bill that the House Ways and Means Committee will begin marking up next week would repeal that modest step in the right direction. In the name of capital formation, it would also cut the capital gains tax, create a new stream of wholly tax exempt investment income by expanding the individual retirement account or IRA provisions in current law, and enact a roundabout cut of as much as a third in the corporate income tax by liberalizing depreciation rules. All three of these provisions would be late bloomers. Two are set up in such a way that they look as if they would even raise revenue in the first years. That masks the full effect that they would have in terms of revenue lost; it wouldn't be felt until after the five-year estimating period. Who will pay for that?

These are damaging proposals—and unfortunately, the administration has already weakly concurred in some of them. We suppose they're likely to pass the House. In the Senate, however, some Republicans as well

as some Democrats are saying that spending and the deficit should be cut first. They're right.

Mr. FEINGOLD. Mr. President, that article commented on the Contract With America, and specifically the Archer proposal, by saying the following:

The tax cuts from the House Republican "Contract With America" have been reduced to legislative form. The process hasn't improved them a bit. They remain a bad idea, the revenue loss from which would be more than the sponsors have acknowledged, and more than a government running a deficit of a fifth of a trillion dollars a year can afford it give up.

The cuts would make it harder to reduce the deficit even if the Republicans do come up with a way to pay for them, which despite their pledges, they haven't yet. The stated purpose of several of them is to increase savings and investment, but by leaving the deficit larger than otherwise, they would reduce the national savings rate.

The editorial also goes into a bit of a history:

The last time the Republicans cut taxes, in 1981, they failed to make the spending cuts to match, and the deficit soared. This time they've said the spending cuts will come first; they're still saying that. But the only specific spending cuts of any size that they've advanced thus far have been in welfare and other programs for the poor; that's not the way to finance tax cuts. It is said they next proposed some generalized entitlement and appropriations cuts, lump sums they will commit themselves to saving over time without spelling out how. That's not how to do it either, the more so because they've promised that in cutting they won't touch defense or Social Security and can't touch interest on the debt. They've left themselves less than half the budget in which to work. Nor is it just their tax cuts that they have to finance. They've said they'll balance the budget as well. But the more spending cuts they dedicate to the first purpose, the fewer they'll have left for the second. That's the problem.

Again, it is the harsh reality that the numbers cannot possibly add up, it cannot possibly be true that we can do all of these things laid out in the Archer proposal and then come up with a balanced budget, even in the long term, let alone doing it in the short term.

So, Mr. President, not only do we have a deficit attention disorder with regard to the Archer plan and the Republican contract, but time and again, whether it be the President's plan, the plan of the minority leader in the House, the plan of the senior Senator from Texas, in each case we have a plan for tax cuts that is not paid for.

I realize that there will be many opportunities to speak on this issue on the floor. I will not take the time today to outline all the opposition from different places in the country, whether it be editorials or polls or statements of economists. All I can say is that, although the news is troubling to me, although the tax cut keeps coming back and coming back, I see reason for optimism in the U.S. Senate. It appears that it is going to be up to the U.S. Senate to stop this fiscal irresponsibility.

I was very heartened to see the article in the Washington Post of last week on March 9 entitled "Tax Cutters Lose Steam in Senate."

I ask unanimous consent that article be printed in the RECORD.

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

[From the Washington Post, Mar. 9, 1995]

TAX CUTTERS LOSE STEAM IN SENATE; HOUSE PANEL TO UNVEIL GOP REVENUE PLAN

(By Eric Pianin)

Republican and Democratic opposition in the Senate to major tax cut legislation stiffened yesterday, while Ways and Means Committee Chairman Bill Archer (R-Tex.) prepared to unveil the details of a House GOP tax plan that could cost as much as $700 billion over 10 years.

Archer's plan, modeled after proposals within the House GOP "Contract With America," includes a $500-per-child tax credit for families earning up to $200,000 a year, a 50 percent reduction in the capital gains tax, massive write-offs and tax breaks for businesses and a new Individual Retirement Account (IRA) for middle- and upper-income families.

The Ways and Means Committee is scheduled to vote on the proposal early next week. House leaders have pledged to make offsetting cuts in the 1995 budget and to alter welfare programs and Medicare to pay for the package. But in the wake of the defeat of the constitutional balanced budget amendment, Senate Finance Committee Chairman Bob Packwood (Ore.) and other deficit-conscious Republican tax writers warned yesterday that the tax package would take a back seat to further efforts to reduce the deficit.

"Almost every witness we've had has indicated the deficit is the biggest problem we face," Packwood said, "and if we want to do more for the economy, then reducing the deficit is the most important thing to do."

Sen. John H. Chafee (R-R.I.), a Finance Committee member, declared: "Basically, I'm opposed to tax cuts * * * as much as we love to parcel them out."

Sen. Alfonse M. D'Amato (R-N.Y.), another committee member, said the House GOP tax cut proposals "all sound good," but Congress would accomplish far more by reducing the deficit and indirectly helping to lower interest rates and spur economic activity.

"Cut spending and get the deficit under control that's number one," D'Amato said. "That's what people want. Otherwise, [the economy will falter and] we're going to end up Mexico II."

President Clinton and liberal House Democrats also have proposed middle-class tax relief, including tax credits for families and other breaks to help cover educational costs. But the tax-cut fever that swept Washington shortly after the Republican takeover of Congress last November has begun to dissipate, as GOP leaders confront the harsh realities of trying to simultaneously eliminate the deficit and make good on their promise of generous tax cuts.

For their part, Senate Democratic leaders feel obliged to emphasize deficit reduction over tax relief after helping to defeat the popular balanced budget amendment last week. Senate Minority Leader Thomas A. Daschle (D-S.D.) told reporters yesterday he would not rule out passage of some type of tax reform this year, but members had little enthusiasm for proposed tax cuts that "would compound our problems" in reducing the deficit.

"It's apparent to all of us we have a big job ahead of us in deficit reduction, and we want to make everyone understand that that's our first priority," Daschle said.

House Republican leaders have cited little empirical evidence that a major tax cut is needed at a time when the economy is strongly rebounding, inflation is under control and the deficit is declining for the third year in a row.

Earlier this week, three prominent economists—Roger E. Brinner, Stephen S. Roach and Barry Bosworth—told the House Budget Committee that Congress would do little for the economy while complicating its deficit-reduction efforts if it cuts taxes.

Brinner, the chief economist for DRI/McGraw-Hill, described the $500-a-child tax credit, the most expensive measure in the Republican tax package, as "possibly mediocre politics but definitely bad economics."

House GOP leaders concede that the tax credit would do little, if anything, to stimulate the economy. But they insist the tax credit for children 18 and younger is important to providing relief to the middle class and "strengthening" the family unit.

Archer is scheduled to announce the details of the GOP tax plan this morning in an address to the conservative Family Research Council. According to committee sources, the package will approximate the Contract With America plan, which according to the Joint Committee on Taxation would cost $200 billion over five years but then balloon to $704.4 billion over a decade.

House GOP leaders, including Archer, have said the Contract With America plan was not "written in stone" and acknowledge that it may undergo substantial changes once it reaches the Senate. However, House leaders are more concerned about honoring the terms of the contract than developing a plan that is palatable to the Senate.

"We're committed to the contract," Archer told the Associated Press. "We ran on it, we all signed it, and we'll do what we said we were going to do."

Rep. Bill Thomas (R-Calif.), a senior member of the Ways and Means Committee, said that it doesn't make sense for the committee to put together a package that might pass muster in the Senate "but that can't get out of the House."

(Mr. ABRAHAM assumed the chair.)

Mr. FEINGOLD. Mr. President, as we move into the period where we actually take up issues such as the line-item veto and then the budget resolution and then the reconciliation package, there will be the opportunities to actually make this happen, to actually force this institution through the work of the U.S. Senate to not waste the funds that could be used for deficit reduction.

I suggest that as we move into the budget resolution, either at the committee level or at the level of the entire Senate, if necessary, that an amendment be offered to the fiscal year 1996 budget resolution to change the revenue assumption to exclude or reject a major tax cut and instead to explicitly allocate the spending cuts that would offset such a tax cut to deficit reduction, to make sure that every dollar that was identified for spending cuts be immediately transferred into an account to reduce the Federal deficit.

I think that is the only way we avoid the kind of losses and deficit reduction that are the inevitable result of the President's plan and especially the result of the Republican contract and the Archer plan.

So I hope we can return to the wisdom that was indicated by the American people ever since the proposals were made, and I return to what is my favorite cartoon on the issue, which is the somewhat bizarre but rather effective portrayal of a giant deficit monster that is constantly calling out for more and more, in this case more fruit cake in the form of "Tax Cuts R Us." The American people are onto the foolishness of this. They are onto it in the form of cartoons that ridicule a Congress that stands up and talks about fiscal responsibility but cannot resist the temptation to get some quick political gain by handing out a tax cut that will both hurt the economy and severely damage, if not permanently ruin, the possibility of ever having a balanced budget, whether it be in the next few years or by the year 2002.

Mr. President, we will be coming back to this, but I notice in this institution, if you do not keep bringing something up like this, it has a way of getting resolved in the middle of the night and, all of a sudden, you have an up-or-down vote on the whole package. Somehow, whether it be $10 billion or $100 billion or $700 billion, it could be lost instead of actually being used to almost eliminate the Federal deficit. I think that is the opportunity we have. Instead of feeding this monster, reject the tax cuts and take the next big step to eliminate the Federal deficit.

So, Mr. President, as I yield the floor, I urge my colleagues to cosponsor the sense-of-the-Senate resolution which Senator BUMPERS, of Arkansas, and I have offered to specifically go on record as a body saying the tax cuts have to take second place to this historic opportunity to eliminate the Federal deficit.

I thank the Chair, and I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

TAIWAN

Mr. THOMAS. Mr. President, I rise today as chairman of the Senate Subcommittee on East Asia and Pacific Affairs to join in the sentiments of my colleagues on Taiwan, and particularly on the visit of President Lee.

I need not repeat in detail for the Senate Taiwan's many accomplishments, either economic or political. These have often been discussed on the Senate floor. It is sufficient to note that this country is our fifth largest trading partner and imports over 17 billion dollars' worth of U.S. products annually. More importantly, though, Taiwan is a model emerging democracy in a region of the world not particularly noted for its long democratic tradition.

The Taiwanese Government has ended martial law, removed restrictions on freedom of the press, legalized the opposition parties, and instituted electoral reforms which last December resulted in free elections.

Taiwan is one of our staunchest friends. I think every Member of this body recognizes that and accords Taiwan a special place among our allies. Unfortunately, Mr. President, the administration apparently does not share our views. Rather, the administration goes out of its way to shun the Republic of China on Taiwan, almost as though it were a pariah state like Libya or Iran.

Sadly, the administration's shoddy treatment of Taiwan is based not on that country's faults or misdeeds but on the dictates of another country, the People's Republic of China. It is because the People's Republic of China continues to claim that it is the sole legitimate Government of Taiwan and because of the administration's almost slavish desire to avoid upsetting that view that the State Department regularly kowtows to Beijing and maltreats the Government of Taiwan. If this were not such a serious matter, it would almost be amusing, the lengths to which the administration goes to avoid any perceived official entanglements.

Representatives of the Taiwan Government are prohibited from physically entering the State Department or the Pentagon buildings. Any United States Government employee who goes to work to represent United States interests in Taiwan and who also works for the State Department must first resign from the State Department before being allowed to go. One has to carefully choose what one calls the island's government to avoid slighting Beijing: Is it the Republic of China, is it the Republic of China on Taiwan, Taiwan, or the Republic of Taiwan?

Finally, the last humiliation to which we subject our ally brings us here this morning. This administration refuses to allow the President of Taiwan to enter this country, even for a private visit—a private visit, Mr. President. President Lee is a graduate of Cornell University where he earned his Ph.D. He has expressed an interest in attending a class reunion at his alma mater this June and a United States-Taiwan Economic Council conference. Yet, the administration has made it clear it will not permit him entry.

The only people that this country systematically excludes from entry to its shores are felons or criminals, terrorists, and individuals with dangerous communicable diseases. How is it possible that this administration can see fit to add the President of Asia's oldest republic to the list? We have allowed representatives of the PLO and the Sinn Fein to enter this country, yet we exclude a visit by an upstanding private citizen?

I think we have made it clear to Beijing—I know I have tried to—of the great importance to us of our strong relationship with that country. This relationship should in my opinion transcend squabbles over diplomatic minutia. I will always seek to avoid any move that the Government of the People's Republic of China reasonably could find objectionable. I believe that countries like ours should try hard to accommodate each other's needs and concerns in order to further strengthen our relationships.

However, I believe that the People's Republic of China needs to recognize the reality of the situation. Both Taiwan and the People's Republic of China are strong, economically vibrant entities. Both share a common heritage and a common culture and yet have chosen political systems that are mutually exclusive. Despite these differences, the United States has a strong and important relationship with them both, and we need to continue those relationships.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I believe the Senator from Nebraska has 15 minutes allotted to him under the unanimous-consent agreement. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

(The remarks of Mr. EXON pertaining to the introduction of S. 550 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNFUNDED MANDATES CONFERENCE REPORT

Mr. EXON. Mr. President, I rise today in support of the conference report to the unfunded mandates bill. I am proud that we are so close to delivering this critical legislation to the nation's Governors, mayors, and town managers who have been laboring under the terrible weight of unfunded mandates.

When the President signs this bill, we will hear a collective sigh of relief from coast to coast. For too long, Congress shifted the cost of these regulations and mandates to the States. Their ledgers bled red from our actions. Their treasuries were sapped to pay for compliance with the unfunded mandates that we have foisted upon them.

However, with this conference report, of which I was very happy to be a part, in working out the differences between the House and Senate versions of the mandate bill, we are taking an important step in the right direction. Equilibrium is restored. The fiscal responsibility shifts back where it belongs—with the authors of these rules.

Mr. President, I say to my colleagues this is a fair and just compromise. This is a conference report that addressed the unfunded mandates problems head on. This is a conference report all of us can support no matter on which side of the aisle we sit. I wish we could approach more of the business of the American people in such a bipartisan manner as we have addressed this in the Congress of the United States.

In closing, Mr. President, it is my opinion that the conferees did an excellent job knitting together the two different bills in this coherent and seamless package. We compromised without sacrificing the muscle and teeth of the Senate bill.

From my point of view as a Senate conferee, I was most pleased that the judicial review process was kept to a minimum. The current wording is certainly far more restrained than the broad House language which would have provided a field day for lawyers. Their loss is our gain, thank goodness.

I would also point out that the conference report maintained the amendment sponsored by the distinguished Senator from West Virginia [Mr. BYRD]. The language forces Congress to vote on an agency's decision on whether or not it can implement a mandate with the money appropriated. This conference report gives Congress the last word, to which I say "amen."

Mr. President, one of my favorite Presidents, Harry Truman, was famous for the sign on his desk that said, "The buck stops here." We can learn a lot from those words. For too long, Congress has been passing the buck to the States. For too long, we have been passing the buck and passing the bill. It is time we took responsibility for our own actions. It is time we pulled the plug on unfunded mandates. It is time we passed this conference report, and I hope we will today.

Mr. President, I reserve the remainder of any time remaining, and I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

EXTENSION OF MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent to extend morning business for approximately 10 minutes.

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

Mrs. MURRAY. Mr. President, thank you.

THE NOMINATION OF DR. HENRY FOSTER

Mrs. MURRAY. Mr. President, I understand that the Senate Labor and Human Resources Committee has received all the necessary paperwork from the administration for Dr. Henry Foster's nomination for U.S. Surgeon General. I rise today to encourage the committee to move Dr. Foster's nomination expeditiously, and I look forward to his receiving a full and fair hearing.

Unlike some of my colleagues, I am very excited about Dr. Foster's nomination. Dr. Foster is an ob/gyn. I appreciate, and want to stress, the importance and relevance of his practice area. For far too long, women's health concerns have been neglected by our Government.

Women's health is critical to every family—every man, woman, and child—in this Nation. As a woman, and the mother of a son and a daughter, I find the selection of Dr. Foster reassuring. It is especially important at this time that President Clinton chose to nominate a physician who has dedicated his life to maternal and child health.

Dr. Foster is one of the country's leading experts on preventing teen pregnancy and drug abuse, as well as reducing infant mortality.

Dr. Foster is a very decent and dedicated physician who has been unfairly maligned. I hope my colleagues and the American public will hear the stories of some of the many people whose lives Dr. Foster has touched.

I hope they get a more complete picture of Dr. Foster and the work he has done.

For example, Dr. Foster worked tirelessly to help bring Christopher Hight into this world. Jeannette Hight and her husband Charles almost lost their baby twice during her pregnancy, but Dr. Foster helped nurse her through these crises.

Earlier this year, Jeannette and Charles Hight wrote to Dr. Foster:

> Without you, there would not be a Christopher Hight. Your talents and work have brought joy to our lives. You will be proud to know that your extraordinary efforts resulted in us having a son who is excelling at Rice University in architecture. His teachers, who are nationally renown, have told us that he has very special talents. No matter what happens, we are with you. We will always remember your special dedication, caring nature and skills.

Cliff and Wilda Denton from Moses Lake in my home State of Washington wrote the following to Dr. Foster:

> I can say in all humility, without you we could have lost our only daughter and first born grandson. Wilma was so very ill and dehydrated. All I had to do was call you. You would nourish her back to normal. This was thirty some years ago. When you were a doctor in the Air Force at Larson Air Force Base, her husband was away fighting a war.
>
> That's when we got acquainted with you. After the birth and both were well and healthy, I wrote you a letter, thanking you for all your good care. You told me I was the first person (white that is) to ever give you a compliment. Greg is now over thirty years old.
>
> We were so impressed when we visited you a few years ago and found you had dedicated your entire life to humanity . . . I feel confident you will be confirmed. . . .

Mr. President, these are just a few examples for Dr. Foster's great work. He has delivered many thousands of babies, and he has saved hundreds of lives.

Some of our colleagues would have the U.S. Senate exclude Dr. Foster from consideration because he has performed abortions. I disagree. Abortion should not be the determining factor in the selection of a Surgeon General. Abortion is a legal procedure, and every woman in this Nation has a constitutional right to choose whether and when to bear a child.

Whether Dr. Foster has performed 1 abortion or 1,000 abortions, he should not be disqualified from consideration.

I believe that the majority in this Nation will not allow an extremist minority to criminalize abortion through the Surgeon General nomination process. Furthermore, I believe the women in this Nation will not stand for perfunctory disqualification of candidates based on their practice areas, especially when the physician involved has dedicated his life to women's health.

Mr. President, why is no one concerned about the exact number of babies Dr. Foster has delivered in the course of his practice? Why is no one inquiring into exactly how many lives he has saved?

I am curious how many teenagers have benefited from his I Have A Future Program? I wonder how many unintended pregnancies he has prevented?

How many young people has he empowered and inspired?

Why is this man being attacked so viciously when he has dedicated his life to our well-being? Finally, how can a U.S. Senator vow to filibuster Dr. Foster's nomination before the doctor has even had a hearing?

Mr. President, I had to speak on Dr. Foster's behalf today because I cannot stand by and watch his nomination be railroaded. Senator KASSEBAUM has promised Dr. Foster a hearing and I believe she is committed to following through. Luckily, not everyone is rushing to prejudge this nominee.

Every day that goes by without a U.S. Surgeon General in place who can provide strong leadership for our Nation's future—is a day in which American lives can be changed.

Mr. President, having a Surgeon General in place who can speak to women's health issues is imperative. I urge the committee to move quickly on Dr. Foster's nomination. And, I look forward to consideration of Dr. Foster's nomination by the full Senate.

I yield the floor.

IN SUPPORT OF THE REPUBLIC OF CHINA—SENATE CONCURRENT RESOLUTION 9

Mr. CRAIG. Mr. President, I am pleased to join my colleague from Alaska, Senator MURKOWSKI, in submitting

a concurrent resolution expressing the sense of the Congress that President Lee Teng-Hui of the Republic of China on Taiwan [ROC] should be allowed a private visit to the United States.

This concurrent resolution makes an important statement in the future direction of United States/Republic of China relations. The State Department's refusal last year to allow President Lee, a freely elected leader from a democratic Nation, an overnight layover in Hawaii during his trip to Costa Rica, was very unfortunate. It is hoped that, with the passage of this legislation, the indiscretion that occurred last year will not be repeated. And, Mr. President, it is important to note that this bill expresses support for a private visit to the United States.

Last May I had an opportunity to visit the Republic of China on Taiwan. It was a wonderful experience forging new friendships and strengthening the many ties between the Republic of China and my home State, Idaho. I was very much impressed by the public officials with whom I met and enjoyed the engaging conversations about the politics in the Republic of China and the recent elections.

During my meeting with President Lee Teng-Hui, I learned of his genuine interest in seeing his country play a larger international role, which is a goal befitting Taiwan's economic power and place within the international community. President Lee urged all Nations, especially the United States, to give their support to Taiwan's campaign to return to the United Nations. It is my hope that this goal will someday be realized. In addition, President Lee expressed a very sincere desire to travel privately to the United States. I shared with him an invitation extended by one of my constituents, who was concerned about the incident in Hawaii. In addition, I expressed my hope that he would be able to visit Idaho.

Mr. President, Idaho and the Republic of China have enjoyed the mutual benefits of a long and close relationship. During my visit last year I had the pleasure of joining then Governor of Idaho Cecil Andrus and Governor James Soong of the Taiwan provincial government to celebrate the 10th anniversary of the sister-state relationship between Idaho and the Taiwan Province. Through this friendship my State has greatly benefited by expanding trade, cultural, and educational exchanges. Idaho exports to the Republic of China range from agricultural and wood products to electronics. In addition, the growth in trade has been enhanced by the placement of an Idaho trade office in the world trade center, in Taipei. Eddie Yen, the gentleman that operates the office for the Idaho Department of Commerce has been an asset to our State and has played an essential role in furthering the Expansion of Idaho's trade to Taiwan.

The United States also benefits from a stable relationship with the Republic of China on Taiwan. After extensive internal review, there has been recent progress toward upgrading the relations between the United States and Taiwan, which was good news from the Clinton administration. The administration has agreed to help Taiwan enter certain international organizations, especially those that deal primarily with trade and commerce. I applaud and encourage that endeavor.

The Clinton administration has also agreed to allow the Republic of China to change the name of its offices in the United States from the Coordination Council for North American Affairs, to the Taipei Economic and Cultural Representative Office. These modest improvements in relations between our two countries are certainly a step in the right direction. It is hoped that we will see this pattern of improvement continued.

The concurrent resolution submitted by Senator MURKOWSKI is yet another step in the right direction. Mr. President, I hope that remaining issues or obstacles can be resolved so that President Lee Teng-Hui can be allowed to visit the United States. It is my understanding that a number of my colleagues have extended invitations to President Lee and other leaders from Taipei, to visit Capitol Hill. I know for a fact that President Lee has much insight to share with us, especially on East Asian affairs, and, Mr. President, since the Republic of China on Taiwan is a tremendous example of economic prosperity and democratic freedom for developing nations around the world, we would undoubtedly benefit from the insights of a leader such as President Lee Teng-Hui, who has played a central role in the achievements of the Republic of China on Taiwan.

NATIONAL MENTAL HEALTH COUNSELING WEEK, APRIL 30–MAY 6, 1995

Mr. HEFLIN. Mr. President, I come to the floor today to acknowledge the importance of mental health to everyone's and society's well-being and to call our attention to counseling as a vital part of maintaining good mental health.

Mental health counseling is provided along a continuum of patient needs, from educational and preventive services, to diagnosis and treatment of mental illness, to long-term and acute care. It assists individuals and groups with problem-solving, personal and social development, decision-making, and self-awareness.

Such counseling is offered through community mental health agencies, private practices, psychiatric hospitals, college campuses, and rehabilitation centers. It is often provided in conjunction with other mental health professionals, including psychiatrists, psychologists, social workers, psychiatric nurses, and marriage and family therapists so that the most appropriate treatment for each patient is assured. It is provided by professionals with advanced degrees in counseling or related disciplines, practicing within the scope of their training and experience. They are currently licensed in 40 States and the District of Columbia.

I want to congratulate the American Mental Health Counselors Association on their designation of April 30–May 6, 1995 as "National Mental Health Counseling Week," and urge each and every American to seek the assistance of a qualified mental health counselor when needed. After all, our mental health is just as important as our physical health.

WELCOMING CROATIA'S DECISION ON U.N. TROOP PRESENCE

Mr. PELL. Mr. President, I welcome the decision by Croatian President Franjo Tudjman to allow an international force to remain in Croatia. As one who has long opposed sending United States ground troops to Bosnia or Croatia, the good news about President Tudjman's decision seemed to be tempered, however, by a report in this morning's New York Times.

According to that article, Secretary Perry announced that United States troops would be sent to Croatia to help with the reconfiguration of U.N. forces. Upon further examination, however, it appears that this morning's report may have been premature, as the President has not—repeat not—yet made a decision with regard to a commitment of United States troops. Moreover, the administration continues to assure me that if United States troops were deployed, it would not be for the purpose of helping with a reconfiguration or withdrawal of U.N. troops from Croatia.

Nonetheless, there is a great deal of confusion surrounding this issue, and accordingly, the administration needs to clarify its intentions with regard to troop commitments. Before any decision is made to send U.S. troops, I fully expect the administration to follow through on its commitment to consult with the Congress.

The issue of United States troops aside, President Tudjman's decision walks us back from the brink of disaster in Croatia and indeed, the entire former Yugoslavia. I can sympathize with President Tudjman's fear that a continuation of the status quo might have contributed to a permanent separation of Croatia, creating in effect, another Cyprus.

Despite Croatia's legitimate concerns, it would have been a grave mistake for U.N. troops to withdraw at this time. Following President Tudjman's January announcement

that UNPROPFOR would have to begin withdrawing by March 31, there were strong signs that the Krajina Serbs and the Croatian Army were girding for war. A renewed war in Croatia would almost certainly have drawn in Serbia as well as the Bosnian Serbs—leading to a greater Balkan conflict.

While the United Nations does not have a flawless record in Croatia, UNPROFOR's presence since early 1992 has prevented the reemergence of full-scale war. Let us hope that the reduced U.N. force, under a new mandate, will help maintain the peace. The reduced U.N. force also will have as part of its mandate the patrolling of Croatia's borders with Serbia and Bosnia-Hercegovina—which will go a long way toward legitimizing Croatia's international borders.

We are not out of the woods yet, however. Neither the Krajina Serbs, who control 30 percent of Croatia, nor Serbian President Milosevic, who serves as their patron, have indicated their views of the new mandate. Their response will be key to determining the ultimate success of the U.N. mission.

The larger question, however, is where we go from here, and how a reduced and newly reconfigured U.N. force fits into the big picture. It appears that renewed war in Croatia will be averted in the near future—thanks in no small part to United States efforts. But now we must ask whether we are going to continue simply to put out fires in former Yugoslavia or whether we have long-term interests to pursue there. I am afraid that if we do not answer this question affirmatively, we will find ourselves in a continual crisis mode. We may find ourselves meeting one deadline after another—the next of which is the end of the Bosnian cease-fire on April 30—without a clear sense of purpose. I hope this impending deadline does not divert all of our attention from the remaining unresolved issues in Croatia. The two conflicts are after all, interconnected, and we must address them simultaneously.

Before President Tudjman's January announcement that the United Nations would have to leave, an international plan to resolve the status of Croatia's U.N. Protected Areas [UNPA's] was on the table. By all accounts, the so-called Z-4 plan satisfies many of the concerns of both the Croatian Government and the Krajina Serbs. It calls for the restoration of Croatian sovereignty to all the U.N. areas, with considerable autonomy for the local Serbian population.

Now that the immediate crisis has been averted, I hope that we will not miss out on an opportunity to address the underlying issues in Croatia. Now is a good time to revisit the Z-4 plan.

RATIFICATION OF THE LAW OF THE SEA CONVENTION IS NEEDED TO PROTECT THE FISHERY INTERESTS OF THE UNITED STATES

Mr. PELL. Mr. President, many of my colleagues know that I have had an abiding interest in oceans issues in general and the Law of the Sea Convention in particular. Consequently, I was delighted when on October 7, 1994, the President transmitted to the Senate for its advice and consent the U.N. Convention on the Law of the Sea (Treaty Doc. 103-39). We are now in the unique position to become full participants in this Convention and finally reap the benefits of decades of constructive negotiations conducted by Democratic and Republican administrations.

There is no doubt in my mind that this Convention will serve the interests of the United States best from a national security perspective, from an economic perspective, from an ocean resources perspective and from an environmental perspective. I have addressed many of these perspectives during earlier remarks in the Senate. Today, I speak to the importance of this Convention to our Nation's fishery resources.

Some have argued that the United States should not ratify the Convention because of a perceived negative impact which it might have on international fisheries agreements negotiated by the United States with its international partners. I submit that quite the opposite is the case. Ratification of the Law of the Sea Convention will be an important step towards assuring the continued benefits of these other agreements and protecting the fishery interests of our country.

I would like to bring to the attention of my colleagues an address delivered by Ambassador David Colson, Deputy Assistant Secretary of State for Oceans, which addresses precisely this issue. In it, he shows the paramount role that the Law of the Sea Convention will play in the implementation of the important international agreements to which the United States is already a party: The 1992 Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, approved by the Senate on August 11, 1992, Treaty Doc. 102-30, Ex.Rpt 102-51; the U.N. General Assembly Resolution on Large-Scale High Seas Driftnet Fishing (approved by the Senate on November 26, 1991, Treaty Doc. 102-7, Ex.Rpt 102-20), the recently concluded Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, "the Donut Hole Agreement" (approved by the Senate on October 6, 1994, Treaty Doc. 103-27, Ex.Rpt 103-36) and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (approved by the Senate on October 6, 1994, Treaty Doc. 103-24, Ex.Rpt 103-32).

The United States has long taken a pro-active approach to fisheries, both within its own exclusive economic zone and on the high seas. Through these recent successful negotiations, we have ensured that our international partners will be submitted to no less stringent rules. The United States will put an end to overfishing and further depletion of threatened stocks only if we can ensure that sound management practices are applied by the other major fishing nations. This is why the administration has negotiated in earnest to achieve what are widely perceived as breakthrough advances in strong and responsible arrangements.

Concerns have been expressed that ratification of the Law of the Sea Convention would jeopardize these agreements. Ambassador Colson shows that, far from hindering these processes, the entry into force of the Convention will actually benefit their implementation.

In the case of salmon, a very important commercial, recreational, and subsistence resource, the Law of the Sea Convention has provided a foundation upon which to build understandings for the States of the North Pacific region. The Law of the Sea Convention, in essence, prohibits fisheries for salmon on the high seas. It also recognizes that states in whose waters salmon originates have the primary interest in these stocks. The Anadromous Stocks Convention, approved by the Senate in 1992, achieved the major goal of ending all high seas fishing, thanks in great part to the clear mandate and requirements of the Law of the Sea Convention. Further, the implementation of this agreement will be facilitated by the entry into force of the Law of the Sea, as the prohibition on high seas salmon fishing will apply to all member states, not just the signatories to the Anadromous Stocks Convention.

The use of large-scale high seas drift nets in another issue that the United States has attempted to solve in international fora. A resolution was passed unanimously by the U.N. General Assembly that created a moratorium on the use of those drift nets on the world's oceans and seas at the end of 1992. The drift net moratorium builds upon basic principles of the Law of the Sea Convention, which provides for a limited and qualified right to fish on the high seas, making it subject to the obligation to cooperate in the conservation and management of high seas living resources. Enforcement will be facilitated in view of the fact that the Convention's standards would be violated by any high seas large-scale drift net fishing that occurs contrary to the moratorium.

With regards to the Bering Sea issue, problems arose for the United States when a straddling stocks fishery began

outside our exclusive zone and Russia's. Concerns about stocks conditions led to measures to restrain fisheries in the U.S. zone and increasingly urgent calls by American fishermen for the Government to take steps to control the foreign fishery on the high seas. The Donut Hole Agreement approved by the Senate on October 6, 1994 was the result of lengthy negotiations between the United States and the other states involved in fishing in the area. It is a state-of-the-art fishing convention that resolves various issues to the satisfaction of the United States and other states concerned. Again, this agreement could not have been negotiated without the framework and foundation provided by the Law of the Sea Convention. The dispute settlement provisions of the Law of the Sea Convention will facilitate the implementation of the Donut Hole Agreement by providing an additional enforcement mechanism to ensure that no vessel undertakes conduct in the Bering Sea contrary to its provisions. It will thus serve as both a deterrent and as a means to bring about final resolution should problems arise in the Donut Hole in the future.

Finally, the very important FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas approved by the Senate on October 6, 1994 could not have been successfully negotiated had the Law of the Sea Convention not come before it. The High Seas Agreement is part of the FAO's Code of Conduct for Responsible Fishing and rests upon basic principles regarding high seas fishing and flag state responsibility found in the Law of the Sea Convention. The Law of the Sea Convention does not set up the high seas as a sanctuary for irresponsible fishermen but spells out that states fishing on the high seas have a duty to cooperate with other states to ensure responsible conservation and management actions.

This is also true of the current negotiations at the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. It is hoped that the final outcome of this conference will be a legally-binding agreement for the implementation of the provisions of the Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. The general principles embodied in this agreement will here again ensure more responsible fishing on the high seas and will build upon the framework provided by the Law of the Sea Convention.

Only last week, a Canadian vessel fired warning shots and seized a Spanish fishing vessel that was operating on the Grand Banks off the coast of Newfoundland. Had Canada and Spain both been party to the Law of the Sea Convention, this dispute could have been settled without the firing of shots. Regrettably, such incidents are the result of the growing uncertainty that prevails with regard to high seas fisheries and will only be avoided if the Convention on the Law of the Sea becomes a widely recognized instrument on which the Straddling Stocks Conference can build to establish a lasting regime for those fisheries.

Another instance where the ratification of the Law of the Sea Convention would be beneficial to the United States is in the settlement of disputes with other states. Recently, the Canadian Government levied a fee of $1,100 for United States vessels that transit from Puget Sound and the States of Oregon and Washington to Alaska. The State Department concluded that this transit fee was inconsistent with international law, and particularly with the transit rights guaranteed to vessels under customary international law and the Law of the Sea Convention. Had the United States and Canada both ratified the Law of the Sea Convention, the Canadian actions would have been in clear contravention of the convention. As such, the Canadians might have been more hesitant to take the steps they did. In any event the full force of the convention and the international community could have been brought to bear for a prompt resolution of the dispute.

Mr. President, it is clear in my mind that the long-term benefits of these very important fishery agreements will only be realized and mutual enforcement ensured if the underlying principles of the Law of the Sea Convention—the constitution of the seas—are ratified by the United States. The convention entered into force on November 16, 1994. To date 73 countries have ratified, including Australia, Germany, Iceland, and Italy. Other major industrialized nations, such as Canada, the European Community, France, the United Kingdom, the Netherlands, and Japan, have signed the convention and indicated their intention to ratify it in the near future.

Mr. President, I commend the address of Ambassador Colson, which so ably sets forth the importance of the ratification of the Law of the Sea Convention to the fishing interests of the United States.

I ask unanimous consent that the address be printed in the RECORD together with the current list of countries who have to date ratified the Law of the Sea Convention.

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

CONSERVING WORLD FISH STOCKS AND PROTECTING THE MARINE ENVIRONMENT UNDER THE LAW OF THE SEA CONVENTION

(By Ambassador David A. Colson)

Virtually every day we see another report about the decline of the world's fish resources or about ocean pollution.

We know that the world's population continues to grow dramatically. It is only logical to conclude that there is a direct correlation between more people and more impact on our fisheries and the marine environment.

We know that most of the world's population lives near the coast and intuitively we know that the result of an increased population is likely to be greater stress from human activity upon coastal environments be they wetlands, coral reefs, mangroves, beaches or coastal fisheries—all of which are in decline.

We know that the ocean is a large ecosystem made up of many smaller ones. We know that there are often relationships between areas, ocean systems, and species. We know that some fishery resources migrate over very long distances.

And we conclude that the oceans are a bridge between us; a tie that unites us. They are our sustenance; our life support.

They are integral to many global systems that we take for granted, but still do not understand. They are the future—their riches and their energy are yet to be fully tapped.

We know their health is important, but how little we really know about them. Yet in spite of our experience, we continue to pollute, to over-exploit—to assume that the ocean's vast regenerative capacity is unlimited.

We should know better.

And now, after so many years, the 1982 Law of the Sea Convention is in force. Will it help us do better?

I believe the Convention has, and it will. Already, for more than ten years, most States have acted consistently with its basic norms—and in those ten years advances in protecting the oceans have been made. And now that it is in force its specific implementation will bring more benefits and advance us further. I must be careful because I do not want to say that the Convention will solve all the ocean's problems. It will not. But can it help? The answer is yes.

In 1983, President Reagan said that the United States would act in accord with the balance of interests set forth in the Law of the Sea Convention, as long as other States would do likewise. I can report that in the intervening years basically all States have either expressly or by implication followed the basic rules set forth in the Convention. Thus, the positive achievements that have occurred in marine environmental protection and fisheries in the last ten years have taken place in the widely accepted Law of the Sea framework.

And there have been some very important advances. Today I want to review four of these which have occurred in the fisheries field. Before I do, I wish to emphasize the following point: the Law of the Sea Convention enabled the international community to reach these agreements. Even before its entry into force, the Convention was the foundation, the premise, upon which all governments operated in negotiating these understandings. Had we not had this basic foundation, had we not been in agreement about it, our task would have been much more difficult, indeed, perhaps impossible in some cases.

The four breakthrough advances are: (1) the 1992 Convention for the Conversation of Anadromous Stocks in the North Pacific Ocean (NPAFC); (2) the 1992 United Nations General Assembly Resolution on Large-Scale High Seas Driftnet Fishing (UNGA Resolution 46/215); (3) the recently concluded Convention on the Conservation and Management of Pollock Resources in the Central

Bering Sea; and (4) the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

NORTH PACIFIC ANADROMOUS STOCKS CONVENTION

Salmon, anadromous stocks, are very important commercial, recreational and subsistence resources for the States of the North Pacific region. From time to time international disputes in the region relating to salmon have reached the highest level of government. The Law of the Sea Convention framework, however, provides a foundation that has substantially narrowed debate; its basic rules have been a foundation upon which to build additional understandings.

Article 66 of the Law of the Sea Convention recognizes that States in whose waters salmon stocks originate have the primary interest in those stocks. The Law of the Sea Convention prohibits fisheries for salmon on the high seas, with one narrowly drawn and now anachronistic exception—where that prohibition would result in economic dislocation for a State other than the State of origin. The Convention also requires that States cooperate with regard to the conservation and management of stocks when salmon which originate in the waters of one State migrate through the waters of another.

The Convention's prohibition on high seas salmon fisheries makes sense from both economic and conservation perspectives. Economically, salmon grow substantially in the last months of their lives and thereby tend to be a higher value and quality resource if taken in coastal zones and rivers and not the high seas. Moreover, maintenance and preservation of salmon producing areas in coastal rivers cannot be expected if other States fish for salmon on the high seas. And only the State of origin can effectively manage salmon resources in coastal waters and rivers, not the high seas where salmon stocks are mixed.

The rule of the Convention bans salmon fishing on the high seas for all States, including a State of origin. The only country that was fishing for salmon on the high seas, at the time these Convention provisions were negotiated, and thus the only one which might claim economic dislocation, was Japan. And, it was and is clear, as well, that Japan could claim a right to fish salmon on the high seas only so long as it could make a credible argument of economic dislocation, and so long as it did not assert coastal State rights.

As the 1980s passed, Japan's salmon interests shifted: its Coastal State interests in the production of salmon from its waters began to predominate and its reliance upon an economic dislocation argument to continue a high seas salmon fishery was not persuasive. In 1992, negotiations on a new salmon convention were completed by the United States, Japan, Russia and Canada, designed to replace the U.S.-Canada-Japan treaty that had created the International North Pacific Fisheries Commission. Provisions were included whereby these primary States of origin could invite other States of origin, such as China and Korea, to accede to the Convention. Japan agreed in this context to end its high seas salmon fishery. The fundamental rule of Article 66 of the LOS Convention was achieved by the Anadromous Stocks Convention: to end all high seas salmon fishing. This achievement came about among the States most concerned for many reasons—not the least of which is the clear mandate and requirement of Article 66 of the Law of the Sea Convention. Moreover, the respect in which the prohibition on high seas salmon fishing is held by all other States is a direct result of the Convention rule.

This positive result of the Anadromous Stocks Convention was achieved without the fundamental rule of Article 66 of the Law of the Sea Convention being binding on any State as a matter of treaty law. I have heard some people in the United States say that this result would never have been achieved if the U.S. had been party to the Law of the Sea Convention. I simply do not agree with that point of view; it is abundantly clear to me, as the United States negotiator for the Anadromous Stocks Convention, that the Law of the Sea Convention—although not in force—played a large role in bringing about this result—it certainly did not hinder it.

Let us examine a different question: will the Law of the Sea Convention help the parties to the Anadromous Stocks Convention in the future—if they become a party to the Law of the Sea Convention? The answer is clearly yes.

The Law of the Sea Convention does not require any change in the Anadromous Stocks Convention. The two treaties are completely consistent. What the Law of the Sea Convention does do is require all States Parties to it to abide by the prohibition on high seas salmon fishing—the basic rule of the Anadromous Stocks Convention. This is a major long-term benefit to salmon producing States. While salmon producing States assert our rights, the Law of the Sea Convention not only recognizes them, but prohibits all States from eroding those rights by engaging in high seas salmon fisheries.

There are additional benefits in the Law of the Sea for salmon producing States. Parties to the Law of the Sea Convention are also required to submit to compulsory binding dispute settlement in many circumstances. In some cases there are exceptions to this rule, but in this case there is not. If vessels of a State begin to fish for salmon on the high seas, one means of enforcing the prohibition on high seas salmon fishing would be to take that State to compulsory and binding dispute settlement under the Law of the Sea Convention.

For a moment, let me go into some additional detail on the dispute settlement provisions of the Law of the Sea Convention, as it is important that this subject, which is well understood by international lawyers, be understood by fishermen and political leaders as well.

International law requires States to settle their disputes by peaceful means. Where negotiated solutions are beyond reach, States more and more settle differences by going through a legal court-like process. There are several dispute settlement procedures and, as well, several more that can be used. The Law of the Sea Convention obliges States to use dispute settlement in certain circumstances when other means to resolve disputes have failed. Some such circumstances, as noted previously, include fisheries disputes.

To elaborate further, one must make a distinction between binding compulsory dispute settlement and nonbinding compulsory conciliation. The reason this distinction is important is that the Law of the Sea Convention uses it in relation to fisheries disputes.

With regard to certain fisheries disputes that may pertain to a coastal State's management in its exclusive economic zone, the Convention provides for non-binding compulsory conciliation. In regard to fisheries disputes that relate to high seas activities, the Convention provides for binding compulsory dispute settlement.

Nonbinding compulsory conciliation means, in essence, that if State A alleges that State B is mismanaging its 200-mile zone in a serious way, State A may require the establishment of a conciliation panel to look into the matter. While State B should participate in the proceedings, there is no penalty if it does not; and, any report the conciliation panel may issue has no binding or obligatory effect on State B.

Binding compulsory dispute settlement, which is required for high seas fishery disputes, is substantially different. If State A alleges that State B is violating Convention fishery rules and principles on the high seas, and if negotiations have failed, State A may institute a process that results in bringing the dispute before an international court or tribunal of some make-up. There are a number of variables concerning these courts or tribunals that we have not time to go into now. The point or bottom line is that pursuant to the Law of the Sea Convention, in such cases, State A can bring State B before such a court or tribunal on a matter pertaining to a high seas fishery dispute, and that court or tribunal can render a judgement which is binding on both State A and State B concerning that high sea fisheries dispute.

Returning now to salmon in the high seas of the North Pacific Ocean, the availability of such dispute settlement provides not only an effective tool to enforce the high seas salmon fishing prohibition; its very existence provides an effective deterrent against such fishing. So—for salmon—the Law of the Sea Convention has brought us much already; it consolidates and confirms present practice; it gives us clear rules which prohibit high seas salmon fishing by all States; and it provides a new and useful enforcement tool should someone break the rule in the future.

DRIFTNET FISHING

The use of large-scale high seas driftnets attracted significant international attention and concern in the 1980s. Ultimately, the General Assembly of the United Nations took up the matter and passed a consensus resolution in 1991. The 1991 Resolution, UNGA Resolution 46/215, created a moratorium on the use of large-scale high seas driftnets on the world's oceans and seas at the end of 1992.

This concerted action by the General Assembly was a vitally important step to protect fish stocks and other living species on the high seas from this very indiscriminate fishing method being used by more and more vessels, about 1,000 in the Pacific Ocean alone at the height of the fishery. Large-scale high seas driftnet fishing was a cause of concern in all regions of the world.

The driftnet moratorium of the United Nations builds upon basic principles of the Law of the Sea Convention. It applies only to the high seas—not exclusive economic zones or territorial seas. In the first instance it requires flag States to ensure the full implementation of the moratorium, but it also authorizes all members of the international community to take measures individually and collectively to prevent large-scale pelagic driftnet fishing operations. The moratorium is in implementation of the provisions of Part VII, Section 2 of the Law of the Sea Convention relating to the Conservation and Management of the Living Resources of the High Seas. It gives content to the principles of "due regard" for the rights and interests of other States and to the duty to cooperate in the conservation of living marine resources on the high seas.

Some have argued that the moratorium would never have been achieved through diplomacy if the Law of the Sea Convention had been in force. They argue that, had the Convention been in force, the driftnetting States would have refused to discuss the matter in the United Nations and might even have tried to use the dispute settlement provisions of the Convention to enforce their freedom to fish on the high seas against those States that sought to end driftnetting. I do not agree with this analysis at all.

First, this argument assumes that the freedom to fish on the high seas is an unfettered right. But that is not so. The Convention significantly limits and qualifies that right by making it subject to a number of important conditions, including the obligation to cooperate in the conservation and management of high seas living resources.

Second, the States that sought the moratorium were able to demonstrate that large-scale high seas driftnets, particularly in the North Pacific Ocean, intercepted salmon on the high seas in violation of Article 66 of the Convention and indiscriminately killed large numbers of other species, including marine mammals and birds, in contravention of the obligations in Part VII to conserve and manage living marine resources on the high seas and those of Article 192 to protect and preserve the marine environment.

In light of this, there is no reason to believe that driftnetting States could have successfully challenged the moratorium through dispute settlement under the Convention. In my view, the moratorium would have been achieved whether or not the Convention was in force. A different question is whether the Law of the Sea Convention helps to ensure effective implementation of the moratorium.

The moratorium on the use of large-scale high seas drift nets is an important international understanding pertaining to the conservation of living marine resources on the high seas and the protection of the marine environment. It is consistent with and meets the general obligation of States found within Article 192 of the Convention to protect and preserve the marine environment. It is properly within the scope of constraints on fishing on the high seas that are noted in Article 116.

And, as in the Anadromous Stocks Convention situation, the Law of the Sea Convention's provisions make fishing beyond the EEZ—including driftnet fishing—subject to compulsory, binding dispute settlement. It is clear to me that the Convention's standards would be violated by any high seas large-scale diftnet fishing that occurs contrary to the moratorium. Thus, the dispute settlement provisions of the Law of the Sea Convention would provide a new additional means through which to ensure respect for the moratorium on high seas driftnet fishing by enforcing Articles 66, 116 and 192 of the convention in light of the General Assembly Resolutions on this subject.

THE CENTRAL BERING SEA POLLOCK FISHERY AGREEMENT

The problem of straddling fish stocks has vexed the international community since even before the Law of the Sea negotiations concluded in 1982.

For the United States, this problem arose in the Central Bering Sea. In the mid-1980s, a fishery began outside the U.S. and Russian 200-mile zones on a stock of pollock—the Aleutian Basin stock—largely associated with the U.S. zone and its fisheries. The international fishery on the high seas grew quickly to harvesting 1.5 million metric tons or more annually. Concerns about stock conditions led to measures to restrain fisheries in the U.S. zone and increasingly urgent calls by American fishermen for the U.S. government to take steps to control the foreign fishery on the high seas.

In 1991, negotiations began among Russia, Japan, Korea, China, Poland and the United States in an effort to structure a new fisheries relationship for the high seas area of the Bering Sea. The negotiations began with largely a legal debate about a fishery for a straddling stock on the high seas and the respective rights of coastal States and fishing nations in that regard. Fishing States were strongly of the view that they were entitled to fish there on an equal footing with other States, including coastal States. The United States and Russia were of the opinion that the coastal States—while not having jurisdiction over the fish in the high seas area—nonetheless had a special interest in these stocks. Our six country regional negotiation was more than mindful that the straddling stock issue was also being played out in other regions and was central to the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, called for by UNCED.

Ultimately, the six countries reached agreement, but only after ten intense and difficult negotiating rounds over three years.

The agreement is contained in a convention that is called the Donut Hole Convention in the United States. It is a state-of-the-art fishing convention that resolves various issues to the satisfaction of the States concerned. It does not refer specifically to the special interests of coastal States, but it does reflect such an interest in the outcome of the negotiation on various issues while providing for fair fishing opportunities on the high seas for all countries if and when the stock recovers.

Again, the Donut Hole Convention could not have been negotiated without the framework and foundation provided by the Law of the Sea Convention. Nor did the Law of the Sea Convention hinder the attainment of the Donut Hole Convention in any way.

I do not have time to review its provisions here in any detail. However, I would like to mention a few because I believe that provisions such as these must and will be incorporated into fishing agreements around the world in the near future.

The Donut Hole Convention provides that fishing vessels will use real-time satellite position-fixing transmitters while in the Bering Sea and that information collected thereby will be exchanged on a real-time basis through bilateral channels. This is the first multilateral fisheries management agreement to contain such a requirement and it will enable States such as Japan and the United States to ensure that, for instance, Japanese fishing vessels authorized to fish in the Donut Hole are doing so as authorized as that their presence in the coastal State zones in the region is only for the legitimate purpose of navigating to and from the fishing ground.

The Donut Hole Convention also requires notification of entry into the Convention Area; notification of the location of transshipments 24 hours prior to such activity; the presence of trained observers on all vessels; and the collection and sharing of catch data on a timely basis. It also provides for boarding and inspection of fishing vessels by any party; and, in cases of serious violation, the continuation of such boarding until the flag State is in a position to take full responsibility for the fishing vessel.

The Donut Hole Convention also contains provisions that ensure that consensus decision-making does not lead to stalemate or the inability to make effective conservation and management decisions. This has been a major problem in traditional fishing agreements. However, in this convention, in the absence of consensus among the Parties, means and procedures are established to ensure that no fishing occurs in the Donut Hole except in accordance with sound conservation and management rules.

Provisions such as these break new ground in regional fishery management agreements. I believe we should look for more of this in the future. After all, we are close to the 21st century. We live in a world of space age communication and data management. Fisheries data collection and its availability to fisheries managers remains an archaic process, to say the least. There is no reason today—other than the reluctance of fishermen and their governments to compel them—that every fishing vessel on the high seas does not have on board a satellite transmitter capable of two way communication, a fax machine, and a computer capable of collecting, storing and transmitting data immediately in agreed formats This is the future to which we look forward. This is the direction true international fisheries cooperation will take us.

Let me return to the Donut Hole Convention. The United States is confident that the Donut Hole Convention will be fully and fairly implemented by its Parties and that in doing so it will contribute to the protection of the marine environment and the conservation of the Aleutian Basin pollock resource and associated species for many years to come. We look forward, as well, not just to seeing this state-of-the-art convention well implemented, but to seeing it evolve and continue to set a high standard for regional fisheries agreements.

Could the Law of the Sea Convention help the Parties to the Donut Hole Convention?

Certainly. First, the Law of the Sea Convention will require no change in the Donut Hole Convention. The Donut Hole Convention will operate as it was negotiated among its Parties. Second, the Law of the Sea Convention can help the Donut Hole Convention, as in the case of the Anadromous Stocks Convention and the Driftnet Moratorium, by providing an alternative enforcement mechanism to ensure that no vessel undertakes conduct in the Central Bering Sea contrary to the provisions of the Donut Hole Convention. The dispute settlement provisions of the Law of the Sea Convention enable its Parties to ensure enforcement of multilateral fishery conservation arrangements on the high seas. Dispute settlement does not replace other means that States have at their disposal to enforce multilateral conservation arrangements. It adds to the options available. The Law of the Sea dispute settlement option can act both as a deterrent and as a means to bring about final resolution should problems arise in the Donut Hole in the future.

THE FAO FLAGGING AGREEMENT

The FAO Agreement to Promote Compliance with International Conservation and Management Measures By Fishing Vessels on the High Seas is often called the "Flagging Agreement," although it deals with much more than the flagging of fishing vessels. From my perspective, this very important Agreement could not have been successfully negotiated had the Law of the Sea Convention not come before it. Moreover, as with the other fishery agreements I've mentioned,

States should be able to use the dispute settlement procedures of the Law of the Sea Convention to ensure observance of the FAO Agreement.

The FAO Agreement is part of the FAO's Code of Conduct on Responsible Fishing, an initiative begun at Mexico's Cancun Conference in 1992. It rests upon basic principles regarding high seas fishing and Flag State responsibility found in the Law of the Sea Convention. With respect to high seas fishing, as I have mentioned before, the LOS Convention does not permit a "free-for-all," an unfettered right to fish, as some suggest. While the Convention acknowledges the general right of all States for their nationals to fish on the high seas, it makes this right subject to a number of important conditions, including:

(a) other treaty obligations of the State concerned;

(b) the rights and duties as well as the interests of coastal States; and

(c) obligations to cooperate in the conservation and management of high seas living resources.

With respect to Flag State responsibility, Article 91 of the Law of the Sea Convention gives States the right to grant nationality to their ships. Flag States must ensure that there is a genuine link between themselves and the vessels that fly their flag. In addition to cooperating in the conservation and management of highs seas resources, Flag States (like all States) must protect and preserve the marine environment, which includes living marine resources.

The FAO Agreement builds upon these principles to meet two basic objectives. First, the Agreement sets forth a range of specific obligations for Flag States to ensure that their vessels act consistently with conservation and management needs developed by regional fishing arrangements. Second, the Agreement greatly promotes the transparency of high seas fishing operations through the collection and dissemination of information. By being Party to the FAO Agreement, a State fulfills basic responsibilities imposed by the LOS Convention to cooperate in the conservation and management of high seas living resources.

Flag State responsibility has a long tradition in the Law of the Sea, mostly—but not completely—for the good. It was originally justified on the notion that a ship should be regarded as an extension of the territory of the Flag State. Generally speaking, when a ship is on the high seas, no other State may exercise jurisdiction over it.

This exclusivity of jurisdiction has long been recognized to imply a duty—Flag States must control their vessels to ensure that they act consistently with international law. The Law of the Sea Convention makes this explicit—in exchange for exclusive jurisdiction over its vessels on the high seas, Flag States must ensure that such vessels act responsibly.

Today, high seas fishing vessels have harvesting capacities never imagined in the days when the notion of Flag State responsibility first arose. Modern fishing vessels and fleets can literally wipe out fish stocks. Flag States have a duty under the Law of the Sea Convention to exercise great vigilance over their fishing vessels which operate on the high seas. The FAO Agreement identifies vital elements of that duty. If they do not meet their duty, the fishery resources on which we all depend will collapse, and the Flag States will have failed to exercise their responsibility under the Law of the Sea Convention.

Some Flag States have begun to exercise this greater vigilance over their high seas fishing vessels. Others, unfortunately, continue to allow their flags to be flown by vessels over which they exercise virtually no control. This is improper under the Law of the Sea Convention. When such vessels fish in ways that break the rules and do harm to the marine environment, these States sometimes try to hide behind the tradition of Flag State responsibility, asserting that no other State may take action to compel proper fishing behavior on the high seas. When such vessels are suspected of fishing illegally in zones of national jurisdiction, and are later found on the high seas, these States sometimes refuse to cooperate with coastal States in investigating the alleged violations.

These patterns of conduct are inconsistent with Law of the Sea Convention requirements and jeopardize respect for the tradition of Flag State responsibility for fishing vessels on the high seas. The FAO Agreement represents one attempt to address part of the problem. It sets forth a reasonable set of specific duties for Flag States to ensure that their vessels do not undermine conservation rules on the high seas. As such, it elaborates upon basic duties in the Law of the Sea Convention.

All States should move quickly to become party to the FAO Agreement or otherwise observe its requirements. For those Flag States that do not, the international community can be expected to find another approach to fulfill the intent of the Law of the Sea Convention that the marine environment be preserved and protected against the actions of irresponsible high seas fishing vessels.

The message is that the Flag States of vessels fishing on the high seas must do more to cooperate among themselves and with coastal States. Some States argue that it is a derogation of sovereignty to cooperate with other States on the high seas in matters pertaining to boarding, inspection and other questions of compliance for responsible fishing behavior. We disagree. We see cooperation as an exercise of sovereignty.

Provision of high seas catch data to other States is not an infringement upon sovereignty or a derogation from the traditions of Flag State responsibility. It is a exercise of sovereignty and responsibility in fulfillment of the duty to cooperate to conserve the world's fishery resources and to protect the marine environment. Cooperating with coastal States on high seas enforcement problems, including boarding and inspection, either through formal or informal arrangements, is not an infringement on sovereignty or the traditions of Flag State responsibility. It is a practical decision by a sovereign State and an exercise of its Flag State duties to ensure that its flag vessels comply with international law and the rules and norms of responsible fishing behavior.

The Law of the Sea Convention does not set up the high seas as a sanctuary for irresponsible fishermen. States with fishing vessels on the high seas have a duty under the Law of the Sea Convention to cooperate with other States. That cooperation may take many forms—but it must be directed toward responsible conservation and management actions; and that means, at a minimum, monitoring and inspection of fishing vessels and reporting about their activities.

Within the context of regional fishery agreements, Flag States should consent to boarding and inspection of their fishing vessels on the high seas by other States to ensure compliance with those agreements. If a high seas fishing vessel is violating agreed fishing measures, the Flag State should either exercise responsibility for the vessel or authorize another State to exercise such responsibility on its behalf. If a vessel is suspected of violating coastal State rules, the Flag State should cooperate with the coastal State and provide the most efficient means of investigation including agreeing to coastal State boarding and inspection on the high seas when the Flag State is not in position to do so.

Numerous international extradition agreements include the "prosecute or extradite" rule. We believe international fishery agreements and relationships should include a similar approach. A State must either ensure that its flag vessels engage in responsible fishing on the high seas, or be prepared to allow other States to take the necessary steps. This approach fully respects the basic traditions of Flag State responsibility enshrined in the Law of the Sea Convention, while also meeting other responsibilities found in the Convention of equally compelling character to cooperate for the conservation and management of high seas living resources.

This approach, which the United States is advocating in the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, is completely consistent with the Law of the Sea Convention. If Flag States do not cooperate in this fashion, I believe that other members of the international community, particularly coastal States, will become more aggressive in asserting their rights and interests with respect to living marine resources. Indeed, we have begun to witness such actions in recent years.

We do not have time to go into this critical subject at greater length. We should recognize, however, the contributions that the FAO Agreement has made to giving content to the Flag State duties of the Law of the Sea Convention. We look forward to the FAO Agreement's entry into force and full implementation.

CONCLUSION

We generally ask too much of our international institutions. The Law of the Sea Convention is not a panacea that will make the oceans pristine and bountiful. Human behavior has a much greater role to play.

In the last ten years we have seen progress made on a number of fronts relating to the marine environment and high seas fisheries. And I should note that I have recounted just a few. These examples demonstrate, however, that it is possible to give real substantive, positive, beneficial, responsible content to that overused word "cooperation." There are, as well, recent major achievements in protection of the marine environment from pollution, including, Marpol and the London Convention prohibitions on the ocean dumping of industrial waste and radioactive waste.

But, much remains to be done. The International Coral Reef Initiative in which Japan and the United States are playing a leading role is a step in the right direction. The Global Conference on Land Based Sources of Marine Pollution to be held in Washington at the end of 1995 offers the possibility of beginning to come to grips with the most insidious of ocean pollution problems. And, of course, there is the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks in which we hope to make continuing progress in the field of international fisheries cooperation.

The progress made in these areas to date is no doubt due in part to the fact that we have begun to realize in a more forceful way that we have to take care of the oceans—that we have to agree to restrain our behavior—that we just cannot do what we want, that ships under our flags must abide by rules of behavior to protect the marine environment and to conserve fisheries. It is also due in part to the fact that for eight years, from 1974–1982, the Third U.N. Conference on the Law of the Sea brought the entire world together to identify and negotiate the basic rules for traditional uses of the oceans and to set them out in the Law of the Sea Convention.

Thus, for the last ten years we have had a common foundation upon which to build. The progress made on ocean issues in the last ten years is directly attributable to the fact that everyone agreed on the basic rules.

The entry into force of the Law of the Sea Convention creates new opportunities to protect the marine environment and to conserve its fisheries. Not the least of these opportunities is found in the Convention's dispute settlement provisions, which no amount of rhetoric can make customary law.

No responsible actor, be it government, or individual, has anything to fear from compulsory dispute settlement. The Law of the Sea Convention's dispute settlement provisions, even if never used, can deter improper behavior and compel performance with basic rules and undertakings established by the international community to protect the marine environment and to conserve fisheries.

Let us ensure that we continue to make progress in these all important areas now that the Convention is in force.

THE 73 COUNTRIES THAT HAVE RATIFIED THE LAW OF THE SEA CONVENTION AS OF MARCH 1, 1995

Angola, Antigua and Barbuda, Australia, The Bahamas, Bahrain, Barbados, Belize, Bosnia-Herzegovina, Botswana, Brazil.

Cameroon, Cape Verde, Comoros, Cook Islands, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Egypt, Federal Republic of Yugoslavia.

Fiji, the Gambia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Iceland, Indonesia, Iraq.

Italy, Jamaica, Kenya, Kuwait, Lebanon, Former Yugoslav Republic of Macedonia, Mali, Malta, Marshall Islands, Mauritius.

Mexico, Federated States of Micronesia, Namibia, Nigeria, Oman, Paraguay, Philippines, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines.

Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Tanzania, Togo.

Trinidad and Tobago, Tunisia, Uganda, Uruguay, Vietnam, Yemen, Zaire, Zambia, Zimbabwe.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the minority leader, pursuant to Public Law 102–138, appoints the Senator from Alabama [Mr. HEFLIN] as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 104th Congress.

THE NEW YORK TIMES PUBLISHES ITS 50,000TH ISSUE

Mr. MOYNIHAN. Mr. President, careful readers of the New York Times may have noticed something special below the nameplate on the front page of today's issue. Just beneath the familiar box—known as the left ear in newspaper parlance—announcing "All the News That's Fit to Print," it says the following: "Vol. CXLIV . . . No. 50,000."

The New York Times published its 50,000th issue today, a noteworthy milestone even for a newspaper as seemingly eternal and immutable as the great presence on West 43rd Street. The first issue of what was then called the New-York Daily Times appeared 143 years, 7 days ago, on Thursday, September 18, 1851. With only a very few interruptions, there has been an issue of the Times every day ever since.

To give Senators a sense of the magnitude of this event: if one were to stack up 50,000 copies of the New York Times, the pile would be 300 feet taller than the Empire State Building, which is 102 stories tall.

Mr. President, I am sure all Senators will join me in offering congratulations and great good wishes to Arthur Ochs Sulzberger, the publisher of the New York Times, and to everyone else at the Nation's "newspaper of record," on this historic occasion. I ask unanimous consent that an article about the 50,000th issue from today's New York Times be printed in the RECORD.

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

[From the New York Times, Mar. 14, 1995]

THE TIMES PUBLISHES ITS 50,000TH ISSUE: 143 YEARS OF HISTORY

(By James Barron)

This was front-page news in No. 1: "In England, political affairs are quiet." So were two stories about New-York, a city that still had a hyphen in its name: a 35-year-old Manhattan woman had died in police custody, and two Death Row inmates were facing execution.

No. 25,320 was the one that said Lindbergh did it, flying to Paris in 33½ hours. No. 30,634 described the Japanese attack on Pearl Harbor. No. 35,178 reported that the Supreme Court had banned segregation in public schools. No. 40,721 said that men had walked on the moon, No. 46,669 that the Challenger had exploded.

Today, 143 years and 177 days after No. 1 hit the streets, The New York Times publishes Vol. CXLIV, No. 50,000—its 144th volume, or year, and 50,000th issue.

Except for the Super Bowl and the copyrights in late-late movies, Roman numerals have gone the way of long-playing phonograph records and rotary-dial telephones. And in an industry where the numbers that matter most involve circulation and advertising lineage, the 50,000th issue is the journalistic equivalent of a car odometer's rolling over. The day will be noted in passing at The Times. The newspaper is preparing to commemorate the 100th anniversary of Adolph S. Ochs's purchase of the paper next year.

"The best way we can celebrate" No. 50,000, Arthur Ochs Sulzberger, the chairman of The New York Times Company, said yesterday in a memorandum to the staff, "is by insuring that our 50,001st edition is the best newspaper we can possibly produce." He added: "I'll fax you another memo when our 75,000th edition comes out."

Still, 50,000 is a lot of anything. It is the number of copies of John Steinbeck's "Grapes of Wrath" sold every year in the United States, and the number of copies of Conrad Hilton's autobiography, "Be My Guest," stolen every year from hotel rooms around the world, the number of rhinestones that were in Liberace's grand piano and the number of customers who crowd into Harrods in London every day.

If all 50,000 issues of The Times were stacked in a single pile, one copy apiece, they would be roughly 300 feet taller than the Empire State Building, or 200 feet taller than one of the twin towers at the World Trade Center.

The idea of 50,000 days of headlines summons memories. Going by the numbers, No. 18,806 said the Titanic had sunk after slamming into an iceberg near Newfoundland. No. 28,958 reported the explosion of the dirigible Hindenburg in Lakehurst, N.J., and No. 34,828 the conquering of Mount Everest. The 1965 blackout dominated No. 39,372; the one in 1977, No. 43,636.

The Times has covered 28 Presidents (29 if Grover Cleveland, who served two nonconsecutive terms, is counted twice), starting with Millard Fillmore. No. 4,230 reported the death of Abraham Lincoln, No. 38,654 the assassination of John F. Kennedy and No. 42,566 the resignation of Richard M. Nixon.

Ten thousand issues ago, No. 40,000 reported that a crib had been set up in the White House for Patrick Lyndon Nugent, the five-week-old grandson of President Lyndon B. Johnson. He was to stay in the White House while his parents took a vacation in the Bahamas.

No. 40,000 also reported that Ann W. Bradley was engaged to Ramsey W. Vehslage, the president of the Bonney-Vehslage Tool Company in Newark. No. 40,076, on Oct. 15, 1967, reported that their wedding had taken place the day before in Washington. Mr. Vehslage is still the president of the family-owned company. But the person who answered the phone at Bonney-Vehslage last week was Ramsey Jr., born on June 18, 1971 (an event not reported in No. 41,418, published that day).

Like No. 50,000 today, No. 30,000 hit the streets on a March 14—Thursday, March 14, 1940. No. 10,000, on Sept. 24, 1883, reported that J.P. Morgan's yacht had sunk. That issue had eight pages and a newsstand price of 2 cents. The daily-and-Sunday subscription price in those days was $7.50 a year.

Vol. I, No. 1 of The New-York Daily Times, as the newspaper was known, cost only a penny when it appeared on Thursday, Sept. 18, 1851. There were no Sunday issues until No. 2,990 on April 21, 1861. But each day brought a new number, and the continuity was preserved even when the paper was not published. After strikes in 1923, 1953 and 1958, special sections were printed containing pages that had been made up when the paper was not published.

Continuity was also preserved during a 114-day strike in 1962 and 1963. The Time's West Coast edition kept the numbers going. (The West Coast edition had no Sunday issue, but for the sake of continuity, the numbers skipped one between Saturday and Monday.)

In 1965, when a 24-day strike halted The Times's operations in New York, its international edition in Paris kept publishing.

That justified keeping the numbers going, even though the international edition had its own different sequence. For that reason, the number of the issue published in New York on Sept. 16, 1965, the last day before the strike, was No. 39,317. The first day after the strike was No. 39,342. The numbers from 39,318 to 39,341 were never used.

No such attempt at continuity was made during an 88-day strike in 1978. By then, the Times had suspended its international edition and become a partner in The International Herald Tribune. The last issue of The Times before the strike was No. 44,027. The first issue after the strike was No. 44,028.

The Times is one of the last papers in America to print the volume number (in Roman numerals) and the issue number (in Arabic) on its front page. Dr. Holt Parker, an associate professor of classics at the University of Cincinnati, knows when this tradition began: in the Middle Ages, when scribes copied texts by hand.

Why does it continue? Dr. Parker can think of only one reason. "Because," he said, "it looks good."

THE DEATH OF JUDGE VINCENT L. BRODERICK

Mr. MOYNIHAN. Mr. President, New York and the Nation lost a most distinguished attorney, jurist, and public servant with the death on March 3 of the Honorable Vincent L. Broderick.

Judge Broderick, or Vince as he was known to family and friends, was born in 1920 into a family with a long tradition of public service. His father, Joseph A. Broderick, was Gov. Franklin D. Roosevelt's superintendent of banks, and was later appointed by President Roosevelt to the Federal Reserve Board. His uncle, James Lyons, served as Bronx borough president for 20 years. I might add that this tradition continues among other members of the family: Judge Broderick's nephew, Christopher Finn, who was my administrative assistant here in the Senate from 1987 to 1989, is now executive vice president of the Overseas Private Investment Corporation.

As a young man, Vincent Broderick was a leader of the Young Democrats in the late 1940's. He was active in the presidential campaign of Robert F. Kennedy, and, after the assassination in 1968, in the campaign of Hubert Humphrey. In 1969, after briefly considering running for mayor of New York City, Mr. Broderick sought the nomination for city comptroller. He was defeated in the primary by Abraham Beame. He continued to be active in Democratic politics in New York, working on Senator George McGovern's presidential campaign in New York in 1972.

Judge Broderick was the sort of uniquely able man who was called to duty by his Government again and again for the most difficult assignments. During World War II, he interrupted his studies at the Harvard Law School to enlist in the Army, where he served as a member of the amphibious engineers in the Pacific. He rose to the rank of captain before returning to law school, which he finished in 1948.

After practicing law with the Wall Street law firm of Hatch, Root & Barrett in the 1950's, Vincent Broderick became deputy commissioner for legal matters of the New York City Police Department. He later served as general counsel of the National Association of Investment Companies before becoming chief assistant U.S. attorney for the southern district of New York.

In 1965, Vincent Broderick was appointed police commissioner by New York City Mayor Robert F. Wagner. Running the Nation's largest police force in the Nation's largest city has always been an extremely difficult job, and never more so than in 1965, when New York City experienced a terrible blackout, a crippling transit strike, the first ever visit by a Pope—Paul VI—and a bitter dispute with Mayor John V. Lindsay over the handling of complaints against the police. Despite these challenges, Vincent Broderick excelled as police commissioner and became known as a leader who refused to tolerate excessive force or racial prejudice in his department.

After returning to private practice for a time, Vince Broderick was nominated to the U.S. District Court for the southern district of New York by President Ford, where he further distinguished himself as a jurist of great wisdom and fairness. From 1990 to 1993, he served as chairman of the criminal law committee of the Judicial Conference of the United States. He remained active as a senior judge in the southern district until shortly before he died.

Judge Vincent Broderick was a public man of singular accomplishments and abilities, a model public servant and model gentleman whose extraordinary career and accomplishments in government and the law will be studied and admired for many years to come.

Mr. President, I commend to the attention of Senators Judge Broderick's obituary, which appeared last week in the New York Times, and I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times, Mar. 7, 1995]

V. L. BRODERICK, JUDGE AND POLICE HEAD, 74, DIES

(By Lawrence Van Gelder)

Judge Vincent L. Broderick, who was a senior judge on the Federal District Court for the Southern District of New York and who served as New York City Police Commissioner during the tumultuous period of transition, died on Friday at the Stanley R. Tippett Hospice in Needham, Mass. He was 74.

Judge Broderick, who lived in Pelham Manor, N.Y., died of cancer, said his daughter Kathleen Broderick Baird of Needham.

In the eight months after he was appointed Police Commissioner by Mayor Robert F. Wagner in May 1865, Judge Broderick led the police force through the blackout that blanketed the Northeast, through the biggest transit strike in the city's history, through the first visit to New York by a Pope, Paul VI, and through a conflict with Mayor John V. Lindsay over the creation of a civilian board to review complaints against the police.

Lean, calm and reflective, Judge Broderick was a relative rarity in the ranks of commissioners—a man who had never walked a beat. But he came from a background in law, law enforcement and public service, having been deputy police commissioner in charge of legal matters and, at the time of his appointment as head of the 27,000-member force at the age of 45, the chief assistant United States Attorney for the Southern District of New York.

"Its a problem job," he said when Mayor Wagner named him to fill the unexpired term of Michael J. Murphy. "It always has been a problem job, and it always will be. But I think I have the capacity to handle it."

Judge Broderick wasted no time making clear where he stood. In his first major appointment after assuming office, he named a black captain, Eldridge Waith, to command the 32d Precinct in Harlem. Two weeks later, at a time of racial tensions throughout the country, Judge Broderick issued a warning at a police officers' promotion ceremony:

"If you will tolerate in your men one attitude toward a white citizen who speaks English, and a different attitude toward another citizen, who is a Negro or speaks Spanish—get out right now. You don't belong in a command position.

"If you will tolerate physical abuse by your men of any citizen—get out right now. You don't belong in a command position.

"If you do not realize the incendiary potential in a racial slur, if you will tolerate from your men the racial slur—get out right now."

In that same speech, Judge Broderick made clear where he stood on the subject that prompted Mayor Lindsay to deny him reappointment the following February: Judge Broderick opposed a civilian review of the police. Recalling testimony he had just given the City Council, he said, "I opposed it on the ground that we have civilian control of the Police Department; that we have civilian review of citizens' complaints; that outside review would dilute the quantum and quality of discipline within the department, and that outside review would impair the effectiveness of the police officer in coping with crime on the streets."

On leaving the Police Department, Judge Broderick, a Democrat, returned to the private practice of law until 1976, when he was appointed to the Federal bench by President Gerald R. Ford, a Republican.

As a senior judge of the United States District Court for the Southern District, he remained active until shortly before his death. He presided over one of the longest criminal trials in the Federal courts, an organized-crime racketeering case that lasted more than 18 months. And, in a ruling sustained by the Untied States Supreme Court that resulted in new hiring practices by governments, he held for the first time that political considerations had no place in selecting personnel for nonpolitical government jobs.

He served from 1990 to 1993 as chairman of the criminal law committee of the Judicial Conference of the United States, the policy-making arm of the judiciary, a position from which he led a fight to permit judicial flexibility in sentencing.

In 1993, he told a House subcommittee that an inherent vice of mandatory minimum sentences is that they are designed for the most culpable criminal, but they capture many who are considerably less culpable and who, on any test of fairness, justice and proportionality, would not be ensnared. The 1994 crime bill incorporated his view by permitting departures from the mandatory guidelines.

Judge Broderick's father, Joseph, was Superintendent of Banks for New York State and a governor of the Federal Reserve Board. His brother Francis was a chancellor of the University of Massachusetts in Boston.

Judge Broderick, who grew up in the Washington Heights section of Manhattan, graduated from Princeton in 1941, began studies at Harvard Law School and then enlisted in the Army. As a member of the amphibious engineers he served in Cape Cod, New Guinea, the Philippines and postwar Japan before leaving service with the rank of captain to resume his studies at Harvard. He graduated in 1948.

For the next six years, Judge Broderick practiced with the Wall Street firm of Hatch, Root & Barrett. Then he was chosen for the job of deputy commissioner for legal matters. After two years, Judge Broderick left to become general counsel of the National Association of Investment Companies.

In 1961, Robert M. Morgenthau, then the United States Attorney for the Southern District, named him chief assistant, and he served as acting United States Attorney in 1962, when Mr. Morgenthau ran unsuccessfully for governor against Nelson A. Rockefeller.

In addition to his daughter Kathleen, Mr. Broderick is survived by his wife, the former Sally Brine, of Pelham Manor; three other daughters, Mary Broderick of East Lyme, Conn., Ellen Broderick of East Chatham, N.Y., and Joan Broderick of East Sandwich, Mass.; two sons, Vincent J. Broderick of Westwood, Mass., and Justin Broderick of Cambridge, Mass.; a brother, Joseph, of Chapel Hill, N.C., and eight grandchildren.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

The PRESIDING OFFICER. The chair, in his capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

What is the pending question before the Senate?

The PRESIDING OFFICER. The business before the Senate is the Kassebaum amendment, No. 331, to H.R. 889.

Mr. BYRD. I thank the Chair.

Mr. President, although this amendment only directly affects workers involved in Government contracts, there is a deeper principle—a principle which goes to the rights of other workers to act in concert—in other words, to strike—to bring about improved working conditions, better wages, safety and health protection, and so on. It is a principle for which many men have given their lives, and, as one who grew up in the southern coal mining counties of West Virginia, I rise today in opposition to this amendment.

I was raised by a coal miner; I married a coal miner's daughter; my days as a boy and as a young man were spent in coal mining surroundings, and as a young man I worked in the coal mining company stores in Raleigh County and Fayette County, West Virginia. I lived at various times in Mercer and McDowell and Raleigh and Fayette Counties—all of which were big coal producers—and my uncle, who raised me, worked in the mines of Mercer, McDowell and Raleigh counties. Therefore, I shall reflect in my remarks today, on the conditions under which the coal miners worked when I was a boy and which led to the unionization of the miners. I shall refer to the social conditions under which the coal miners labored to raise their families, and I shall also speak of the trials and turmoils that attended the coming of the union to the southern counties of my State. To fully comprehend the importance of the ability of workers to collectively bargain—in other words, to strike—and to belong to a union, no industry is more illustrive than the mining industry in West Virginia.

Geologists place the beginnings of the Coal Age at about 315 million years ago, at the start of what is known in geologic time as the Pennsylvanian period. This, together with the earlier Mississippian period, make up the Carboniferous Age. The first Coal Age is thought to have lasted approximately 45 million years. Almost all of the valuable coal seams were laid during the Pennsylvanian period. These deposits stretched from the Canadian maritime provinces south to Alabama, generally paralleling the Appalachian Mountain chain. West Virginia was blessed with a great concentration of this natural resource, and from the beginnings of coal mining in the early 1800's, the economy, welfare, and political life of West Virginia had been largely dependent upon this "black gold," which underlies a great portion of my State. Coal was not a very important resource in West Virginia until after the Civil War, when the advent of the railroads made the coal fields accessible and brought thousands of miners into the State.

Since the advent of coal mining, West Virginia has been fertile ground for outside exploitation, massive labor confrontations, union organizing, and a multitude of political intrigues. The coal fields have provided great wealth to individuals and to corporations—many or most of which, as I have stated, were outsiders—while many of the miners and their families have known equally great poverty. Great wealth for the outside interests; great poverty for the men who toiled in the mines to bring out the coal. West Virginians have seen their State's landscapes altered by underground mining and more recently by the impact of strip mining, and the State's economy has been buffeted by the up-and-down cycle brought on by vacillating prices and other economic factors, many or most of which were beyond the immediate control of the coal miners themselves.

As Stan Cohen states in his fascinating treatise, titled "King Coal, a Pictorial Heritage of West Virginia Coal Mining," coal was sighted as early as 1790 in the northern part of the State, which, at that time, was a part of the State of Virginia. As transportation methods improved, the thick Pittsburgh coal seam, prominent in northern West Virginia, assured the area of a steady growth in coal production as transportation methods improved. I quote from Mr. Cohen's work:

Mines were operating in the Fairmont region by 1850 for local consumption. When the Baltimore and Ohio Railroad reached Fairmont in 1853, markets opened up as far East as Baltimore. The coal fields around Wheeling, and the Northern Panhandle, were also

mined prior to the Civil War; the coal was needed for a fledgling iron industry in that city that had begun before the War of 1812. The Baltimore and Ohio reached Wheeling in the early 1850's, providing access to eastern markets.

The northern coal fields assumed greater importance during the Civil War, when supplies from Virginia were cut off. The larger cities of the East needed a steady supply of coal for heating purposes and war-related industries. Union forces were able to keep the Baltimore and Ohio and the Norfolk and Western railroads open to Washington, D.C., and Baltimore, notwithstanding constant raids by the Confederates. The end of the war saw the expansion of coal mining in Marion, Taylor, Preston, Monongalia, Barbour, and Harrison Counties.

The coal fields in southern West Virginia—those in Logan, Mingo, Wyoming, Mercer, McDowell, Wayne, and Summers—had to wait for the coming of the railroads to that section in the late 19th century to realize their vast potential.

Mr. President, coal mining in southern West Virginia is a vast storehouse of history. It is a story of struggle, oftentimes violent struggle—a story of courageous men and women demanding and fighting for their rights, for their dignity, and for their freedom. As David Alan Corbin, relates in his work titled "The West Virginian Mine Wars":

Like the Civil Rights movement of the 1960's, the miners' organizing effort had good and bad characters. Each story involved brutality, destruction, and death. And both movements are stories of oppressed, exploited people fighting for dignity, self-respect, human rights, and freedom. Both are stories of courageous men and women doing heroic things under extraordinary circumstances against extraordinary foes.

Corbin refers to the Matewan massacre in 1920 as having parallels to the Old-West-style shootout on the main street of town. The killings of Sid Hatfield and Ed Chambers on the steps of the McDowell County courthouse in Welch was a gangland type "hit", and the ensuing march on Logan was Civil War.

And if ever my colleagues have the opportunity, I hope they will visit Matewan, in Mingo County, the southernmost part of West Virginia. McDowell County is an adjoining county. I lived in McDowell County as a little boy, and my coal miner dad worked in mines at Landgraff.

There on the courthouse steps, ascending the hill leading to the McDowell County Courthouse in Welch, can still be seen the bullet holes. Sid Hatfield and his wife, Ed Chambers and his wife, were ascending the steps. Sid Hatfield and Ed Chambers were shot dead by the Baldwin-Felts gunmen.

Mr. President, the West Virginia mine wars involved nearly every form of violence. Automatic rifles, machine guns, shotguns, handguns, and grenades were utilized, and there was a train, "Bull Moose Special." It was fitted with guns and armor. There were passwords, spies, scouts, sentries, medical units, medics, and officers. It was a war fought also with legal artillery—injunctions, yellow-dog contracts, housing contracts and evictions, economic sanctions—as well as by jailings, beatings, and murders. The West Virginia mine wars have been the subject of several interesting historical studies, including Lon Savage's, "Thunder in the Mountains," Howard Lee's "Blood Letting in Appalachia," and David Corbin's work titled "Life, Work, and Rebellion in the Coal Fields."

I do not recommend watching movies except excellent ones and there are not many American movies that are excellent. But I do recommend, if my colleagues ever have the opportunity of doing so and they have not done so already, I recommend they see "Matewan."

The coal miners' struggle for unionization was the culmination of decades of exploitation and oppression, and it was fought for dignity, and political and social rights. Coal mining operations ran an authoritarian system, the heart of which was the coal company town. The coal companies, owned by outside interests, exercised enormous social control over the miners. The coal company town was really not a town in the usual sense of the word. But it was a complete, autonomous system. In addition to owning and controlling all the institutions in the town, coal company rule in southern West Virginia, according to David Corbin, and I can bear witness to the facts that he describes, because I grew up in those surroundings.

Coal company rule in southern West Virginia,

included the company doctor who delivered the babies, the mines in which the children went to work, and the cemeteries where they eventually were buried.

I have helped to bury coal miners on those hills. It is an experience, carrying those heavy caskets along the hillsides and digging the graves, as well. Company rule also included the company police in the form of mine guards, who would toss the miners into the company jail—not into the county jail but the company jail—or administer the company beating when the miners attempted to organize into a union. It was a complete rule, and it was a ruthless rule in many instances. Consequently, when the miners went on strike for their union, they did so not for simple wage increases always, but, in many instances, for their very dignity and freedom.

For millions of centuries, the hills and low mountains that cover so much of West Virginia slumbered in solitude. Mountain people were hard working, tough, clannish, and, while normally friendly, they looked upon strangers with suspicion. Life on the whole was simple.

In the early days of the mining industry, a miner learned how to mine by experience. He would work with another miner or with his father until he felt confident enough to work at the coal face alone. The early miner performed all mining tasks himself, including laying the track for the coal car, loading the car, and supporting the mine roof. As production increased and companies grew, a division of labor was instituted, with each miner having a specific task to perform. Young boys—12-year-olds, for example—often went into the mines with their fathers to learn the job. They were given odd jobs at first, such as door-tending, or "trapping," which consisted of sitting near a ventilation door and opening it—this is along the mine entrance. The mine perhaps had been driven a mile, two miles, or three miles or more into the bowels of the Earth, and there were large fans that would circulate the air through the entries. There were trap doors through which the motor, or earlier, the mules or ponies that pulled the mine cars, would travel. These boys would be employed to open the door and close the door after the cart or the mine car had passed through the door with its load of coal.

So these boys were given odd jobs at first, such as door-tending or "Trapping," which consisted of sitting near a ventilation door and opening it as the mule drivers, or "skinners," as they were sometimes called, passed through with their loads of coal.

In the days when my coal miner dad worked in the coal mines, the coal was dug and loaded by hand, and the miner's work area around him was referred to as his "place." That is why a few days ago, when speaking against this amendment, I referred to, on one occasion, the "coal miner's place." If he did not clean it up during the 9 or 10 or 12 hours, then someone else might take his job. The miners were told to clean up their "place," and there was always someone waiting on their job. That meant he had to shovel up the coal, the rock, the slate—whatever fell down when the dynamite went off—and clean it up, load it into the car. Many times the miner worked on his knees, loading that coal into the mining car.

Dynamite was used to bring down the coal, and the fallen coal was shoveled into one of the empty mine cars—a difficult job, especially in the low seams. There were some mines and some seams which enabled the miners to stand erect and work, but there were some seams that were so low, the miners had to work on their knees—they could not stand erect—with millions of tons of rock overhead, working in the darkness to bring out the coal. Especially in low seams, as I say, it was a difficult job and, in many instances, the miners worked in water holes.

While loading the coal, the miner had to remove the larger pieces of rock and slate so that he would not be "docked" for sending out "dirty" coal. Lump coal sold at a premium price while pea-

sized or slack coal sold for a lesser price. A miner hung a brass "check" on each car that he loaded in order to get proper credit for the coal that he dug.

My dad's check number, I recall, was 232. Each car of coal that he loaded, he attached his brass check with No. 232 on it, so that when the coal car was unloaded into the tipple and later into the railroad cars, he would get credit for having dug and loaded that carload of coal.

In the mid 1920's, a miner would sometimes load more than 10 tons of coal a day. Companies in those days would haul the coal to the surface using mules or ponies, until small electric locomotives were introduced.

One source of constant tension between miners and coal companies in those days was the matter of fair payment to the miner for the coal that he had dug and loaded. "Short weighing," practiced by some unscrupulous companies to cheat the miners, occurred when the company weighman would record a weight less than the actual amount of coal in the car. "Dockage," to which I referred a little earlier, was an arbitrary reduction in payment for impurities such as slate and rock loaded in the coal car. These practices became so commonplace that one of the first demands of the miners when the union was formed was for their own check-weighman to monitor the company check-weighman, because the miners felt that only with such a system would they be paid a fair amount for the coal that they had so arduously dug and loaded.

With the coming of hydraulically controlled machines, mining has become an automated industry, and highly skilled men and women operate the complicated mining machinery of today. The pick and shovel mining, which constituted the life and times of the coal miners of my dad's day, are gone forever.

So, Mr. President, the West Virginia mountains had stood in untouched solitude throughout the hundreds of millions or billions of years. With the coming of large coal mining operations, in my boyhood and early manhood years, coal mining camps were to be found all over the southern counties of West Virginia. Large mine-mouths gaped bleakly from the hillsides. You travel along and see these mine openings in the Earth—large mine entry openings. Gaunt tipples, miners' bathhouses, and other buildings stared down upon the mining community itself from the slopes of the mountains. Railroads sent their sidings in many directions, and long lines of squat mine cars ran along the narrow gauge tracks and disappeared around the curves of the hills.

When unionism invaded these peaceful valleys, it made itself familiar often through bloody scenes. To the miner, his employment in the mines was his only way of making a living—he knew no other trade—and if a considerable number of mines closed down, whole mining communities sat around idle. Many times, I have looked into family cupboards of miners and they contained only a little food, perhaps for a single meager meal. I have seen the haunted look in the eyes of men who did not know how they were going to provide for the immediate wants of their children and wives.

Outside interests, as I have stated, had bought up the land in large quantities, and many corporations sprang into existence, some of them with the intention of mining the coal themselves, while others planned to lease their land to those who would do the mining. Some of the land was bought by railroad companies that wanted it for the coal that it held, as well as for rights of way. They used the coal to propel the large steam engines that pulled the long lines of coal cars over the hills and down the valleys. Manufacturing establishments in northern and eastern cities acquired some of it for their own future supplies of coal, and public utility corporations did the same thing.

The first railroads into the State were the Chesapeake and Ohio, the Baltimore and Ohio, the Norfolk and Western and the Virginia. Miners came into the West Virginia valleys from western and central and southern Europe, as well as from the southern cotton fields of the United States. Operators would advertise for workers to take mining jobs, and they came even from European countries and in the cotton fields of the South.

Welsh coal diggers came from the pits of Kidwelley; Englishmen came from Lancashire, and these mingled with Scotsmen and Hungarians and Czechoslovakians and Germans, Poles, and Austrians. There were large numbers of Italians. As many as 25 or 30 nationalities can still be found in the city of Weirton, in West Virginia's northern panhandle.

The typical coal mining community was not a town in the ordinary sense. The place where the town stood was the point at which a coal seam had been opened, buildings had been erected, and machinery had been installed. The dwellings, or shacks, clustered about the tipple or straggled along the bed of the creek, and there seemed to be always a creek in those coal mining communities. And these dwellings were occupied solely by the men who worked in the mines. Oh, there were some management personnel—the store manager, company doctor, principal of the nearby school. But other than that type of personnel, the houses were occupied by miners.

These communities were really not called towns. They were more often called "camps"—the mining camp down the way, or the Glen White mining camp, the Stotesbury mining camp, or the Slab Fork mining camp, the Tams mining camp, or the mining camp at Helen, West Virginia.

No one owned his own house. He could not acquire title to the property. No one owned a grocery store or a garage or a haberdashery. There was no Main Street of small independent businesses in the mining camps. There was no body of elected councilmen to pass on repairs for the roads or sanitation problems. There was no family physician who built up a successful practice by competing with other physicians. The coal company owned all of the houses and rented them to the miners. It owned the company store. It owned the pool room. It owned the movie theater. It built the church. The company employed the physician and collected a small sum monthly from each miner to help pay the company doctor. The coal company controlled life and activities of the little community. It was responsible for the sanitation and sewage disposal. The company's ownership usually extended to the dirt roads that ran alongside the railroad tracks or through the middle of the mining camp along by the creek.

Semimonthly paydays occurred and miners were given statements showing how much they owed the company and how much the company owed them. Among the items charged against the miners in this account were the indebtedness incurred by the miners at the company store, rent for their house, electricity for their house, heating, meaning coal; the miners heated their houses with coal, and they bought this coal from the company for which they worked. They got it at a cheaper price, but they paid for their coal. And also included in this account was a monthly checkoff for doctor services or use of the hospitals. The hospitals usually were several miles away and located in the incorporated towns. There was a charge for use of the company washhouse in which to clean up after a day's work. The miner paid the same amount for doctor and hospital services whether there was an illness in his family or not. An additional sum would be paid for such services as occurred with childbirth.

I was employed by the coal mining community company store at Stotesbury. I first worked in a gas station pumping gas. We did not have service stations in those days. Those were gas stations. And then I was a produce salesman for the coal company, at the coal company store, and I was also a meat cutter. And when our first daughter was born, my wife and I had two rooms in one of those coal company houses. The company doctor attended my wife on that occasion. The doctor and I sat in the kitchen beside a wood-burning stove. My wife gave birth to our older daughter in the adjoining room. My wife's mother attended my wife.

The next morning, after the baby was born, the doctor was leaving the house. I said, "How much do I owe you, Doctor?" He said, "$15." So my wife and I still refer to our older daughter, Mona, as our "$15 baby." But that is the way it was in those days.

The miners used scrip largely in making purchases at the company store. The scrip was in the form of small metal tokens rounded like coins, stamped in various denominations. The companies accepted this scrip in lieu of real money at the pool room, at the movie theater, and at the company store.

Some mining towns were unsightly, unhealthful, and poorly looked after. The surface privy was nearly everywhere in evidence and was a prevalent cause of soil pollution and its contents usually washed toward the bed of the creek. There was not a sidewalk in many of the mining communities. On the other hand, some of the mining communities were neat and attractive in appearance and well cared for. I can say that about the mining community in which I lived as a boy. Many coal mining companies offered prizes for the best gardens, and they tried in other ways to keep the town pleasant in appearance. It was a subservient existence—a civilization within a civilization. There was no escape from it.

One might leave this mining community, if he could get a job in another mining community, but he just moved from one mining community to another mining community, and it was all the same—a civilization within a civilization. There was no escape from it, and its paternalism touched the miners' lives at every point. Any collective voice among them was smothered.

The United Mine Workers of America came to southern West Virginia when I was in my teens. By belonging to a labor union strong enough to negotiate with the organized groups of coal operators—and the coal operators were organized—the miners were able to insist on better working conditions, and they were able to bring about higher wages and shorter hours of work. They were able to exert collective pressure for a greater degree of safety in the mines, and thus to reduce the number of fatalities, as well as the number of maimed and broken men. To miners who were pressed down by the pervading dependence of their existence in company towns, the opportunity afforded by unions for joining with their fellow miners in some kind of collective effort was a welcome escape.

From the cradle to the grave, the miners lived by the grace of the absentee coal owner, one of whose visible representatives was a deputy sheriff, who was often in the pay of the coal owner. Everything belonged to the coal owners, and as I have already stated, home ownership was not permitted. To quote David Corbin:

> The lease of the Logan Mining Company reads that when the miner's employment ceases, "either for cause or without cause, the right of said employee and his family to use and occupy premises shall simultaneously end and terminate."

Almost every coal operation had its armed guard—in many instances two or more guards. Mine guards were an institution all along the creeks in the nonunion sections of the State. As a rule, they were supplied by the Baldwin-Felts Detective Agency of Roanoke, Virginia and Bluefield, West Virginia. I again quote from David Corbin's work. David Corbin is writing about the mine guards, about the employees of the Baldwin-Felts Detective Agency:

> It is said the total number in the mining regions of West Virginia reaches well up to 2500. Ordinarily they are recruited from the country towns of Virginia and West Virginia . . . and frequently have been the "bad men" of the towns from which they came. And these towns have produced some pretty hard characters. The ruffian of the West Virginia mining town would not take off his hat to the desperado of the wildest town of the wildest west.
>
> These Baldwin guards who are engaged by the mining companies to do their "rough work" take the place of the Pinkertons who formerly were used for such work by the coal companies.

No class of men on Earth were more cordially hated by the miners than were those mine guards. If a worker became too inquisitive, if he showed too much independence or complained too much about his condition, Corbin states,

> . . . he is beaten up some night as he passes under a coal tipple, but the man who does the beating has no feeling against him personally; it is simply a matter of business to him.

In reference to the mine guards, Corbin writes,

> They are the Ishmaelites of the coal regions for their hands are supposed to be against every miner, and every miner's hand is raised against them. They go about in constant peril—they are paid to face danger and they face it all the time. But they are afraid, for they never know when they may get a charge of buckshot or a bullet from an old Springfield army rifle that will make a hole in a man's body big enough for you to put your fist in.

On May 19, 1920, several Baldwin-Felts agents with guns came to Mingo County to evict employees of the Stone Mountain Coal Company, who had become union members. An altercation arose between the Baldwin-Felts men and persons gathered around the little railroad station in Matewan—miners and citizens—the Mayor was shot to death, a battle ensued, seven Baldwin-Felts men were shot dead, along with two union miners, and, as I have already stated, the Mayor of Matewan.

When the UMWA began organizing in southern West Virginia, mine owners would discharge men as rapidly as they joined the union—a spy system furnished the information in many instances—and the discharged men were also dispossessed, without advance notice, from company-owned houses. As one coal miner was quoted in Dave Corbin's book,

> I joined the union one morning in Williamson, and when I got back to the mine in the afternoon, I was told to get my pay and get out of my house before supper.

County Sheriffs and their Deputies were often in the pay of the coal operators, and the State government itself was clearly in alliance with the employers against the mine strikers. Scores of union men were jailed, and Sid Hatfield and Ed Chambers, two union sympathizers, were shot dead by Baldwin-Felts Detectives on the courthouse steps at Welch, in McDowell County, on August 1, 1921. At Blair Mountain, in Logan County—I have crossed that mountain many times—a 3-day battle was fought. Quoting from a piece by James M. Cain, which appeared in the "Atlantic Monthly," October, 1922:

> The operators hired four airplanes and bombed the miners. Both sides used machine guns; both sides had a number of men killed. Civil War had broken out afresh. It did not stop until 2,000 federal troops were sent in on September 3. This aroused the public again, but the thing was quickly forgotten, and except for a Senatorial investigation, nothing was done.

Corbin wrote:

> Upon moving into a company town, a miner had to live in a company house and sign a housing contract—

I had to do that. My wife's father had to do that.

> that the courts of West Virginia subsequently ruled created a condition not of landlord and tenant, but of "Master and Servant."

Consequently, the coal company was allowed to unreasonably search and seize a man's house without any notice.

> If we rent a miner a home, it is incidental to his employment. And if a miner would undertake to keep anyone at that home that was undesirable or against the interest of the company, we will have him leave or have the miner removed.

On August 7, 1921, 6 days after the murder of Hatfield and Chambers on the steps of the McDowell County courthouse, 5,000 coal miners met in Charleston, the State capital. Meetings were held in Kanawha, Fayette, Raleigh, and Boone Counties to protest martial law in Mingo County and the Governor's refusal to lift it. There occurred an uprising of the southern West Virginia miners against the coal establishment. Exploitation, oppression, and injustice had created a common identity and solidarity among the miners, and their geographic mobility had turned the hundreds of seemingly isolated company towns into a single gigantic community.

Thousands of miners descended upon a place called Lens Creek, about 10 miles south of Charleston. Their announced intentions were to march

through Logan County, hang the county sheriff, blow up the county courthouse on the way, and then to move on Mingo County, where they would overthrow martial law and liberate their union brothers from the county jail. In the process, they would abolish the mine guard system and unionize the remainder of southern West Virginia. The marchers were going to fight for their union.

On August 26, the miners arrived at a 25-mile mountain ridge that surrounds Logan and Mingo Counties. Here they met an equally strong, determined and well entrenched army composed of deputy sheriffs of the two counties, State police, State militia, and Baldwin-Felts guards. I quote from Corbin's work once more:

The miners who participated in the events swore themselves to secrecy * * * the marcher used sentries, patrols, codes, and passwords to guard the secrets from spies and reporters. The secrecy was so tight that agents for the Department of Justice and the Bureau of Investigation, as well as reporters, though disguised as miners, were unable to attend the most important meetings.

About 4,000 miners constituted the original army that gathered at Lens Creek, but more miners joined the march after it was underway. * * * Ten days after the miners had assembled at Lens Creek, Governor Morgan reported that the "number of insurrectionaries are constantly growing." Although an army officer sent to the battle observed that it is "humanly impossible" to say how many miners participated, an estimate of between 15,000 and 20,000 is probably safe.

The marchers had their own doctors, nurses, and hospital facilities. They had sanitary facilities. The marchers were fed three meals a day. The marchers bought every loaf of bread, 1,200 dozen, in Charleston and transported the loaves to their campsites * * *. To guard against infiltrators and spies, the marchers used patrol systems and issued passes. Orders were given on papers that carried the union seal and had to be signed by a union official. The marchers used passwords and codes. To attend a meeting during a march, a miner had to give the password and his local union number to the posted sentries. Discovering the password, a reporter from the Washington Evening Star attempted to infiltrate a meeting by giving a fake local union number. As he approached the platform from which Keeney was about to talk, two miners grabbed him from behind and carried him toward the woods. A last minute shout to Keeney, whom he had interviewed before the march, saved the reporter * * *. Keeney instructed the miners merely to escort the reporter out of the meeting grounds.

The miners were prepared to fight; they had to be, for they not only sustained a week-long fight, but they also defeated Sheriff Chafin's army of over 2,000 men, who were equipped with machine guns and bombing planes. [Bill] Blizzard was probably the generalissimo of the march. Approximately 2,000 army veterans were the field commanders, and they instructed the other miners in military tactics. A former member of the National Rifle Team of the U.S. Marine Corp and a former Captain in the Italian Army gave shooting lessons. Several former officers, including an ex-Major drilled the miners. * * * After watching several ex-servicemen drill the miners * * *, a reporter walked to another area and heard an ex-serviceman tell a squad of miners how to fight machine guns: "lie down, watch the bullets cut the trees, out flank'em, get the snipers. * * *" The local at Blair, having been given prior instructions, had dug trenches in preparation for the marchers. An advance patrol of 500 to 800 miners cut down the telephone and telegraph lines and cleared a 65-mile area of Baldwin-Felts guards. * * * The armed marchers were in complete control of the area from South of Charleston to the mountain range surrounding Logan and Mingo Counties. * * * Company officials and their families fled the area.

Sentries were posted along the Blair Mountain ridge. Sharp shooters with telescopic rifles were stationed at strategic locations to "clean out Sheriff Chapin's machine gun nests." The battle raged for over a week. Both armies took prisoners, * * * and both sides killed. * * * The federal government moved to end the struggle that President Harding called a "Civil War". The U.S. War Department sent Brigadier General Henry Bandholtz to the battle front * * * and ordered the miners to disburse. On August 30, the President placed the entire state of West Virginia under marshal law and issued a proclamation instructing the miners to cease fighting and to return home.

By the morning of September 1, the miners had captured one-half of the 25-mile ridge and were ready to descend upon Logan and Mingo Counties. The President had already issued orders for 2500 federal troops, 14 bombing planes, gas and percussion bombs and machine guns to be sent into the area. The armed march and the Mingo County strike were doomed; Chafin, the Baldwin-Felts mine guard system, and the southern West Virginia coal establishment were saved.

The depression came, Franklin D. Roosevelt was elected President, the UMWA organized miners in West Virginia, and the long struggle was ended. The coal miners had fought bloody battles, and they had won. The evictions stopped, the mine guards became a thing of the past, and collective bargaining brought better living conditions to the families of those who worked for King Coal. The coming of the miner's union also resulted, over a period time, in improved health and safety conditions in and around the mines.

Many terrible mining tragedies occurred during the early half of the 20th century, and it will be my purpose here to afford only a brief glimpse of some of these. My purpose is not to condemn or to blame those in charge of the industry, nor the State government inspectors who, at times, may have been lax or coerced politically and who may have looked the other way when dangerous situations prevailed, hoping that such conditions would go away. But in some such cases, the mine blew up and many men died.

From January 21, 1886, when the explosion occurred in the mine at Newburg, West Virginia, to November 20, 1968, at least 43 major mine blasts in West Virginia took place. There were even more lesser ones, for example, the explosion at McAlpin, West Virginia, a mining community adjoining the Stotesbury community, where I lived as a boy and as a young man; where I married, where our first daughter was born, where I worked in the company store. The McAlpin explosion took place on Monday, October 22, 1928.

I can remember it as though it were yesterday.

It was a dust explosion, since the mine had never shown any methane gas reading. One of my classmates at Mark Twain School suffered the loss of a brother in that explosion. Sitting at the Mark Twain School, where I was a student, one could look out the window across a little valley to the mountain on the other side of the Virginian and C&O Railroads and there on that mountain was the opening of the drift mine, owned by the McAlpin Coal Company.

When the blast went off, no word of mouth was needed to tell the people that something was wrong at the mine. The running and shouting of the men outside the mine was dreadful news to those in view. It happened about 2:30 in the afternoon on an overcast day, weather being almost always adverse when a mine disaster happened. There were 60 men inside the mine who were unhurt, because the blast was confined to a small area. It was decided that a miner had used a "dobie" shot which blew him several feet down the entry. The five other victims presumably died from afterdamp or asphyxiation from smoke and fumes. By 8:30 that evening, all bodies had been brought from the mine. I can recall being at the foot of the hill leading to the mine that evening, when miners' wives boiled coffee over fires built at the foot of the hillside and served it to the rescue men and to other workmen and onlookers. I shall never forget the tearful faces of women who were wives or mothers or sisters of the men who were in the explosion. Relatives at the scene asked to see the bodies that were brought to the outside of the mine to get a glimpse or to identify their kin. The weeping and wailing of wives and mothers and children were a sight that never leaves one's memory.

The calamity at Newburg in 1886 was West Virginia's initiation into the horrors of mine explosions. The explosion killed 39 miners in the twinkle of an eye on that cold afternoon on January 21, 1886, in this small community just 12 miles east of Grafton in Taylor County. Not a soul is alive today who remembers the Newburg mine disaster. However, the town of Newburg keeps its history well. The people are aware that, once upon a time long ago, 39 men and boys died horribly underground. A cemetery on the hill holds the remains of nearly all of them. The town no longer has a mine. The spot where the shaft was sunk is now a barren space. The old crumbling coke ovens are now buried in a jungle of undergrowth and big trees. Newburg was once an exciting town with its crack

B&O passenger train with sleek pullmans, pulled by high-wheeler coal-burning engines en route from Baltimore to Cincinnati and points West. All stopped at Newburg. There were grist mills, good hardware stores, and numerous businesses. A bank stood on the corner, and nearby was a drugstore. Of course, today, the railroad station is no more. The bank is gone. And, as always, there were interesting stories to be told. Two men who died in the blast were married together on Christmas Eve, they lived under the same roof, and they died together in the explosion 28 days later, on January 21. The cemetery where many of the victims lie is still visible.

Men who volunteer to enter a blast-torn mine are a breed of men who stand alone—men who dare to go where an explosive element may regenerate and blow again or to enter where the deadly afterdamp or various gas combinations may destroy them. They hope that men alive may be huddled inside a barricaded room awaiting rescue, not death. Miners never hedge, but prepare, and then go inside if heat and smoke do not drive them back.

For many years, Mr. President, there was only charity—only charity—to assist families that were left destitute by the loss of the family provider. There was no Social Security. There were no welfare programs. There was no workers' compensation. Many years passed and many miners suffered before a system of compensation and Social Security was set up.

The most devastating mine explosion in West Virginia history occurred at Monongah, West Virginia. Those are the first eight letters in the name of the river, the Monongahela River. The town was named Monongah.

This devastating mine explosion took place on December 6, just a few days before Christmas, in 1907. Lacy A. Dillon, in his book "They Died in the Darkness," tells the awful story.

On Friday morning, December 6, 1907, the men and boys walked to the pits in a cold, drizzling rain. The barometer was low and the humidity high. . . . When 361 men entered the mine that December 6 morning, they took 361 reasons for an explosion by carrying 361 open-flame lights.

My dad worked in the mines. He used a cloth cap and affixed to that cloth cap was a carbide lamp. He would send me to the store to buy some carbide or a flint for his carbide lamp. And the carbide lamp furnished the light for the working place. It was an open flame. And so, 361 men walked into that mine on that morning with 361 carbide lamps, open-flame lights.

Every time the motor arm arced on the trolley wire, a chance for a blowup existed; as did countless other ways that today are prohibited by State and Federal laws. The method of forcing air into a mine, or sucking the air through a mine, as the case might be, was not so well tested in 1907. . . . The Monongah mine blew with a jar, an artillery-like report, a flame, and earth-shake, and billows of smoke. Concrete sidewalks buckled and broke, the streets opened in fissures, buildings shook, and some old weak ones collapsed. People rushed outside in horror and amazement, knowing what had happened, since mining towns near "hot" mines are always aware that the mines can explode. Soon, panic broke loose with people rushing downhill toward the mines, . . . that such a blast must have killed all men and boys inside, was felt by all. Those related to the men inside, especially the women, became near crazed. One woman pulled her hair out by the handful; another woman disfigured her face with her fingernails, screaming frantically in the meantime. The force of the explosion blew away the fan house, wrecked the fan's workings, destroyed the boiler house completely, . . . some of the buildings near the drift mouth were blown across the Westfork River, landing in pieces on the far bank. In 1907, there were no organized and equipped rescue squads as came into use later. Rescue and recovery of bodies depended on volunteers. . . . Women, children, and other relatives grouped as near as possible to the pit-mouths hoping for a miracle. Some of the women had become stoically philosophical, showing much restraint, while others gave vent to their grief. . . .

Mechanics worked frantically to restore air into the mines . . . crews went inside hanging brattices . . . the men began finding the dead ponies and mules following the explosion, the coal company employed a troop of doctors from Fairmont to report to Monongah. They stood around bonfires all night waiting to administer to survivors. None ever came. They remained through Saturday, and by that time, it was known that the only big need for professionals was undertakers. Coffins by the carload were ordered from Pittsburgh, Pennsylvania and Zanesville, Ohio. They were nothing more than plain rectangular wooden boxes with no inside lining. Additional men were employed to tack cloth inside them to keep the body from the bare walls. By Tuesday night, 149 bodies had been recovered. The full crew of men were digging graves on the hillsides in Monongah. The town was overrun with curious spectators. When evening began to fall, everyone tried to leave at the same time and on the same street car. As soon as possible after the explosion, an appeal was sent out, first, to the people of West Virginia, and then to the nation, to come to the assistance of Monongah. Money, lots of it, was needed at once (in those days, as I stated, there was no compensation, no Social Security), as well as clothing, food, medicine. It was winter, and snow fell two days after the blast. The Fairmont Coal Company gave $17,500 while Andrew Carnegie of Pittsburgh sent $2,500. Other organizations and individuals all over the nation began to respond.

Over 250 women became widows, and 1,000 children became fatherless. A survey indicated that 64 widows were pregnant. The company cancelled all debts for the widows and other dependents at the company store. Credit was then allowed for all of them. Those who lived in the company houses were notified that no house rent would be collected so long as they remained single. By noon Monday, December 12, there had been recovered 297 bodies. The temporary morgue was working overtime. As soon as a body could be prepared it was taken to the home of the victim to await funeral services, for burial quickly was necessary. Extra ministers of different faiths came in to assist. On December 19, just 6 days before Christmas, superintendent W.C. Watson announced that 338 bodies had been brought from the mine. The blast mangled and burnt some of them beyond recognition and some were never identified.

Human interest stories, as I said a moment ago, always occur in times of tragedy, one pitiful case was when the corpse was brought home, seven days after the explosion, the widow gave birth to a child two hours later. Then there was a Mrs. Davies, who lived on the west side of Monongah, lost her husband in the explosion and his body was never found. She went down the hill each day the mines ran after the explosion and got a burlap sack of coal from the mine cars, carried her burden home up the mountainside and deposited it near her house. She never burned a lump of it or allowed anyone else to do so. When asked why she piled this unused coal daily, she stated that she had hopes of retrieving some of her lost husband's body. She was a young woman when the tragedy happened, and she lived to be an old lady. At her death, her sons gave the coal to the churches of Monongah. The coal pile had grown to an enormous size.

Many of the widows were foreigners and unaccustomed to American ways. After the catastrophe, several of them were frustrated and wanted to return to their homelands. Money was given and arrangements made for them to go. Several widows were also in Europe when the mine blew. One boarding house in Monongah kept only miners, and all of them reported for work on that fateful morning. None of them came to supper that evening, leaving 17 empty chairs at the dining table. Their bodies lay somewhere under the mountain sprawled in total darkness, burned and mangled. The final count showed that 171 Italians, 52 Hungarians, 15 Austrians, 31 Russians, and 5 Turkish subjects were killed.

The last major mine explosion in West Virginia occurred at Farmington, in Marion County, on November 20, 1968, and perhaps some of my colleagues will remember having read about that catastrophe. The mine was owned and operated by the Consolidation Coal Company. After several days had passed, and repeated efforts had been made to reenter the mines and remove the bodies, the mine officials made their final decision. They concluded that the 78 men who remained in the mine were dead, and that the mine must be sealed. The officials sent word to the relatives of the entombed men and other concerned citizens to meet at the little Methodist Church. The people assembled in the evening, a somber time and in dreary weather. The lights inside dispelling the outside gloom, and the fact that all assembled were in the House of God, relieved some of the despair of man's inevitable fate.

The company official announced the decision to the weeping and praying people who felt that this announcement was coming. The official was humble and brotherly and his statements showed much compassion for the bereaved. The 78 humans, created in

God's own image, lay inert and today they lie in the totally dark caverns of the Consol Mine to await the day when mankind will kindly bring their bodies or their skeletons to daylight.

Mr. President, these are but a few of the many tragic stories of sorrow and death that have occurred in the history of coal mining in West Virginia. It was not until the union came to West Virginia, that enlightened state and federal governments acted to legislate health and safety laws to protect the lives of the men who bring out the coal. It has been a long history—a long history—of struggle and deprivation, of poverty and want, of harassment, intimidation, and murder, and it has been a story of courage and determination. The coal miner is a breed almost to himself. He lives dangerously, and he has borne humbly the edict, pronounced by the Lord when Adam and Eve were driven from the Garden of earthly paradise: "In the sweat of thy face shalt thou eat bread, til thou return unto the ground; for out of it wast thou taken: for dust thou art, and unto dust shalt thou return."

Mr. President, this short history of the introduction of collective bargaining in the coal mining towns of West Virginia is illustrative of many struggles waged by other working people throughout the United States. In those days about which I have spoken, unions and strikes were instrumental in winning minimum safety, health, and wage levels for workers. Management fought against the unions, and against any improvements in working conditions or benefits that cost them money and ate into their profits.

Today, however, unions are fighting a rearguard action. They are fighting to protect wages, safety and health benefits and pensions from cuts that owners and managers claim are necessary in order to be competitive. Unions have been willing to make concessions, many concessions, in order to keep the companies their members work for competitive and profitable. American productivity has been increasing. Today in West Virginia, we have roughly 20,000 coal miners. They produce the same amount of coal that was produced by 125,000 coal miners when I first came to the Congress 42 years ago. But the unions owe it to their members to protect them from deep cuts in wages and benefits, from cuts that push workers and their families to the poverty level. Unions also owe it to their members to protect the pensions that will allow union workers to maintain a reasonable standard of living into their old age.

This is important work. Many nations do not have unions, or they actively discourage workers from bargaining collectively. In the overview of the "1994 Report to Congress on Human Rights Practices," released in February, 1995, the Department of State notes that

> [t]he universal right most pertinent to the workplace is freedom of association, which is the foundation on which workers can form and organize trade unions, bargain collectively, press grievances, and protect themselves from unsafe working conditions. Just as they did, Mr. President, in the mining communities of West Virginia when I was a boy and when my dad was a coal miner, when my wife's father was a coal miner, when my brother-in-law's father was a coal miner and was killed in a slate fall, when my brother-in-law was a coal miner, my brother-in-law who later died of pneumoconiosis, black lung.

The report goes on to say,

> In many countries, workers have far to go in realizing their rights. Restrictions on workers range from outright state control of all forms of worker organization to webs of legislation whose complexity is meant to overwhelm and disarm workers . . . Trade unions are banned outright in a number of countries, including several in the Middle East, and in many more, there is little protection of worker efforts to organize and bargain collectively. Some protesting workers have paid with their lives; others, most notably in China and Indonesia, have gone to jail simply for trying to inform fellow workers of their rights. We also see inadequate enforcement of labor legislation, especially with regard to health and safety in the workplace.

These, then, Mr. President, are the countries that U.S. businesses are trying to compete with. These are the kind of working conditions that American workers, through their unions, have fought so hard against.

If American workers lose their ability to strike—and I do not condone all strikes or all strikers; I have never condoned lawlessness in the course of a strike—never—but most of the strikes have been lawful strikes. Lawful—that is what we are talking about here today, in connection with this amendment and in connection with the President's order. And I say parenthetically that I am not enthusiastic about Executive Orders. It is my information that there have been over 14,000 Presidential Executive orders going back over the many decades, and I am doing a little research on that. I hope one day I will have a little more information than I now have in that regard.

But I have to oppose this amendment. How can anyone do otherwise coming from my background—my background—with flesh and blood ties with the men who bring out the coal?

If American workers lose their ability to strike and play their trump card against owners and management, many will not accede to reasonable concerns about reductions and working conditions, hours, wages or benefits, and American workers could return to the days of the coal miners before collective bargaining.

The miner's only capital, the miner's only capital are his hands, his back, his feet, and his salty sweat.

Furthermore in Canada, Japan, France, Germany, and other countries of Europe, the rights of employees to strike are protected, and the use of permanent replacement workers is not permitted. These restrictions apply to the use of permanent replacement workers during all legal strikes, not just workers involved with government contracts.

If the Senate upholds the amendment now before us, I think it sends a terrible signal. If this amendment is passed, management is given a green light to simply replace workers who do not accept whatever management decrees. It sends a red light to workers and unions to stop striking, no matter how unreasonable the cuts or conditions, and no matter how obdurate the management negotiators. Not all management is cold and heartless, not all by any means. But we do not want to go backward in time, and the coal miners do not rush to return from whence they came. If you strike, no one will support you, and management will just hire new workers, desperate for any job, no matter if it is unsafe, or for wages and benefits more suitable to a Third World country than to the United States.

The amendment before us, opponents will say, affects only the President's Executive order, which only affects Federal contracts in excess of $100,000. That is true, but the message that the passage of this amendment sends, affects far more than the Executive order. It speaks as a matter of principle to the entire spectrum of labor relations and undermines the basic right of workers to organize, to bargain collectively, and to strike if necessity demands it.

Mr. President, I have seen what life in the United States can be like without that right, as I have recalled today, and I cannot support what this amendment would do. I urge the defeat of the cloture motion and this amendment.

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

The PRESIDING OFFICER (Mr. ABRAHAM). The absence of a quorum having been noted, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. 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.

UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

Mr. KEMPTHORNE. Mr. President, I submit a report of the committee of conference on the Unfunded Mandate Reform Act of 1995 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

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

(The conference report is printed in the House proceedings of the RECORD of March 13, 1995.)

The PRESIDING OFFICER. There will be 3 hours debate equally divided on the conference report.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays on the vote on the conference report on S. 1.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. It is my understanding that vote will occur tomorrow, immediately following the 10:30 cloture vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. KEMPTHORNE. Mr. President, we have certainly come a long way since May 1993 when we first began this effort. Now, 22 months later—with Governors, mayors, county commissioners, tribal leaders, school board members, and business leaders throughout the country looking on—Congress is about to end the debate on mandate relief, and begin a new partnership with States, cities, counties, tribes, schools, and the private sector by voting on final passage of the conference report on S. 1 the Unfunded Mandates Reform Act of 1995.

This bill has been described as landmark legislation, as far-reaching and visionary. It is all of those. Ever since 1791 when the 10th amendment was first ratified the Federal Government has slowly eroded the power of the States. Today, with passage of S. 1, we begin to reverse that role. S. 1 is founded on the premise of responsibility and accountability. This will change the mind set of Washington, DC, from this point forward.

First, it requires the Federal Government to know and pay for the costs of mandates before imposing them on State, local, and tribal government.

Second, the Federal Government should know the costs and impacts of mandates before imposing them on the private sector.

S. 1 thoroughly reforms the process by which Congress and Federal agencies impose new mandates on the public and private sector. Congress must identify the costs of new mandates imposed on State and local governments and the private sector. Congress must pay the costs of the new mandates on State and local governments by either providing spending, increasing receipts or through appropriations. If a mandate is to be paid for with a future appropriation, the appropriation must be provided for the mandate to take effect. If subsequent appropriations are insufficient to pay for the mandates, the mandates will cease to be effective unless Congress provides otherwise by law within 90 days of the beginning of the fiscal year.

This process is enforced by a point of order. Legislation that does not meet these requirements can be ruled out of order, blocking further consideration in the House and Senate. Debate continues only if a majority of the House and Senate votes to do so. A rollcall vote will decide whether the Senate and House should consider unfunded mandate legislation. S. 1 applies to all legislation—committee bills, House and Senate floor amendments, motions and conference reports—containing mandates.

Required cost estimates of legislated mandates will be done by the nonpartisan Congressional Budget Office. CBO will consult with State and local officials in preparing estimates.

Existing State and local government mandates will be reviewed by the Advisory Commission on Intergovernmental Relations. This Commission, comprised of State, local and Federal officials, will report to the President and Congress on existing mandates that should be modified or repealed. The Commission's final report is due in 12 months.

In developing legislation and Federal rules affecting State and local governments, Congress and Federal agencies are to consult with State and local government officials in the drafting of legislation.

S. 1 does not apply to certain mandates, including those that enforce constitutional rights of individuals, prohibit discriminations on the basis of race, age, religion, national origin, handicapped or disability status, are necessary to protect national security or provide for emergencies.

S. 1 applies to legislation being considered in Congress that imposes mandates of greater than $50 million on State and local governments and $100 million on the private sector. S. 1 applies to regulations being considered by Federal agencies that are greater than $100 million. S. 1 will apply to legislation considered in Congress either 90 days after additional appropriations are provided to CBO to do required cost estimates or January 1, 1996, whichever comes first.

S. 1 got better and smarter during the legislative process. S. 1 was better than last year's bill; after floor consideration, S. 1 was better than when it was first introduced. The record will show that a number of Senators made important contributions to this bill. My approach to amendments was simple. If they improved the bill, if they clarified the bill, if they made the bill smarter, I wanted to get those amendments in this bill. There were 9 strengthening amendments to S. 1 that were agreed to and we tabled 18 weakening amendments. Two examples of amendments that strengthen S. 1 were Senator BYRD'S amendment that improved and perfected the point of order and Senator MCCAIN'S amendment that applied the point of order to appropriations.

I felt we took a solid bill in S. 1 to the conference committee, and as chairman of the conference, I worked to protect the Senate position. Virtually every amendment adopted by the Senate is in this report.

As Senators know, it took several weeks of negotiations between the House and Senate to write this final conference report. I want to review the major issues that the conferees had to resolve.

First, there is the issue of judicial review. As Senators know S. 1 said that nothing in this bill was judicially reviewable. The House bill provided that virtually everything contained in its unfunded mandates bill would be reviewed by courts.

To understand the significance of these two approaches, remember that in S. 1 we required that Federal agencies do cost/benefits analyses of mandates imposed on State, local and tribal Governments. In S. 1 we added a cost benefits analysis for the private sector. This requirement began as a codification of the Reagan Executive order on federalism and was designed to provide general direction to agencies and foster greater sensitivity on the issue of mandates. The Executive order did not provide for review of agency compliance with the Executive order's requirements and it also allowed agencies to seek waivers of the requirements imposed by the Executive order for cause.

I supported the lack of judicial review in S. 1 for good reason. First, my State of Idaho has been devastated by the ability of private individuals and philosophically motivated groups to slow down or stop legitimate and necessary natural resource industries in my State through the use of judicial review of agency decisionmaking. Timber and salvage sales for one have been delayed to the point that the forests of Idaho have been turned into a tinder box for yearly summer forest fires. Second, I supported the concept of no

judicial review in the original S. 1 because I did not think that the requirements of title I of this bill, with their emphasis on legislative operation should allow judicial review. I saw a possibility of unconstitutional interference if we were to invite the judicial branch into the workings of Congress.

The House bill, H.R. 5, differed from S. 1 in a most significant way. The House did not include in its bill a prohibition of judicial review. In fact instead of addressing it, the House bill simply avoided the issue entirely. As a result, under H.R. 5, all agency rulemakings would be subject to the Administrative Procedures Act in title 5 of the United States Code. Under the House bill, virtually everything could be reviewed and interpreted by the courts. Courts could have the power to say whether a cost estimate was correctly prepared, whether agencies had consulted enough economists, or had consulted the right experts. Further, courts could have stopped any and all rules from being issued pending the completion of this analysis.

I am no fan of agency rulemakings. I support agency rulemaking moratoriums. We have had enough rules and the people of America want and need a rest from the heavyhanded Federal bureaucrats who make their livelihoods from dictating Federal policy to the people who pick up the tab. But neither am I a proponent of putting lawyers to work challenging rules for the sake of delay or wasting the taxpayers money in time consuming Federal rules that languish in the courts.

Therefore, in conference we were faced with a couple of very difficult problems. We had a Senate bill which passed with a 90-percent majority without judicial review and we had a House bill which had passed with an almost identical percentage of approval which had virtually unfettered judicial review. The main reason that the House wanted judicial review was the belief that Federal agencies were ignoring the requirements of Congress. One of the statutes they cited in support of their assertion was the Regulatory Flexibility Act. That act is not judicially reviewable and there is general belief that the agencies have a poor record of compliance. The House therefore wanted to make sure that the executive branch would observe the requirements of Congress—not an unreasonable request.

As a result of the inherent conflict between the parties on this issue, I suggested that we develop a checklist approach to a limited judicial review. The theory would be that we should provide a method which would ensure that agencies would provide the analysis without allowing courts to impose their judgement on the subjective quality of the agency's compliance. It is important to note that the analyses required by S. 1 act as additional requirements on statutes creating mandates. We call the statute actually creating the mandate the underlying statute. We wanted to ensure that the cost/benefits requirements of S. 1 would not supersede cost/benefit analyses in either an existing law or require a cost benefit analysis where one was specifically prohibited in an underlying statute.

The conference committee reviewed what title II directed agencies to do to make sure that agencies could meet the requirements. We cannot complain of an agency's failure of compliance with the requirements of Congress if we are irresponsible in what we ask them to do and if we are vague in our instructions. Therefore we had to redraft the requirements of title II in S. 1 to make sure that those requirements were tighter, more efficient and addressed the problem we sought to resolve.

Let me take a second to talk about the changes to title II of S. 1 as it comes out of conference. Recognize that most of the changes to title II are as a result of our need to tighten up the requirements if we are going to have judicial review.

S. 1 as passed by the Senate provided that agencies would assess the effect of mandates on State, local government and the private sector and seek to minimize the burdens. However, if you are going to allow judicial review, minimizing the burden is so unspecific and so subjective that virtually every rulemaking would be challenged on that basis alone.

S. 1, as passed by the Senate, provided that agencies would develop a plan to allow elected State, local and tribal officials to have input into agency rulemakings, but there was some fear that the Federal Advisory Committee Act could be used to prevent local officials from meeting with Federal officials. Judicial review of this issue would be a haven for lawyers. As a result of some of these problems and others, we knew that some redrafting of title II would be in order and would be necessary.

Title II as it comes out of conference is more objective, more achievable, and more effective than in either the House or Senate passed bills.

Title II provides that for every rulemaking each agency should assess the effects of regulatory action on States, local governments, and the private sector. For significant rulemakings, which are judicially reviewable, an agency shall provide a written statement of the authority under which the agency is proceeding; a qualitative and quantitative assessment of the cost and benefits of the rule; estimates, to the extent it is feasible to determine it, of the future compliance costs of the mandate and any disproportionate effect on particular regions of the country or sectors of the economy; a macro economic analysis of the effect of the rule on the national economy; and a description of the agency's contacts with State, local, and tribal governments.

New in title II is a provision which clarifies that the Federal Advisory Committee Act does not apply to meetings between Federal officials and elected officers of State, local, and tribal governments where those officials want to make their views, and the views of their constituents, known. Local officials should not be shut out of the process. We want to know their views and get their advice.

We also added a provision previously in the House bill which requires that agencies identify and consider the least costly, most cost-effective or least burdensome alternative to achieve the objective of the rule containing a Federal mandate. We require the OMB Director to report specifically on this least burdensome regulation requirement in 1 year and we require an annual statement from the OMB Director on agency compliance with title II.

The judicial review provision in the conference report of S. 1 provides limited scope of review under the APA if an agency unlawfully withholds or unreasonably delays compliance with the requirements of S. 1. A court would look to see if the agency had prepared the written statement required by sections 202 and 203. If the analyses, statement, description or written plan were not completed the court could compel the agency to complete the requirements of sections 202 and 203. However, to ensure that Federal rules were not delayed by endless litigation, S. 1 provides that failure by the agency to provide the analyses, statement, description or written plan could not be used to stay, enjoin, invalidate or otherwise affect the rule.

We also wanted to make sure that the underlying analysis needed to substantiate a rule under the requirements of S. 1 couldn't be used to invalidate the rule under some other rulemaking requirement in the underlying statute which imposed a mandate. But, if the analysis which was used to meet S. 1 requirements was provided pursuant to the underlying statute which imposed a mandate, then a court in review could invalidate the rulemaking based on that underlying statute.

Finally, S. 1 provides a limitation of 180 days on the time under which an action could be filed unless the underlying statute provided a different period. The judicial review provisions apply to proposed regulations issued after October 1, 1995.

No other provision of S. 1 is judicially reviewable. Title I deals with the requirements of Congress, and judicial review is not appropriate for the internal actions of Congress. Title III deals with ACIR's review of existing mandates and judicial review is not at issue. The remainder of title II deals

with either general requirements that do not lend themselves to judicial review or with analyses which are essentially subjective—like the least burdensome option requirement added to the conference report on S. 1.

In all, I think we have developed a system which addressed the concerns in the House compelling agencies to comply with the requirements of Congress while being responsible to the agencies we have asked to perform.

Last December I spoke at the annual meeting of the Council of State Governments. On the stage, next to the podium, was the flag of the United States of America. And behind us, as a backdrop, were the flags of each of the 50 States. I told the folks who were gathered there, "That flag of the United States of America represents the greatest nation in the world! But let us not lose sight of the fact that its greatness is comprised of the 50 sovereign states that make up the United States. We are the United States of America, we are not the Federal Government of America!"

For the past two decades, the Federal Government has dominated our States and cities. Congress and the executive branch have not been partners with States and cities. The Federal Government has been the overseer and the mandate maker, telling States and cities what to do, when, where, and how, but never paying for it.

Congress passed legislation without ever knowing the costs or consequences of their actions on State and local governments. The mandates made Congress feel good, and, for a while, even look good back home.

But this is not the federalism that our Founding Fathers intended. Stanley Aranoff, who is the senate president in Ohio, stated:

> The Constitution, and specifically the 10th Amendment, guarantees that certain functions will be performed by certain levels of government, thus ensuring direct accountability of the elected official to the voters. Our Constitution guarantees a federal, state, and local partnership. Unfunded mandates undermines, blurs, and corrupts that fundamental understanding upon which our governmental framework is based.

One of the big steps forward, I believe, in helping to reaffirm the 10th-amendment rights is the effort to stop these unfunded Federal mandates which are simply hidden Federal taxes. We should not be paying for national programs with local property taxes.

This legislation forces Congress and agencies to know the mandate costs it imposes on the public and private sector. It requires Congress to pay for mandates imposed on State and local governments, and go on record with a vote when it does not.

S. 1 reflects a philosophy of limited government, that the best government is the government that governs least and to let local issues be decided by local officials and their citizens.

Those local officials set their priorities based on their finite resources. But for years, Congress has not had to worry about that. We come to the floor, and stand up and argue righteously and with great passion about the problems that are facing the United States, knowing full well that until now, we have not been held accountable. Congress has not had to pay for it. Those mandates have not been part of the Federal budget process, and the local governments end up paying for it, because it is mandated by Congress.

The Federal Government has, in essence, made local and State elected leaders nothing more than Federal tax collectors. Those officials have been very vocal about how they resent that, and they have every right to resent it.

Ben Nelson, the Democratic Governor of Nebraska, pretty well sums up the frustration of the States when he says: "I was elected Governor, not the administrator of Federal programs for Nebraska."

Now, people say, "How much do these Federal mandates cost?" Nobody knows. Congress does not know, because we have never, ever asked that question before voting on them.

And so we must be intellectually honest. If it is a Federal program, pay for it with Federal money, if it is State, pay for it with State money, and if it is local, pay for it at the local level.

Mr. President, this moment would not be possible without my partners in State and local government, and the private sector. I close my remarks by reminding Senators that S. 1 is strongly endorsed by the: U.S. Conference of Mayors, National Association of Counties, National Governors Association, National Conference of State Legislatures, National Association of School Boards, National League of Cities, the U.S. Chamber of Commerce, National Association of Homebuilders, National Association of Realtors, NFIB, and the Small Business Legislative Exchange Council.

I want to thank the citizens of Idaho for the opportunity they have given me in serving in the Senate. I hope they will take a small measure of pride that the effort to reform unfunded mandates was born in Idaho.

There are many people who made significant contributions to this process that I would like to thank. I want to especially thank our majority leader, Senator BOB DOLE. His support and commitment to mandate relief was critical to our success. His designation of our mandate legislation as S. 1 insured that we would have the highest priority for the 104th Congress. I also want to acknowledge the dedication and hard work for my Senate colleagues on the conference committee. First, of course, is my long time partner on mandate relief Senator JOHN GLENN. As we began this crusade we repeatedly stressed that relief from Federal mandates was not a Republican issue or a Democratic issue. We knew that if we were to be successful we had to keep the debate nonpartisan and focused on the merits of the issue. Without JOHN GLENN that would not have been possible and we would not be here today voting on final passage of mandate relief legislation. I believe our friendship and partnership have deepened during this process.

I note that last session, when the Democratic Party was the majority party and Senator GLENN was the chairman of the Governmental Affairs Committee, this was not necessarily a popular issue to take up. But he scheduled the hearings, he held the hearings, and he forged a partnership with me so we could come forward. It has allowed us to be where we are today. Ohio is rightfully proud of Senator GLENN.

Two key members of our conference team were the Republican chairmen of the two committees of jurisdiction, Senator ROTH of Governmental Affairs and Senator DOMENICI of the Budget Committee. These two experienced and knowledgeable leaders gave me valuable advice and constant support throughout the conference process and were instrumental in moving us toward the successful conclusion we have before us today.

Also my friend Senator JIM EXON, the ranking member of the Budget Committee who offered valuable insight during the committee process. Senator EXON has been a long-time supporter of relief from mandates and cosponsored my original bill in the last session of Congress.

Many other Senators—Democrats and Republicans—on both sides of the aisle have made enormous contributions to this legislation. I want to thank Senators CRAIG, BURNS, COVERDELL, and GREGG for being the original cosponsors of the first bill I introduced in Congress, and to Senators HATCH and BROWN for their help.

And I must give a great amount of credit and thanks to our House colleagues.

Speaker GINGRICH also made this a high priority, and he so stated repeatedly. Chairman BILL CLINGER of the Government Reform and Oversight Committee and Congressman ROB PORTMAN were terrific teammates and diligent partners on this legislation. We have had other strong partners in Congressmen GARY CONDIT, DAVID DREIER, and TOM DAVIS.

I have often mentioned that mandate relief legislation was my top priority when I came to Congress. I want to acknowledge those members of my personal staff that worked so long and hard in helping me accomplish this important personal goal. My lead person in conference and the principal author of the final bill, my legislative director W.H. "Buzz" Fawcett, who was my city

attorney when I was mayor of Boise, Gary L. Smith, my deputy legislative director who also came with me from Boise where he was a city council member and my administrative assistant, and my current administrative assistant in the Senate, Brian Waidmann who brought his invaluable experience and expertise on congressional process to our team.

But most of all I would like to share this victory with my family: my wife Patricia, my daughter Heather, and son Jeff. Perhaps only other Members of Congress can fully appreciate the sacrifices our families make on our behalf. I have a very special family that I appreciate very much.

I want to conclude by reading to you a quote from a Founding Father, James Madison. Here is what he said:

> Ambitious encroachments of the federal government on the authority of the state governments, would not excite the opposition of a single state, or of a few states only. They would be signals of general alarm. Every government would espouse the common cause. A correspondence would be opened, plans of resistance would be concerted, one spirit would animate and conduct the whole.

James Madison, the great visionary, predicted that this sort of thing would happen by the Federal Government. But he also said that someone will band together and stop it. And that is what S. 1 is all about.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, this is a day that has been long in coming. We have worked for the better part of 2 years to get this legislation to the point where it is now, out of conference and here to get its final stamp of approval by the U.S. Senate. And with the same action taking place over in the House, that means this legislation will finally go to the President, who has announced his support for this legislation.

This has been a long process. To those not directly involved in all the committee work and I do not know how many hundreds of meetings and so on involved with all of this, without having been involved directly with some of that, I think it is difficult to appreciate what has happened with regard to this legislation.

It is landmark legislation. I think we have come up with a very excellent product here, one that literally does change the relationship between the Federal, State and local governments for the first time in probably 55 or 60 years.

This is legislation that passed the Senate back in January by a vote of 86 to 10, and my hope is that we will be able to pass this bill through the House and Senate tomorrow morning and get it to the President shortly.

Before I go into a description of the conference report, I would like to provide just a little bit of background to the whole unfunded Federal mandates debate.

On October 27, 1993, State and local elected officials from all over the Nation came to Washington and declared that day to be "National Unfunded Mandates Day." These officials conveyed a very powerful message to Congress and the Clinton administration on the need for Federal mandate reform and relief. They raised four major objections to unfunded Federal mandates.

First, unfunded Federal mandates impose unreasonable fiscal burdens on their budgets.

Second, they limit State and local government flexibility to address more pressing local problems like crime and education.

Third, Federal mandates too often come in a one-size-fits-all box that stifles the development of what might be more innovative local efforts—efforts that ultimately may be more effective in solving the problem the Federal mandate is meant to address.

And, fourth, they allow Congress to get credit for passing some worthy mandate or program, while leaving State and local governments with the difficult task of cutting services or raising taxes in order to pay for it. And that fourth item was probably the most important of all.

In hearings held by the Committee on Governmental Affairs in both this and the last Congress, we heard testimony from elected State and local officials from both parties representing all sizes of government—State, local, county, townships, all levels and all sizes of government. It was clear from the testimony that unfunded mandates hit small counties and townships just as hard as they do big cities and larger States.

I think it is worth stepping back and taking a look at the evolution of the Federal-State-local relationship over the last decade and a half, so we can put this debate into some historical context. I believe the seeds from which sprang the mandate reform movement can literally be traced clear back to the so-called policy of new federalism, a policy which resulted in a gradual but steady shift in governing responsibilities from the Federal Government to State and local government over the last 10 to 15 years. During that time period, Federal aid to State and local governments was severely cut or even eliminated in a number of key domestic program areas. At the same time, enactment and subsequent implementation of various Federal statutes passed on new costs to State and local governments. In simple terms, State and local governments ended up receiving less of the Federal carrot and more of the Federal stick.

The actual cost of Federal mandates.

Let us examine the cost issue first. While there has been substantial debate on the actual costs of Federal mandates, suffice it to say that almost all participants in the debate agree that there is not complete data on Federal mandates to State and local governments. In fact, one of the major objectives of S. 1 is to develop better information and data on the cost of mandates and to force that to be considered up front. Likewise, there is even less information available on estimates of what potential benefits might be derived from selected Federal mandates—a point made by representatives from the disability, environmental, and labor community in the committee's second hearing in the last Congress.

Nonetheless, there have been efforts made in the past to measure the cost impacts of Federal mandates on State and local governments.

And those efforts do show that costs appear to be rising. Since 1981, CBO, the Congressional Budget Office, has been preparing cost estimates of major legislation reported by committee with an expected annual cost to State and local governments in excess of $200 million. According to CBO, 89 bills, with an estimated annual cost in excess of $200 million each, were reported out of committee between 1983 and 1988.

I would point out one major caveat with CBO's analysis—it does not indicate whether these bills funded the costs or not, nor how many of the bills were eventually enacted. Still, even with a rough calculation, CBO's analysis shows that committees reported out bills with an average estimated new cost of at least $17.8 billion per year to State and local governments. In total, 382 bills were reported from committees over the 6-year period with some new costs to State and local government. So, if anything, the $17.8 billion figure is a conservative estimate for reported bills.

Federal environmental mandates head the list of areas that State and local officials claim to be the most burdensome. A closer look at two of the studies done on the cost of State and local governments of compliance with environmental statutes does indicate that these costs appear to be rising. A 1990 EPA study, titled "Environmental Investments: The Cost of a Clean Environment," estimates that total annual costs of environmental mandates from all levels of Government to State and local governments will rise from $22.2 billion in 1987 to $37.1 billion by the year 2000—an increase in real terms of 67 percent.

EPA estimates that the cost of environmental mandates to State governments will rise from $3 billion in 1987 to $4.5 billion by the year 2000, a 48-percent increase. Over the same timeframe, the annual costs of environmental mandates to local governments

is estimated to increase from $19.2 billion to $32.6 billion. That is a 70-percent gain.

According to the Vice President's National Performance Review, the total annual cost of environmental mandates to State and local governments, when adjusted for inflation, will reach close to $44 billion by the end of this century.

The city of Columbus, in my home State of Ohio, also noted a trend in rising costs for city compliance with Federal environmental mandates. The mayor of Columbus, Gregg Lashutka, has taken a personal interest in this and has done a superb job in detailing what the impact is on a medium-sized U.S. city from Federal mandates.

Our Governor, George Voinovich, has represented the National Governors Association in his representation of wanting this legislation through all and has given a lot of information that has come from the Governors across the country on this. Probably the most definitive study of all, as far as the impact on the city, is what Mayor Lashutka has done in Columbus, OH.

In his study, the city concluded that its cost of compliance for environmental statutes would rise from $62.1 million in 1991 to $107.4 million in 1995. That is—in 1991 constant dollars—a 73-percent increase. The city estimates that its share of the total city budget going to pay for the mandates will increase from 10.6 percent to 18.3 percent over that timeframe. This is just one medium-sized American city.

In addition to environmental requirements, State and local officials in our committee hearings cited other Federal requirements as burdensome and costly. They highlighted compliance with the Americans with Disabilities Act and the Motor-Voter Registration Act, complying with the administrative requirements that go with implementing many Federal programs and meeting Federal criminal justice and education requirements.

Now, I note that while each of these individual programs or requirements clearly carries with them costs to State and local governments, costs which we have too often ignored in the past, I believe that on a case-by-case basis, each of these mandates has substantial benefits to our society and our Nation as a whole.

Otherwise I, along with many of my colleagues in the Senate, would not have voted to enact them in the first place. State and local officials readily concede that individual mandates on a case-by-case basis may indeed be worthy, but when looking at all mandates spanning across the entire mammoth of Federal laws and regulations, we begin to understand that it is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief.

The Advisory Commission on Intergovernmental Relations testified in our April hearings that the number of major Federal statutes with explicit mandates on State and local governments went from zero during the period of 1941 to 1964. In other words, we did not pass along the bill during that period from 1941 to 1964.

But then it went to the Federal mandates during the rest of the 1960's, went to 25 in the 1970's, and 27 in the 1980's. However, to truly reach a better understanding of the Federal mandates debate, we must also look at the Federal funding picture, vis-a-vis State and local governments.

Addressing that first under Federal aid and to State and local governments, the record shows that Federal discretionary aid to State and local governments to both implement Federal policies and directives, as well as complying with them, saw a sharp drop in the 1980's.

An examination of Census Bureau data on sources of State and local government revenue shows a decreasing Federal role in the funding of State and local governments. In 1979, the Federal Government's contribution to State and local governments' revenues reached 18.6 percent. By 1989, the Federal contribution of the State and local revenue pie had instead daily shrunk to 13.2 percent before edging up to 14.3 percent in 1991, the latest year data was available.

What contributed to the declining trend in the Federal financing of State and local governments? A closer look at patterns in Federal discretionary aid programs to State and local governments during the 1980's provides the answer. According to the Federal Funds Information Service, between 1981 and 1990, Federal discretionary program funding to State and local government rose slightly from $47.5 to $51.6 billion.

However, this figure, when adjusted for inflation, tells a much different story. Federal aid dropped 28 percent in real terms over the decade. A number of vital Federal aid programs to State and local government experienced sharp cuts, and in some cases outright elimination, during the decade.

In 1986, the administration and Congress agreed to terminate the General Revenue Sharing Program. We all remember that one. That was a program that provided approximately $4.5 billion annually to local governments and allowed them very broad discretion on how to spend the funds.

Since its inception in 1972, general revenue sharing has provided approximately $83 billion to State and local government. Unfortunately, the Reagan administration succeeded in terminating the program. Congress followed its lead and approved that. There were other important Federal and State and local programs that were substantially cut back between 1981 and 1990. They include the economic development assistance, community development block grants, mass transit, refugee assistance, and low-income home energy assistance.

Luckily, under both the Bush and Clinton administrations, we managed to restore some of the needed funding—I repeat, needed funding—to these programs. And still, in real dollars, funds for discretionary aid programs to State and local governments remain today 18 percent below their 1981 levels. That is despite the fact we have put more of an unfunded mandates load onto the backs of the State and local governments.

Looking at our committee's legislative efforts in the last Congress, eight bills were referred to the Governmental Affairs Committee that touched on this aspect of the unfunded mandates Federal mandates problem.

After two hearings, we marked up a bill. I think it could be called, at least in part, a compromise bill. The basic part of it, though, was the bill that Senator KEMPTHORNE has submitted, and it became the vehicle that borrowed the best of the various provisions and requirements from the bills that had been submitted. It was basically—the basic bill—his work.

We worked closely in a deliberative, bipartisan fashion, and he was the de facto leadership on this issue. Along with other Members, and with the administration, we moved ahead with this legislation. What became known as the Kempthorne-Glenn compromise has the endorsement and strong support of the seven groups representing State and local governments. They are the National Governors Association, the National Conference of State Legislators, the Council on State Governments, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and the International City Management Association. It had the backing of the Clinton administration, and was endorsed by such editorial boards as the New York Times, the Cleveland Plain Dealer, and other newspapers across the country, both large and small. That largely embodies or includes, also, all that we had last year in Senate bill 993.

Let me just say that on this bill, if there is anyone who can be looked at as the father of this bill and the one who really kept going on this and kept interest going, it is Senator KEMPTHORNE. He did a magnificent job on this bill, not only here in Washington, but he traveled all over the country, meeting repeatedly with different groups representing those seven organizations that I just mentioned in getting their views on this legislation and bringing it back, putting it together. And he did a superb job in keeping contact with all these people. He deserves the full credit for being the sparkplug for this legislation.

(Mr. GORTON assumed the chair.)

Mr. GLENN. Mr. President, let me explain what the bill does.

It requires the Congressional Budget Office to conduct State, local and tribal cost estimates on legislation that imposes new Federal mandates in excess of $50 million annually onto the budgets of State, local, and tribal governments. The current law requires these estimates at a $200 million threshold, and I believe that that high a figure allows a lot of Federal mandates to slip through without being scored. Two hundred million dollars spread equally among all the States may not be much, but if it falls particularly hard on any one State or any one region, which does happen with legislation, it can be a substantial impact.

Let me make clear, however, that what CBO will score here are new Federal mandates—new Federal mandates—not what State, local, and tribal governments are spending now to comply with existing mandates, nor what they are spending to comply with their own laws and mandates.

Second, and I think most importantly, is that the bill holds Congress accountable for imposing additional unfunded Federal mandates. We do this by requiring a majority point-of-order vote on any legislation that imposes new unfunded Federal mandates in excess of a $50 million annual cost to State, local, or tribal governments.

To avoid the point of order, the sponsor of the bill would have to authorize funding to cover the cost to State and local governments of the Federal mandate or otherwise find ways to pay for the mandate. This could come from the expansion of an existing grant or subsidized loan program or the creation of a new one or perhaps a raising of new revenues or user fees.

The authorizing committee must also build into the legislation certain provisions to go into effect if funds for the mandate are not fully appropriated or not appropriated at all. This was the basic thrust of the Byrd amendment which the House receded to in conference and accepted in its entirety. The House bill would have left the fate of an unfunded or underfunded mandate in the hands of the Federal bureaucracy rather than in the hands of Congress where it properly lies.

Under the Byrd amendment, the authorizing committee would have to put expedited procedures into the underlying intergovernmental mandates bill that would direct the relevant Federal agency to submit a statement based on a reestimate done in consultation with State, local, and tribal governments that appropriations are sufficient to pay for the mandate or the agency submits legislative recommendations to implement a less costly mandate or to render the mandate ineffective for the fiscal year.

Under the expedited procedures, the authorizing committee must provide for consideration in both Houses of the agency statement or legislative recommendations within 60 calendar days. After the 60-day time period expires, the mandate ceases to be effective unless Congress provides otherwise by law. And I will discuss the Byrd amendment in greater detail a little later in my statement.

The conference report on S. 1 also includes provisions for the analysis of legislation that imposes mandates on the private sector. CBO would have to complete a private sector cost estimate on bills reported by committee with a $100 million or more annual cost threshold. In the Senate bill, we had a threshold of $200 million and the House had $50 million as their threshold, so we split the difference and wound up with $100 million being our threshold.

We do exempt certain Federal laws from this bill. Civil rights and constitutional rights are excluded. National security, emergency legislation, and ratification of international treaties are also exempt.

I want to also point out that the bill does not prohibit Congress from passing unfunded Federal mandates. Let me repeat that. It does not prohibit Congress from passing unfunded Federal mandates. There may be times when it is appropriate, for whatever purpose, to ask State and local governments to pick up the tab for Federal mandates. But the legislation does force us to take into consideration the cost of the unfunded mandates up front, consider it in its entirety with a point of order to lie against it if it is not funded. But the debate over whether it is appropriate to ask State and local governments at times whether it is a constitutional matter or whatever it might be, to pick up the tab across the country—all States—let that debate take place on the Senate floor, as it will under this legislation, and let the majority work its will on the specific mandate in the legislation.

The Kempthorne-Glenn bill also addresses regulatory mandates. We all know how the Federal bureaucracy can impose burdensome and inflexible regulations on State and local governments, as well as on others who end up trapped in the bureaucracy's regulatory net. In the committee's November hearing in 1993, we heard testimony from Susan Ritter. She is county auditor for Renville County, ND. Ms. Ritter noted that she comes from the town of Sherwood in her State with a total population of 286 people, and they will have to spend $2,000, which is one-half of their annual budget on testing the water supply in order to comply with certain EPA regulations.

Clearly, there is no way that that town is going to be able to meet this kind of a requirement. So, consistent with the President's Executive orders, we have required that Federal agencies conduct cost-benefit analysis and assessments on major regulations that impact State, local, and tribal governments, as well as the private sector. We have allowed a limited judicial review of agency preparation of some of those assessments and analysis. The House would have allowed full scale judicial review of practically everything, of both the agency analysis and the CBO cost estimates. This could have been a way of almost shutting down the whole regulatory process, as we saw it.

Enactment of these provisions also would have resulted in what I termed the Lawyers Full Employment Act, and would have had the law firms along K Street breaking out the champagne all over. So we significantly curtailed and narrowed and focused the judicial review requirements, which I will discuss in a little more detail a little later on also.

Further under S. 1, agencies must develop a timely and effective means of allowing State and local input into the regulatory process. Given the State and local governments are responsible for implementing many of our Federal laws, it is not only fair they be considered partners in the Federal regulatory process, but it is also good public policy as well.

The bill also requires Federal agencies to make a special effort in performing outreach to the smallest governments. Then maybe we will be able to minimize the occurrence of situations like the one that took place in the town of Sherwood that I mentioned a moment ago.

Let me put the issue into a larger perspective. As we all know, the Federal, State, and local relationship is a very complicated, a very complex one. It is a blurry line between where one line's level of responsibility ends and another begins. All three levels of government need to work together in a constructive fashion to provide the best possible delivery of services to the American people in the most cost-effective fashion. After all, as Federal, State, and local officials, we all serve the same constituency.

Further, we serve the American people at a time when their confidence in all three levels of government may be at an all-time low. There are numerous explanations for this lack of confidence in government, and we will not go into a long discussion of those here. Vice President GORE's National Performance Review attributes "an increasingly hidebound and paralyzed intergovernmental process" as at least a part of the reason why many Americans feel that government is wasteful, inefficient, and ineffective. We need to restore balance to the intergovernmental partnership, as well as strengthen it so that government at all levels can operate in a more cost-effective manner.

Both the administration and a number of my colleagues have made proposals to shift a number of Federal programs and responsibilities to State and

local governments. Clearly, as this mandates debate has shown us, I believe we ought to at least experiment to see if State and local governments can carry out some of these programs in a more effective fashion than we have been doing at the Federal level.

I know from my years as chairman of the Governmental Affairs Committee that Americans do want more efficient and less costly government, and I, for one, do not believe that efficiency and government need necessarily be an oxymoron statement. We worked on the Governmental Affairs Committee to bring forth better ways of dealing with efficiency in the Federal Government, such as the Chief Financial Officer Act, the Inspectors General Act, Financial Management Act, and so on, and a number of different things we have done in that area. So it is not that we have ignored the efficiencies of government, but certainly we want to make the Government a more efficient and better and less costly government.

That certainly is a big move. Maybe one way to help accomplish that objective is to grant more flexibility to State and local governments and let them run some of these programs.

Where I think we should proceed with some degree of caution, we need to remember the reason many of these programs became part of the Federal level was back some 50 or 60 years ago when the country was in dire straits and we were not able, either would not or could not, at the State and local level to address problems and concerns of our citizens that had been dealt with in the family and local communities up to that time. We found soup kitchens on the corners, and we had people because of weather changes also—we remember the movies, famous movies of the Okies going West with a mattress on top of the car, and so on. The United States had lost its way at that time.

I grew up in that Great Depression. I learned that State and local governments do not have sometimes the wherewithal and resources to meet all human needs. That is why President Roosevelt came through with the New Deal. That was to address economic and social problems that previously were dealt with by State and local governments or by the local communities and families themselves more likely. And we followed the New Deal up with the Great Society and moved more of these programs up to a national level.

Now, I am the first to say many of these programs may have gone too far and so we need to tailor things back somewhat. But there has been and will continue to be the need for Federal involvement and decisionmaking in many domestic policy areas. But that should not preclude us from maybe loosening the reins on State and local governments in some areas or even dropping them entirely.

But we should be careful and look at it on a case-by-case basis, not with a meat ax approach, not just swinging the ax and taking whole programs out without considering what is going to happen to a lot of people.

Unfortunately, the House, in its race to devolve, as they call it, and seemingly block grant the entire Federal Government, I believe, is moving much too quickly in areas which should require closer scrutiny and greater deliberation.

I believe that the conference report on S. 1 will help to restore the intergovernmental partnership and bring needed perspective and balance to future Federal decisionmaking.

I think S. 1 is landmark legislation, as I said in starting out my remarks. I think it is landmark legislation that will help to redefine for the first time in 60 years the entire Federal, State and local relationship. And so I obviously urge my colleagues to vote for passage of this legislation.

I have some remaining remarks concerning the conference report, and I would like to clarify some of the provisions of the proposed legislation.

I would first refer to section 425(a)(2)(B)(iii)(III) of the conference report. Subsection (III) establishes a timeframe for expedited procedures under which Congress will consider the agency statement or legislative recommendations under subsections (aa) or (bb). The timeframe is 60 calendar days from which the agency submits its statement or legislative recommendations. Under such an expedited process, the mandate would cease to be effective 60 calendar days after the agency submission unless Congress provides otherwise by law.

The Senate Parliamentarian has provided us with his interpretation of the 60-day time period in a letter which has been attached as an appendix to the conference report. The letter states that a sine die adjournment "will result in the beginning again of the day counting process and that the sine die adjournment of a Congress results in all legislative action being terminated and any process [the counting of the 60 days] ended so that it must begin again in a new Congress."

Thus, if Congress adjourns sine die prior to the end of the 60-day time period after the agency submission of its statement or legislative recommendations then the the 60-day time clock terminates and would start all over again, beginning with day one, when Congress convenes the next year. In those instances, Congress would then have 60 calendar days to act on the agency submission or the mandate would cease to be effective after the 60-day period expires. Depending on when we convened in January, the time period would likely expire sometime during the month of March.

After a discussion with the Parliamentarian, I understand that his interpretation on the counting of days would also apply after sine die adjournment of the 1st session of a Congress as well.

This clarification by the Parliamentarian over the counting of days under S. 1 is critically important. During election years we usually adjourn sometime in early October. My concern had been that with a continuous 60-day clock we might be forced in those years to reconvene for a lame-duck session in December to vote on an agency statement or legislative recommendation or otherwise the mandate would cease to be effective. I think as a general rule we should avoid having to convene lameduck sessions except in emergencies and times of national crisis.

So I am pleased that the Parliamentarian's ruling would avoid putting us in a situation of having to schedule lameduck sessions to deal with agency statements or legislative recommendations.

I would like to clarify another provision in the act. Section 202(a)(2) requires Federal agencies to prepare qualitative and quantitative assessments of the costs and benefits of Federal mandates as well as its effect on health, safety, and natural environment. I believe that the meaning of the word "effect" would include both qualitative and quantitative costs and benefits to health, safety and the environment as well as other impacts in those areas. Further, the statement of conferees states that included in the agency written statement under section 202 "must be a qualitative, and if possible, quantitative assessment of the costs and benefits of the intergovernmental mandate." The word "intergovernmental" should be crossed out to make the sentence consistent with the statutory language. However, the sentence properly notes that a quantifiable assessment of the costs and benefits of a particular mandate may not be possible. This difficulty in preparing accurate quantitative assessments and estimates is noted in the statutory language for both section 202(a) (3) and (4). Indirect costs and benefits are particularly difficult to quantify and may be better addressed as part of an agency qualitative assessment of the Federal mandate.

In addition to addressing indirect costs and benefits, such a qualitative assessment would also include an assessment of considerations other than economic costs and benefits but are still necessary and important in guiding an agency in the promulgation of a major rule.

I would also like to discuss section 204, dealing with State, local, and tribal government input into the Federal regulatory process. Both the House and Senate bills required Federal agencies to develop an effective process to permit elected State, local, and tribal officials to provide timely and meaningful input into the development of agency

regulatory proposals containing significant intergovernmental mandates. The language in both bills was consistent with the President's Executive order. The House bill, however, implicitly exempted all meetings and communications between Federal and State, local, and tribal officials under this process from the Federal Advisory Committee Act. The House felt that FACA was a bureaucratic encumbrance that impeded closer coordination between Federal, State, and local officials in the administration of programs with shared intergovernmental responsibilities. The Committee on Governmental Affairs has examined problems with FACA in the past and 3 years ago reported out unanimously legislation I wrote to reform FACA. The bill exempted elected State and local officials from some of its requirements. So I was sympathetic with the House position in this case. However, I believed that the House language needed to be tightened and narrowed so as not to give State and local officials an unfair advantage over others in the administrative process. So we developed compromise language in section 204(b) to provide an exemption from FACA for elected State, local, or tribal officials—or their designated employees with authority to act on their behalf—for meetings concerning the implementation or management of Federal programs that "explicitly or inherently share intergovernmental responsibilities or administration." So we have been careful to limit the FACA exemption to instances where Federal officials and State, local, and tribal officials are coimplementers or managers of a program. We did not want to allow a FACA exemption in instances where State and local officials are acting as advocates, which is what the House bill would have likely allowed. Further, we have asked the administration to promulgate regulations to implement section 204 and to ensure that there are proper safeguards in place.

I would note that the effective date of title I is January 1, 1996 or 90 days earlier if CBO receives appropriations as authorized. Thus, title I would apply to any bill, joint resolution, amendment, motion, or conference report considered by the House or Senate on or after January 1, 1996.

Finally, I would like to describe and explain the provisions of section 401, which deals with the subject of judicial review.

The version of S. 1 that passed the Senate contained an absolute bar on all judicial review. However, the bill that passed the House authorized judicial review of regulatory agency compliance with many requirements in the bill.

The conferees agreed to a compromise between the Senate and the House positions. Our goal was to provide for meaningful judicial review, so as to reassure the regulated community that agencies will prepare certain key statements and plans that are called for under S. 1. However, we also wanted to assure that agency rules and enforcement would not be stayed or invalidated by the judicial review, and that the regulatory process would not get bogged down in excessive litigation. I believe that section 401 achieves these goals.

Sections 401(a) (1) and (2) provide for limited judicial review of agency compliance with section 202 and sections 203(a) (1) and (2). As I discussed a moment ago, section 202 requires preparation of statements to accompany significant regulatory actions, and sections 203(a) (1) and (2) require agencies to develop small agency plans before establishing certain regulatory requirements.

Subparagraph (A) of section 401(a)(2) provides that judicial review is available only under section 706(1) of the Administrative Procedure Act. Section 706(1) of the APA authorizes a court to compel agency action unlawfully withheld or unreasonably delayed. Subparagraph (A) also states that such review will only be as provided under subparagraph (B). Subparagraph (B) states that, if an agency fails to prepare the written statement under section 202 or the written plan under section 203(a) (1) and (2), a court may compel the agency to prepare such a written statement.

Sections 401(a) (1) and (2) specify that the only remedy that a court may provide is to compel the agency to prepare the statement. So, for example, the court may not stay, enjoin, invalidate, or otherwise affect a rule. Nor may the court postpone the effective date of the rule, stay enforcement of the rule, or take any other action to preserve status or rights pending conclusion of the review proceeding or pending compliance by the agency with any court order to prepare a statement.

Furthermore, in this review under sections 401(a) (1) and (2), the court may not review the adequacy of a written statement under section 202 or of a written plan under sections 203(a) (1) and (2). This is because paragraph (2)(B) provides that a court may compel preparation of a written statement only if the agency actually fails to prepare the written statement under section 202 or actually fails to prepare the written plan under sections 203(a) (1) and (2).

Sections 401(a) (1) and (2) deal with the situation where rules that are subject to sections 202 and 203 (a) and (b) undergo judicial review under Federal law other than section 401(a) (1) and (2).

Paragraph (3) states that, in any such judicial review, the failure of an agency to prepare a required statement or plan shall not be used as a basis for staying, enjoining, invalidating, or otherwise affecting the agency rule. Subparagraph (3) further provides that, if the agency does prepare a statement or plan, any inadequacy of the statement or plan shall not be used as a basis for staying, enjoining, invalidating, or otherwise affecting the agency rule. Subsection (3) not only forbids a court to use the inadequacy or failure to prepare a statement or plan as the sole basis for invalidating or otherwise affecting a rule; the subsection also prohibits the court from using such inadequacy or failure as any basis, even if considered together with other deficiencies in the rulemaking, for invalidating or otherwise affecting a rule.

Subparagraph (4) states the circumstances when the information generated under section 202 or section 203(a) (1) and (2) may be considered by a court in the course of reviewing the rule under law other than sections 401(a) (1) and (2). Subparagraph (4) has two elements. First, the information may be considered by the court only if it is made part of the rulemaking record for judicial review. Second, if the information is made part of the record for review, then the information may be considered by the court as part of the entire record for the judicial review under the other law.

The question of whether the information is made part of the record for judicial review is not determined by any provision of S. 1; the contents of the record is governed by the law and court procedures under which the judicial review takes place. In judicial review of agency rules, the agency makes the initial decision of what documents to include in the rulemaking record for judicial review. Thus, the agency would make the initial decision of whether to include any information generated under sections 202 and 203(a) (1) and (2) in the record for judicial review. If the agency makes such information part of the record for judicial review, the court may then proceed to consider such information as part of the record for judicial review pursuant to the other law.

In no event may a court review whether the information generated under section 202 or 203(a) (1) or (2) is adequate to satisfy requirements of S. 1. Such review is clearly prohibited by subparagraph (3). However, in reviewing a rule under law other than sections 401(a) (1) and (2), if information generated under section 202 or 203(a) (1) or (2) is included in the record for review, the court may consider whether such information is adequate or inadequate to satisfy the requirements of such other law.

Any information that is made part of the record subject to judicial review, including information generated under sections 202 and 203(a) (1) and (2) that is made part of the record, may be considered by the court, to the extent relevant under the law governing the judicial review, as part of the entire record

in determining whether the record before it supports the rule under the arbitrary capricious or substantial evidence or other applicable standard. Pursuant to the appropriate Federal law, a court looks at the totality of the record in assessing whether a particular rulemaking proceeding lacks sufficient support in the record.

Section 401(a)(5) states that a petition under paragraph (2) to compel the agency to prepare a written statement shall be controlled by provisions of law that govern review of the rule under other law. This applies to such matters as exhaustion of administrative remedies, the time for and manner of seeking review, and venue. Consequently, the petition under paragraph (2) may be filed only after the final rule has been promulgated, at which time review of the rule may be available under other law. The petition under subparagraph (2) may be filed only in a court where a petition for review of the rule itself could also be filed under other law. And the same requirements for exhaustion of administrative remedies that would apply in review of the rule shall also apply to the petition under paragraph (2). However, if the other law does not have a statute of limitations that is less than 180 days, then paragraph (5) limits the time for filing a petition under paragraph (2) to 180 days.

Section 401(a)(6) states the effective date for the judicial review provided under subsection (a). The effective date is October 1, 1995, and subsection (a) will apply to any agency rule for which a general notice of proposed rulemaking is promulgated on or after such date. Consequently, in the case of rules for which a general notice of proposed rulemaking is promulgated before October 1, 1995, subsection (a) does not apply. For these rules that are not subject to subsection (a), a petition under subsection (a)(2) may not be filed, and information generated under sections 202 and 203(a) may not be considered as part of the record for judicial review pursuant to subsection (4).

Section 401(b)(1) broadly prohibits all judicial review except as provided in subsection (a). Thus, all of title I, those portions of title II not expressly referenced in subsection (a), and all of title III are completely exempt from judicial review. This section also prohibits judicial review of any estimate, analysis, statement, description, or report prepared under S. 1. This list is intended to cover all forms of documentation or analysis generated under S. 1, so that no such documentation or analysis is subject to any form of judicial review except as provided in subsection (a). For example, not only is an agency's compliance with section 205 not subject to judicial review; but also the regulatory alternatives and the explanations prepared under section 205, and other records of the agency's activities under section 205, may not be reviewed in any judicial proceeding.

Subsection (b)(2) further states that, except as provided in subsection (a), no provision of S. 1 shall be construed to create any right or benefit enforceable by any person.

Finally, the provisions of S. 1 do not affect the standards of underlying law, under which courts will review agency rules. In other words, insofar as they provide the basis for judicial review of a rule, neither the standards of the statute that authorizes promulgation of the rule, nor the procedural standards for rulemaking under the authorizing statute or the APA, nor the standards for judicial review of the rule, nor agency or court interpretations, are affected by the provisions of S. 1.

Likewise, to the extent that applicable law vests discretion in an agency to determine what information and analysis to consider in developing a rule, nothing in S. 1 changes the standards under which a court will review and determine whether the agency properly exercised such discretion. Thus, even where the authorizing statute is vague or silent about what factors the agency must or may consider in promulgating a rule, a court reviewing the rule may not consider the requirements of section 202 or of any other provisions of S. 1 in interpreting the requirements of the statute. This is because, except as provided by a petition under section 401(a)(2), section 401 prohibits all judicial review of compliance or noncompliance with S. 1. If courts were allowed to interpret S. 1 as implicitly amending or superseding the provisions of another statute or to constrain the agency's discretion under another statute, and if the conference report had been written to allow a court to consider an agency's compliance or noncompliance with these amended or superseded provisions of the other statute, this would be the same thing as judicial review of the agency's compliance or noncompliance with the provisions of S. 1. But section 401 of the conference report clearly prohibits courts from doing this.

Furthermore, even when an agency prepares any statement under section 202, nothing in section 202 authorizes or requires consideration of the statement in development of the rule. Where the conference report intends to require that agencies consider certain factors, the language of the bill is drafted to say so explicitly, as in the provision of section 205 requiring that agencies consider a reasonable number of regulatory alternatives under certain circumstances. Furthermore, an agency may choose to prepare a statement even if consideration is clearly prohibited under another statute, and an agency may prepare a statement even if the applicable statute affords discretion to the agency to consider or not to consider the statement. Therefore, neither the provisions of S. 1 nor the fact that an agency prepares any statement under S. 1 affects the standards and interpretations under which courts will review the rule and the agency's exercise of discretion in developing the rule.

Mr. President, I would like to close by acknowledging some people who deserve a great deal of credit for this legislation. This has been tough legislation to bring through, and we had a long debate in the Chamber about it after it came out of committee. We remember some of the difficulties of getting it out of the committee, and I will not go into all the details of that.

I indicated earlier in my remarks, of all the people who have brought this through, Senator DIRK KEMPTHORNE certainly deserves credit as the spark plug for this legislation. I have been glad and honored to join him in it. W.H. "Buzz" Fawcett, who is sitting here with him today, deserves credit for his work on this, and Gary Smith, who is on the floor also today.

On our side of the aisle, those people who deserve a tremendous amount of credit are Sebastion O'Kelly, who is with me here today, who has worked on very little but this for the last couple of months, I guess, or ever since we came back into session; Larry Novey, who is not on the floor with us today—yes, he is back in the back. Larry worked on this legislation also, as did our minority staff director on the Governmental Affairs Committee, Len Weiss, who is here with us today.

Congressman ROB PORTMAN over in the House, who was the real sponsor of this and the prime mover of it, deserves a lot of credit, along with his principal staff person who worked on this, John Bridgeland; Congressman WILLIAM CLINGER over there, and the person on his staff, Christine Simmons, who worked so hard on this; Congresswoman CARDISS COLLINS and her staff person, Tom Goldberg, who met repeatedly with the group; GARY CONDIT over there, and his staffer, Steve Jones, played a vital role in this.

And back on our side again, Senator JIM EXON and Meg Duncan on his staff, and on our Governmental Affairs staff again Senator CARL LEVIN and Linda Gustitis, who has done such yeoman work on a number of pieces of legislation on our Governmental Affairs Committee staff.

I know to people out there maybe who watch this on television, the names are not associated directly with the people involved. You may or may not have seen them in the Chamber from time to time when we were debating the bill, sitting here beside us, keeping some of the legislative matters straight as we were debating some different parts of this bill. But they are people who should be known because they are the ones who have to write

things up overnight, spend two-thirds of the night writing things up for our approval in the morning to go to another meeting and try to work things out, work differences out and different views on legislation. And this legislation did have a lot of things we had to work out together. It was together that we worked these things out. There was a lot of togetherness, legislative togetherness that let us get to the point where we are today.

So I urge my colleagues to vote for passage of this bill. I think it is landmark legislation, and we have so many people who have been part of this I probably have left some people out. I regret that. But I am glad we have come to this day, and I look forward to tomorrow when we will have a record rollcall vote. I hope it will be unanimous.

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

Mr. KEMPTHORNE. Mr. President, I certainly appreciate the remarks of the Senator from Ohio and the great role that he has played in bringing us to this point where we can have successful passage of this conference report.

I should like to associate myself with his remarks about the different staff members who have all played a key role. I would now like to yield 7 minutes to the Senator from Minnesota, who again has been one of those Senators on this issue who every time we needed to have assistance was there.

Mr. GRAMS. I thank the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today in support of the unfunded mandates conference report.

By forcing Congress to know the costs of any legislation it passes down to our States, counties, cities, and townships, by forcing Congress to vote—openly in the light of day—to specifically impose those costs if it does not come up with the dollars itself, this legislation is a good first step toward loosening the noose of costly Federal requirements.

And it is also a good first step toward a return to States rights, and an end to what has too often amounted to taxation without representation by the Federal Government.

In Redwood Falls, MN, former Mayor Gary Revier echoes what I have heard time and time again since debate began in Washington on unfunded mandates.

He said to me recently:

> How can cities like Redwood Falls meet their own needs when our scarce dollars are continually going to meet Washington's needs?
>
> How do we tell our residents that we may need to reduce services or raise local taxes because a bureaucrat 2,000 miles away thinks he knows best how to spend our dollars?

I agree with Mr. Revier. In fact, I have asked him to chair my unfunded mandates task force, where he will play a key role in formulating a strategy to reduce the Federal Government's reach into Minnesota pockets.

Even with the Unfunded Mandates Relief Act in place, we must be vigilant of the unintended costs our actions here in Congress may represent on the local level.

Future legislation needs to be carefully scrutinized so that we avoid new and unwelcome financial pressures on the local level.

Other regulatory relief measures we consider this year will further enable local governments to get back to doing local business, and away from having to do the Federal Government's bidding.

We could learn a lot from Florida Gov. Lawton Chiles, who wants to repeal at least half of his State's nearly 29,000 regulations and replace them with loose guidelines, guidelines that promote accountability.

While trading archaic rules for common sense may not make sense to the Washington bureaucrats, it makes a lot of sense back home, and it is an approach we ought to encourage on the Federal level.

For all the good accomplished by the Unfunded Mandates Relief Act, it leaves untouched most of the 200 previously enacted unfunded mandates passed by this institution—and passed on to local governments—over the last two decades.

Implementing the requirements of the 10 costliest mandates—contained in bills like OSHA, the Clean Water and Clean Air Acts, and the Endangered Species Act—cost cities an estimated $6.5 billion in 1993.

By the year 2000, the price tag for those mandates will rise to nearly $54 billion.

It may be too late to change things with this bill, but it is not too late to change things with the next.

In the House, Speaker GINGRICH will begin monthly corrections days, and I urge my colleagues in the Senate to follow suit.

We will pull out the most inefficient Federal laws and regulations and bring them up for a vote.

We will begin stripping away the layers of Federal bureaucracy that, like bad varnish over good wood, have obscured for too long the role of the Government envisioned by our Founding Fathers.

Maybe, with the help of the Unfunded Mandates Relief Act and 2 years of corrections days, we will be able to say by the end of the 104th Congress that we have truly made a difference to the people back home who sent us here to change Washington.

I reiterate, this change begins with passage of the Unfunded Mandates Relief Act.

With that, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I note Senator HUTCHISON was here a short time ago. She had hoped to speak on this issue but unfortunately a previous commitment had caused her to leave the floor. I wish she could have been able to remain because during the 11 days of the debate that we had on S. 1, there were different occasions when it was necessary to seek someone with her background in State government to come be an advocate and spokesperson for this bill. Whenever we called, she was there. I want to acknowledge her role in this as well.

With that, Mr. President, I know there are additional speakers who are on their way to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator suggest the time be divided equally on both sides, under the quorum call?

Mr. KEMPTHORNE. Mr. President, that will be fine.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Who yields time?

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the distinguished Senator from Idaho for yielding.

Mr. President, I have been most interested in what I think is our first major success in both Chambers. And certainly it is due to the perseverance of the Senator from Idaho that we are where we are today. I watched with interest what is happening in the House and, of course, what is happening over here. I think it is so significant because this symbolizes what I think is one of the products of the revolution that took place on November 8.

I have often joked around with many Members of both bodies in Washington. I said, "If you want to know what a real tough job it is to become a mayor in a major city, there is no hiding place there. If they do not like you, they trash you and they throw it in your front yard."

Of all the problems—and even though there are people serving in this body, distinguished Senators, who have had distinguished careers, including being mayor of major cities such as the Senator from California, Mrs. FEINSTEIN, and many of us may disagree philosophically on certain subjects, but if you were to ask any city official, any mayor, any city commissioner, city council member in America what the most serious problem is, they will not

say, as you might expect, the crime problem or the welfare problem or other problems like that. They would say it is unfunded mandates. I had the honor of serving as mayor for three terms in the city of Tulsa, OK, with a half-million people.

There are so many aspects of unfunded mandates that people do not talk about because sometimes it is politically sensitive to talk about it, such as the Davis-Bacon Act and how that affects what we do with capital improvements in many of our large cities.

I can remember when I became mayor of the city of Tulsa, even though I was conservative it was very uncomfortable to do this. I had to pass a 1-cent sales tax increase for capital improvement because our city had been neglected in its infrastructure. Unfortunately, it is a political reality. Until you can visibly see the problems, you do not really do anything about it. So we passed it.

We calculated afterward that, if we had not had to comply with the Davis-Bacon Act, the taxpayers would have benefited so much more than they did. Without the Davis-Bacon Act, we could have produced 17 percent more in capital improvements for the citizens of Tulsa. Keep in mind this is all totally funded within the city with a 1-cent sales tax increase—6 more miles of roads and streets within one city, Tulsa, OK; 34 more miles of water and sewer lines. And we could have hired—this is simply the labor issue that you hear so much about—we could have hired 500 more people during that timeframe. At that time our unemployment was high. It was something that we needed. So it was one of those deals where no one would have been punished by our successfully not having to serve under the mandates of the Davis-Bacon Act.

A lot of us in Oklahoma put the pencil to these things so that we would know how many dollars it saved. The motor-voter law that came in is going to cost about $1 million a year. We are still working with that right now. That was something that came in that sounded very good when it surfaced. A lot of the authorities were certainly well meaning. But it was a very expensive thing for the people of Oklahoma. We went and looked at some of the things that happened in the city. Certainly we all know or are sensitive today to the League of Cities which is having their annual meeting here in Washington.

In one city, Oklahoma City, the compliance with storm water management and the Clean Water Act, in Oklahoma City alone it is estimated to be $2.7 million. The transportation regulations, which is the metric conversion, some of their anticipated fees are in excess of $2 million over the next 5 years. Land use regulations—that is the recycling and landfill requirements that have come—$2.5 million; the Clean Water Act, Safe Drinking Water Act is somewhere in the millions. We cannot even put the pencil to that.

In my city of Tulsa, OK, the other large city in Oklahoma, the Clean Water Act compliance was $10 million. The Safe Drinking Water Act was $16 million. The solid waste regulations, $700,000. And the lead-based paint, because it is a unique industry which we have there, it will cost in excess of $1 million. But when you look at the smaller communities like Broken Arrow, OK, the Clean Water Act, the storm water regulations were $100,000; the safe drinking water regulations were $40,000. This is a small community that has a very difficult time making ends meet. Yet, they look at these and they wonder why is it that we in Washington somehow have this infinite wisdom that we know what is better for them and we are willing to mandate things for them to do. Yet, we are not going to fund it.

I think if we face the reality and the truth, Mr. President, I suggest that it is because people in Washington, after being here for a while, cannot resist the insatiable appetite to spend money we do not have. One tricky way of doing that is to take credit for something politically at home in terms of the environment or something that we are needing to do that generally the people want and turn around and cause the people at home to pay for it.

I think we should look at this in another way, also. That is, what is going to happen with the frustration around the country if we do not do this? I was heartened the other day to see what is happening in Catron County, NM. In the frustration of dealing with the U.S. Forest Service, they enacted the U.S. Constitution as a county ordinance and put the Federal officials on notice to show up at the county supervisors meeting to get permission to impose future mandates.

I think we are looking at something here that either we do, or it is going to be done for us. I have never been prouder of an organization that is able to come in on both the House and Senate side and recognize that this is not a Republican program, this is not a Democratic program, this is not a conservative or liberal program; this is something that everyone is for if they are really for getting the maximum out of the tax dollars that are paid.

So, again, let me throw all the accolades I can on the distinguished Senator from Idaho, who has been so effective in getting this through. Thank you on behalf of all America.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I want to thank the Senator from Oklahoma. Not only is he a tremendous addition to the U.S. Senate, but his experience as a former mayor—I really think there are few training grounds that can better equip you for the issues we deal with than to be a mayor who deals with the pragmatic issues of government. He is a welcome addition here.

I yield 7 minutes to the chairman of the Budget Committee, the Senator from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I know that the occupant of the chair would like the Senate to finish its business at the earliest possible moment. While he has not told me that, it seems to me that is the attitude he exhibited when I told him I was going to speak. I promise you that it will be reasonably interesting and very, very short.

First, let me say that this bill could not be passed by the U.S. Senate, this conference, at a better time, because in the confines of this city over the last 72 hours, councilmen and mayors and councilwomen from all across America were here as part of the National League of Cities' conference. I used to belong to that organization many years ago when I was an ex officio mayor of my home city. And our distinguished Senator, to whom we extend accolades here today, Senator KEMPTHORNE, also served as mayor, but much later than I. I knew about the government way back then, and he knew about it even more vividly.

But I might say to the Senate that there is no question that the exhilaration in the language and words of thanks and profuse gratitude from those who came from far and wide across America as mayors and council people, saying this was the first step in some kind of revitalization of federalism in a prudent and realistic manner, seem to me to be right on the mark. We were on the mark when we passed it.

So this bill begins a redefinition of the relationship between the Federal Government, States, and local governments and even our Indian tribes. In addition, due to the provisions of title II of this bill, it also begins a little bit to move the relationship of the Federal Government's regulatory processes, vis-a-vis the private sector, in a direction of somewhat more accountability for the bureaucracy's actions that bind our American people and business people. We are not there yet on private sector mandates. This is the very first step.

In the past, we have piled mandates on the States and the American people with very little idea of their economic impact. It seems to me these mandates were imposed with too much confidence that we could leave very open-ended, generalized kinds of authority to the regulators, expecting them to establish commonsense regulations. Instead, we have found the exact opposite. In many instances, you have to stretch your mind in terms of trying to figure out how they could arrive at certain regulations from the laws we have passed.

So, at the very best, we did not fully understand the cost of our laws, the cost and implications of our regulations on State and local governments and tribal governments, or the private sector. At the worst, we had no idea how much these laws and regulations cost the American people. One estimate places the aggregate cost of existing mandates from hundreds of laws and thousands of regulations at $580 billion annually.

Somebody pays that and somewhere it finds itself in either the cost of living of our people, or the cost of buying goods and services from our companies, because this huge cost does not just disappear into the ether. It is there every day, in our front rooms, kitchens, on our grocery shelves, the furniture and gasoline we buy, and all of the other things that we have seen fit to regulate without any real evidence of the risk and the cost and how it affects people.

In my own State—I repeat to the Senate—local officials, whether it be the secretary of state or labor implementing motor vehicle registrations, or the mayor of the little town of Las Vegas, NM, attempting to meet the needs of his small city, I have heard their appeals and they clearly are tired of the Federal Government telling them precisely how to do things by regulation when they believe they could do just as well in different ways at less cost to their people.

Small business in New Mexico first points to Federal regulations when asked what is slowing down employment and economic growth and causing them to expand less than they think they could. Their answer, I repeat, is most frequently: Regulations that burden us unduly, that cost more than they are worth. They are even raising this today more frequently than they are talking about higher taxes and how taxes burden them.

That is not to say that taxes are not a burden to small business and that they would not like to see some relief. But I am giving you my best version of what I have heard for the last 14 months, because I did call small business together in New Mexico. We had an advocacy group and we hold it together, and we have had about 800 small businesses go to five cities and just lay before me what is wrong with the Federal Government. It comes up over and over again that they are being regulated beyond belief, at costs that are significant, with achievements and goals that are irrelevant or very misleading in terms of their worth.

So I am hopeful that this bill will change the culture of the Federal Government by modifying the process by which we impose mandates on our people. This bill requires Congress and Federal regulatory agencies to consider the impact of mandates before they are legislated and implemented.

I congratulate Senator KEMPTHORNE on this bill. I congratulate his staff and my staff, some of them from the Budget Committee. He is just a freshman Senator, but actually we have all found that he is a powerful one and a good one. He introduced the bill, and our leader, Senator DOLE, said, "Manage it, since you feel so strongly about it."

I remember him asking me, "Do you think I can do it? What is managing a bill all about?"

And I said, "Nobody can tell you until you have done it."

I asked him the other day, and he had a mixed reaction to it all. He is not so leery about managing another one, but he was not totally sanguine about what he had to go through either.

We do have to go through some contortions here on the floor to accommodate fellow Senators. He, obviously, had to do that. And for some who wanted to delay this process, he had to do that.

But over the past 2 years I helped where I could and I believe we strengthened the bill in many respects. First, through Senator EXON's and my efforts, the point of order in this bill has been broadened to apply to all legislation and the bill's new legislative mandate control procedures have been folded into the Budget Act, where we have established precedents to show us how a point of order will work and how it will not work.

Second, Senators NICKLES, DORGAN and myself have worked to make sure that the new procedures in this bill apply to the private sector.

This bill may be just a start in that direction, but let me suggest for those who are overburdened in the private sector, this bill will send a signal that we have not forgotten about them as we talk about mandates. Because many small businesses in America, because of the type of regulations being imposed and the attitude of those who impose it, believe the Federal Government is their adversary, their enemy, not their friend, not working in partnership and cooperation to see that regulations and the mandates of our laws get carried out. This bill is going to make one first step. Agencies are going to have to assess the impact on small business, and it holds agencies accountable for their actions. There is one judicial review process that will be available to them.

I am very hopeful that, as we move through regulatory reform, we will find some more precise and better ways to address the huge, huge almost malaise that is out there from the regulations and that we will start to make sense of it. And if, in a couple of years, the small business community is saying, "Our Government cares about us, they work with us, the regulators work with us instead of starting as enemies and wanting to penalize us, to fine us," we will have made a very giant step in the right direction.

I thank Senator KEMPTHORNE for yielding me time and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I wish to thank Senator DOMENICI for his comments. Again, we have a former mayor who has just spoken, and who, from experience, knows what these unfunded mandates are all about, but more importantly helped do something about it. During what was the Christmas recess, when, traditionally, there is some time off, we did not take the time off. We worked diligently so that we could be ready with S. 1, so that it could be ready the first day.

So I appreciate Senator DOMENICI's help on that. And to acknowledge his staff, Bill Hoagland, Austin Smythe, and Kay Davies, who worked diligently with us through this process.

Mr. President, I also think it is worth noting—and this is important—that of the conferees that were appointed—5 in the Senate, 8 in the House; a total of 13—we stated going into this, Senator GLENN has affirmed this point repeatedly, that this was a bipartisan effort.

I think it is significant that three Democrat Members of the House were appointed to the conference and not all three had voted for this, which, at that time, was H.R. 5 in the Senate. Not all voted for it but, significantly, all Members, all 13 conferees, signed this conference report. CARDISS COLLINS, EDOLPHUS TOWNS, and JOE MOAKLEY, we want to thank them for their efforts throughout this process. Again, you have a conference report now that has been unanimously signed by all conferees.

Mr. ROTH. Mr. President, as chairman of the Governmental Affairs Committee, I am pleased to join with the Senator from Idaho in bringing to the floor this conference agreement on the unfunded mandates legislation. In chairing the conference on S. 1, Senator KEMPTHORNE did an excellent job of preserving the strong bipartisan support for this important reform that was the hallmark of its passage in both Houses.

This bill, as it now appears before us, is a careful balance of the demands for strong, effective reform, with the necessity for reasonable procedures and practical requirements. For example, we have provided for judicial review of agency compliance with requirements for certain types of analysis of regulatory impacts but without allowing such review to become a device that grinds the regulatory process to a halt. We require agencies to seek the least costly or least burdensome option when developing regulations but we only require that they do so for a reasonable number of alternatives.

We have also struck fair compromises where the two versions of the

legislation imposed differing requirements. For example, we now require a Congressional Budget Office analysis of any mandate on the private sector that exceeds $100 million per year in costs while the original Senate bill had set the threshold at $200 million and the House threshold had been $50 million. We have also tailored the point of order provisions to the unique procedural needs of each of the two Houses.

And while the legislation aims primarily at future Federal mandates in its point of order and regulatory procedures provisions, it also acknowledges that existing mandates may need to be rethought. It does this by charging the Advisory Commission on Intergovernmental Relations with studying and reporting to us on effects of the current burdens imposed by such mandates. It asks ACIR to recommend how best to end mandates that are obsolete or duplicative. It also asks for recommendations on how we might grant State and local governments more flexibility in complying with those mandates that ought to be retained.

In doing all of this, the conferees have developed a final version of this much-needed reform that I can strongly commend to my colleagues. This is due in large measure, as I have already mentioned, to the diligent work of Senator KEMPTHORNE, who has long championed this reform. He and his staff are to be commended for bringing us this far.

I also want to acknowledge the active role of Senator GLENN in shaping this final product. Senator GLENN and his staff have worked very hard over the past year and a half, to ensure that this legislation was able to have solid bipartisan support.

I am pleased to have worked with my two colleagues, and with the other conferees, to get us to this point. I know that my own staff has spent many long hours over the past several months to help in this effort, working closely with the staffs of the other conferees.

The bill now before us represents a landmark reform in the relationship between the Federal Government, and State and local governments. I urge all Senators to give it their strong support.

Mr. KEMPTHORNE. Mr. President, I thank Senator ROTH again, as I mentioned earlier, for his leadership and for the assistance of his staff, Frank Polk and John Mercer.

TREATMENT OF DISABILITY LAWS UNDER THE UNFUNDED MANDATES REFORM ACT OF 1995

Mr. HARKIN. Mr. President, I would like to enter into a colloquy with Senators EXON and GLENN, floor managers of the Unfunded Mandates Reform Act of 1995, regarding the impact of this legislation on the Americans With Disabilities Act [ADA], title V of the Rehabilitation Act of 1973, and the Individuals With Disabilities Education Act [IDEA].

Mr. EXON. I would be pleased to enter into a colloquy with my colleague, Mr. HARKIN, who served as the chairman of the Subcommittee on Disability Policy of the Committee on Labor and Human Resources from 1987 to 1995 and is currently ranking member of the subcommittee.

Mr. GLENN. I too would be pleased to enter into a colloquy with Mr. HARKIN, who was also the chief sponsor of the ADA and the most recent bills reauthorizing the Rehabilitation Act of 1973 and the IDEA.

Mr. HARKIN. The ADA and sections 503 and 504 of the Rehabilitation Act of 1973 are civil rights statutes protecting individuals from discrimination on the basis of disability. It is my understanding that these statutes are explicitly excluded from coverage under the Unfunded Mandates Reform Act of 1995. Is my understanding correct?

Mr. GLENN. The Senator is correct. The ADA and sections 503 and 504 of the Rehabilitation Act of 1973 are explicitly excluded from coverage under the Unfunded Mandates Reform Act of 1995. Specifically, the bill provides that the provisions of this act shall not apply to any provision in a bill or joint resolution before Congress and any provision in any proposed or final Federal regulation that establishes or enforces any statutory rights that prohibit discrimination on the basis of * * * handicapped or disability status.

Mr. HARKIN. I thank the Senator. It is also my understanding that the Unfunded Mandates Reform Act of 1995 includes a definition of the term Federal intergovernmental mandate and this definition explicitly excludes discretionary grant programs—except certain entitlement programs—that is, any provision in a bill or joint resolution that includes a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

IDEA is a voluntary discretionary Federal program. Therefore, it is my understanding that IDEA is not subject to the provisions of the Unfunded Mandates Reform Act of 1995 because it is not considered a Federal intergovernmental mandate. Is my understanding correct?

Mr. EXON. The Senator is correct. Because IDEA is a voluntary discretionary Federal program, it is not considered a Federal intergovernmental mandate. Therefore, none of the provisions applicable to Federal intergovernmental mandates included in the legislation apply to IDEA.

Mr. HARKIN. As the Senator knows, part B of IDEA—also known as Public Law 94-142—was enacted in 1975. Both the House and Senate reports that accompany the original legislation clearly attribute the impetus for the act to two Federal court decisions rendered in 1971 and 1972. As the Senate report states, passage of the act followed a series of landmark court cases establishing in law the right to education of all handicapped children. The U.S. Supreme Court in *Smith* v. *Robinson*, 468 U.S. 992, recognized that part B of IDEA is a comprehensive scheme set up by Congress to aid the States in complying with their constitutional obligations to provide public education for handicapped children. The Court cited another portion of the Senate report, which stated, "It is the intent of the Committee to establish and protect the right to education for all handicapped children and to provide assistance to the states in carrying out their responsibilities under State law and the Constitution of the United States to provide equal protection under the law." The Supreme Court then explained that "The [IDEA] was an attempt to relieve the fiscal burden placed on States and localities by their responsibility to provide education of all handicapped children."

It is my understanding that the provisions of the Unfunded Mandates Reform Act of 1995 do not apply to any provision in a bill or joint resolution before Congress that enforces constitutional rights of individuals. In light of the statements of congressional intent and the conclusions reached by the U.S. Supreme Court, would you agree with me that IDEA enforces constitutional rights of individuals and as such is excluded from coverage under the Unfunded Mandates Reform Act of 1995?

Mr. EXON. I agree with the Senator's conclusion in light of the statements of congressional intent he cited to and the conclusions reached by the U.S. Supreme Court.

Mr. HARKIN. It is also my understanding that the provisions of the Unfunded Mandates Reform Act of 1995 do not apply to IDEA because, like the ADA and section 504 of the Rehabilitation Act of 1973, IDEA is a civil rights statute that establishes or enforces statutory rights that prohibit discrimination on the basis of handicapped or disability status.

Mr. EXON. I agree with that conclusion.

Mr. HARKIN. I thank the Senator for entering into this colloquy with me. I ask unanimous consent that a memorandum prepared by the American Law Division of the Congressional Research Service regarding the applicability of the Unfunded Mandates Reform Act of 1995 to the ADA, IDEA, and the Rehabilitation Act of 1973 be printed in the RECORD.

Mr. GLENN. I thank the Senator for raising these important issues.

Mr. EXON. I also wish to thank him for raising these issues.

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

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, January 23, 1995.

To: Senator Harkin, Attention: Bob Silverstein.

From: American Law Division.

Subject: Unfunded Federal Mandates Bill and the Americans with Disabilities Act and the Individuals with Disabilities Education Act.

This memorandum is furnished in response to your request for an analysis of the language of S. 1 and H.R. 5, 104th Cong., 1st Sess., to determine if the Americans with Disabilities Act (ADA), 42 U.S.C. §§12101 et seq., and the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq., would be covered under these bills. It should be emphasized that these bills are currently undergoing extensive debate and amendment. This memorandum is based on the language contained in the Senate bill as reported out of the Senate Governmental Affairs Committee on January 11, 1995 and the Senate Budget Committee on January 12, 1995, and on the language contained in the House bill as reported out of the House Committee on Rules on January 13, 1995.

These bills are both referred to as the "Unfunded Mandate Reform Act of 1995." Basically, both bills, with some variance in details, would establish new congressional procedures for identifying and controlling certain existing as well as new unfunded federal mandates. The bills set forth new congressional procedures that would prohibit the House and Senate from considering legislation that creates new mandates or changes existing mandates from direct costs over a statutory threshold unless it also includes a source of financing or a guarantee that any such mandates will be repealed if the financing is not provided. Other provisions in the bills relate to the establishment of a Commission on Unfunded Federal Mandates that is required to review existing federal mandates to state, local, and tribal governments and to the private sector, and to make recommendations regarding possible changes in these mandates. There are also provisions requiring federal agencies to assess the effect of federal regulations on state, local and tribal governments and on the private sector and to make public such assessments for federal mandates costing more than $100 million to implement.

Both bills contain a section entitled "Limitation on Application."[1] Section 4 of S. 1 provides that "this part shall not apply to any provision in a Federal statute or a proposed or final Federal regulation that—(1) enforces constitutional rights of individuals; (2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, handicapped or disability status, (3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government; (4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of such a government; (5) is necessary for the national security or the ratification or implementation of international treaty obligations; or (6) the President designates as emergency legislative and that the Congress so designates in statute." It would appear that both the ADA and IDEA would be exempted from the requirements of the Unfunded Mandate Act based upon these exceptions, and IDEA would also come under the exception to the definition of Federal Intergovernmental Mandate for conditions of financial assistance.

The ADA would apparently be covered by the second exception, and possibly the first. The ADA provides, in part, that its purpose is "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." [2] The legislative history of the statute is replete with discussions of discriminatory actions and comparisons with civil rights protections given to individuals on the basis of race.[3] An examination of statutes that are commonly referred to as civil rights statutes, for example, title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, indicates that the broadest common denominator is that these statutes prohibit discrimination against a particular class or particular classes of individuals. Using this criteria, it would appear that the ADA would be considered to be a civil rights statute as the term is used in the second exception to the unfunded mandates legislation. It is also possible that the first exception, regarding statutes that enforce constitutional rights, might also be applicable to the ADA. The ADA states, in part, that its purpose is "to invoke the sweep of congressional authority, including the power to enforce the Fourteenth Amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities."[4] It could be argued that this language, coupled with findings concerning the constitutional rights of individuals with disabilities such as were made in *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985), would suffice to bring the ADA under the first exception in the unfunded mandates legislation.

IDEA would apparently be covered by the exception to the definition of federal intergovernmental mandate contained in Section 3 of S. 1 and Section 301 of H.R. 5 as well as by the first two exceptions regarding the enforcement of constitutional rights and the exception for civil rights statutes contained in the "Limitation on Application" provisions discussed above. The term "Federal Intergovernmental Mandate" is defined in both the Senate and House bills as meaning "any provision in legislation, statute, or regulation that—(1) would impose an enforceable duty upon States, local governments, or tribal governments, except—(I) a condition of Federal assistance; or (II) a duty arising from participation in a voluntary Federal program. . ."[5] IDEA provides funds to the states so that they may provide a free appropriate public education to all children with disabilities. As a condition for the receipt of these funds, the act contains detailed requirements for the provision of an education. Clearly, IDEA is a grants statute which imposes certain conditions upon the receipt of federal funds. As such it would be covered by the exception quoted above.

IDEA may also be exempted from coverage by virtue of the two exceptions regarding constitutional rights and civil rights statutes.[6] IDEA was originally enacted in 1975 in response to two judicial decisions[7] which found certain constitutional requirements for an education for children with disabilities. In addition, the Supreme Court in *Smith v. Robinson*, 468 U.S. 992 (1984), stated that "The EHA (now called IDEA) is a comprehensive scheme set up by Congress to aid the States in complying with their constitutional obligations to provide public education for handicapped children." At 1009. It could be argued that IDEA is, then, a statute enacted to help enforce constitutional rights. Similarly, IDEA specifically states that part of its purpose is to assure that the rights of children with disabilities and their parents or guardians are protected.[8] These rights are further defined in the statute. An examination of the legislative history of the act indicates that it was in response to the exclusion of children with disabilities from a public school education.[9] Since exclusion would appear to fall within the parameters of the term discrimination, it would appear that IDEA could also be classified as a civil rights statute.

We hope this information is useful to you. If we can be of further assistance, please call us.

KATHY SWENDIMAN,
NANCY LEE JONES,
Legislative Attorneys.

FOOTNOTES

[1] Section 4 of H.R. 5 sets forth a "Limitation on Application" section which is identical to that contained in S. 1 except for the addition, in committee, of a new (7) which reads "pertains to Social Security".

[2] 42 U.S.C. §12101(b)(1).

[3] See generally, S. Rep. No. 116, 101st Cong., 1st Sess. (1989).

[4] 42 U.S.C. §12101(b)(4).

[5] Section 3 of S. 1 and Section 301 of H.R. 5.

[6] Section 4 (1) and (2) of S. 1 and H.R. 5 read as follows: "This Act shall not apply to any provision in a Federal statute or a proposed or final Federal regulation, that—(1) enforces constitutional rights of individuals; (2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status. . ."

[7] *PARC v. State of Pennsylvania*, 343 F. Supp. 279 (E.D. Pa. 1972), and *Mills v. Board of Education of the District of Columbia*, 348 F. Supp. 866 (D.D.C. 1972).

[8] 20 U.S.C. §1400(c).

[9] H. Rep. No. 332, 94th Cong., 1st Sess. 11 (1975); S. Rep. No. 168, 94th Cong., 1st Sess., *reprinted in 1975 U.S. Code Cong. & Ad. News 1425, 1432.*

Footnotes at the end of the memorandum.

Mr. KEMPTHORNE. Mr. President, I know that the majority leader wishes to make comments on this issue. Until his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. Equally divided?

Mr. KEMPTHORNE. Equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

ANTIDERIVATIVE LEGISLATION

Mr. DORGAN. Mr. President, I will soon introduce a piece of legislation dealing with derivatives. The term "derivative" is not readily understood by most.

We read in the newspapers and hear on television reports these days about derivatives. The most recent news story, of course, was about a 28-year-

old young fellow, an employee of the Barings Bank of England, a 230-year-old bank.

This young employee of the Barings Bank of England was stationed in Singapore. In Singapore as an employee of an English bank he was betting on the Nikkei index on the Japanese stock exchange. Turns out that he lost $1 billion, and a 230-year-old British bank went under.

This is not the first time we have heard about derivatives. We heard about derivatives with respect to Orange County, CA. We heard about derivative failures across this country in recent years and it has alarmed some people, and justifiably so. Some who thought their retirement earnings were safe found out that the mutual fund they thought they invested in was, in fact, leveraged with derivatives.

Schoolteachers, school districts, cities, elderly people who had saved for their retirement, all have discovered in recent years the risk and potential danger of derivative trading when they do not know what they are doing. There are worldwide some $30 to $35 trillion in derivative contracts.

Derivatives in another manner and another name can be simple hedging, and hedging is a very customary thing to have happened. Banks hedge, farmers hedge. Hedging is a customary transaction. I have no trouble with that. Derivatives have become an international financial game and, in fact, some countries call it wagering or betting.

In this country, we have some very large banks that have begun trading in derivatives on their own account. They are involved in proprietary trading and derivatives in their own account. Not for customers.

The difficulty I have with that is when a financial institution whose deposits are insured by the American taxpayers with Federal deposit insurance, starts putting up a keno pit in their lobby and gambling effectively on derivatives, believing if they lose their shirt, the American taxpayers will pay. That is wrong. I do not believe financial institutions whose deposits are insured by the Federal Government should be involved in any case or under any conditions in trading for their own proprietary accounts in derivatives. It is far too risky and far too fraught with potential failure.

In this case, the failure will be underwritten by the American taxpayers. We have seen a chapter of this in the past. It was called junk bonds in savings and loans. Let us not see that repeat itself in this country with banks and derivatives.

Now, most American banks are not involved in derivative trading. Ninety-nine percent of them are not. But we have several very large banks in the country, some of the largest, that are involved in derivatives, with risks up to 500 percent of their entire capital structure.

I will introduce legislation that I introduced in the previous Congress. It is very simple. It does not prohibit traditional hedging by financial institutions for the purposes of hedging risk. It does prevent and prohibit institutions whose deposits are insured by the Federal Government from trading on a proprietary basis in derivatives. That makes no sense, and we ought to stop it.

The fact is we have Federal regulators involved in looking over their shoulders on derivatives trading, but is like having traffic cops involved in looking at computer crime. It simply does not work.

We have a $30 to $35 trillion dollar worldwide derivative business, and we see what can happen. We see what happens when a 28-year-old, working for a British bank, living in Singapore, bets on Japanese stocks and loses $1 billion, and everyone stands around looking surprised.

We saw everyone scratching their heads looking surprised that Orange County went bankrupt. It is fine to stand up and decide that the regulators have to do their jobs, and we as legislators ought to do ours, and ours ought to be to say to all financial institutions in this country, if you have Federal deposit insurance, you have no business trading in derivatives.

The American taxpayers do not deserve to be stuck with your losses if you want to gamble with their money. I hope some of my colleagues would see merit in this legislation and help me pass it.

I recall the legislation that I offered that finally passed the Congress prohibiting savings and loans from buying junk bonds. There was a struggle to get that passed, but I finally did. The reason I got it passed was, unfortunately, we had already lost a bundle by having S&L's buy junk bonds. They are up to their neck in debt with junk bonds.

It should never have happened. The ultimate absurdity was the Federal Government ended up owning junk bonds in the Taj Mahal Casino because an S&L that went bankrupt owned Taj Mahal junk bonds that were nonperformers and the Federal Government ended up owning bank junk bonds in a casino.

That is the absurdity where we got with junk bonds, and we will head the same way with derivatives, mark my words, unless we decide that institutions whose deposits are insured ought not to bet on derivatives.

That is the purpose of my legislation. My hope is that several colleagues will see fit to pass this legislation in the near future. I thank may colleague from Ohio for indulging me with his statement.

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

I ask that the time be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. GLENN. Mr. President, in thanking people who were instrumental in putting together this kind of legislation, I think we probably were remiss in not thanking Tony Coe, who did so much in the legislative counsel's office in putting together draft after draft after draft of this.

I saw him walking through the Chamber a moment ago, and I want him to step outside just for a moment. I say to Tony, we thank him for all his efforts. I know he does long hours over in the legislative counsel's office putting together some of these legislative proposals which have to be written and rewritten, as this one was.

We were spelling out a while ago people instrumental in getting this legislation through, and Tony certainly deserves to be commended for his efforts on behalf of this legislation, too, and we are glad to recognize him for it.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I want to add my thanks also to Mr. Tony Coe and all that he has done. I think so often people do not realize the intricacies of this and the hours that are put in, and yet, time after time, we require staff to answer the call. Tony has done that in an exemplary fashion. We thank him for that. He has helped significantly, I think, in changing the mindset of how Congress will operate and he can be proud of it.

Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. DOLE. Mr. President, was leader's time reserved?

The PRESIDING OFFICER. Yes, it was.

Mr. DOLE. Mr. President, one of the first decisions I had to make as majority leader was which bill should be designated S. 1. When I considered the message the American people sent us last November, the decision was easy. I chose Senator KEMPTHORNE's unfunded mandates bill, because it shows we are serious about reining in the power of the Federal Government.

The 10th amendment to the U.S. Constitution reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

When the 104th Congress convened, I pledged that we would dust off the 10th amendment, and restore it to its rightful place in the Constitution.

The unfunded mandates bill is the first step in the important process of returning power to the States and to the people. For far too long, Congress has operated under the false assumption that legislation that did not affect the Federal Government had no cost. But, ask any mayor, Governor, county commissioner, or school board official—or any State and local taxpayer—and they will tell you otherwise.

This law will change the way we do business in Washington. Under business-as-usual, Congress had the costly habit of giving State and local governments new responsibilities without supplying the money to pay for these new obligations. Those unfunded mandates have forced State and local officials to cut services or increase taxes in order to keep their budgets in balance.

The unfunded mandates law will be a reality check for advocates of new mandates: the Federal Government should know and pay for the costs of mandates before imposing them on State and local governments, and the Federal Government should know the costs and impacts before imposing them on the private sector.

This law will provide real relief to State and local governments, and to the people who ultimately pay the bills for unfunded mandates—individual American taxpayers.

I am pleased that this bill will pass with strong bipartisan support, and there are a lot of Senators who deserve credit for this initiative's success. Senator GLENN has led the effort on the Democratic side of the aisle, and Senators DOMENICI and ROTH are among those who have also worked hard for this bill.

But no Senator worked harder than our colleague from Idaho, Senator DIRK KEMPTHORNE. He came to the Senate as a mayor, with front-line experience coping with the Federal Government telling him how to run Boise, ID. When he ran for the Senate, he promised the people of Idaho he would fight to stop unfunded mandates. He kept his promise. The first bill he introduced was an unfunded mandates bill—and it attracted only three cosponsors. But that did not stop him. He kept pushing, and he helped mobilize the mayors, county commissioners, and Governors, who stepped up their efforts. After he got more than 51 cosponsors on his unfunded mandates bill, he worked across the aisle to write a bipartisan bill. After that effort was blocked late last year, he spent the recess writing a better, tougher bill. He then spent 11 days and nights tirelessly debating and managing the bill on the floor, and 40 days and nights—it seems there is something else about 40 days and nights—getting it through the conference, successfully resisting efforts to weaken it.

All that work has produced a strong bill that all of us can be proud of, and all of us should vote for.

A few weeks ago, I told mayors they should send Senator KEMPTHORNE and Senator GLENN keys to their cities to thank them for their efforts.

I do not know if they have received any keys yet, but if you can use some, maybe I can round them up. Maybe by now you both have a pocketful of keys, and I am certain there are more on the way.

After all, our Nation's mayors, Governors, county commissioners, and taxpayers would be hard pressed to find a better friend than Senator DIRK KEMPTHORNE.

Mr. President, I urge all of my colleagues to vote for S. 1, and I urge President Clinton to sign it into law at the earliest possible date.

Mr. KEMPTHORNE. Mr. President, I wish to echo what America's mayors, Governors, and county commissioners are saying, and that is their gratitude to Senator DOLE for designating this bill S. 1. That sort of stamp of priority by the majority leader of the Senate went a long way toward helping propel this legislation toward what we believe tomorrow will be its successful conclusion.

So again, on behalf of America's mayors, Governors, and myself, I thank the Senator for the honor of having this legislation designated S. 1.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. GLENN. I yield back my time.

The PRESIDING OFFICER. All time has expired. The vote is scheduled to be held tomorrow.

Mr. GLENN. Parliamentary inquiry, Mr. President. The vote, as I understand it, will be the second vote tomorrow. Is that correct?

The PRESIDING OFFICER. That is correct.

MORNING BUSINESS

(During the session of the Senate, the following morning business was transacted.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

The message also announced that the House insists upon its amendment to (S. 244) An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. CLINGER, Mrs. MEYERS of Kansas, Mr. MCHUGH, Mr. MCINTOSH, Mr. FOX of Pennsylvania, Mrs. COLLINS of Illinois, Mr. PETERSON of Minnesota, and Mr. WISE as the managers of the conference on the part of the House.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-512. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-12 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-513. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-16 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-514. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-17 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-515. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-18 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-516. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-19 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-517. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-21 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-518. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-22 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-519. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-23 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-520. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-24 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-521. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Audit of the Operations of the Office of the Campaign Finance"; to the Committee on Governmental Affairs.

EC-522. A communication from Comptroller General of the United States, transmitting, pursuant to law, the report entitled "Independence of Legal Services"; to the Committee on Governmental Affairs.

EC-523. A communication from Administrator of General Services Administration, transmitting, pursuant to law, the report on the disposal of surplus Federal real property; to the Committee on Governmental Affairs.

EC-524. A communication from Chairman of the Administrative Conference of the United States, transmitting, a draft of proposed legislation to amend the Administrative Conference Act; to the Committee on Governmental Affairs.

EC-525. A communication from the Inspector General Agency for International Development, transmitting, pursuant to law, the report of an audit; to the Committee on Governmental Affairs.

EC-526. A communication from Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the report entitled "Toward Improved Agency Dispute Resolution: Implementing the ADR Act"; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 546. A bill for the relief of Dan Aurel Suciu; to the Committee on the Judiciary.

By Mr. SIMON:

S. 547. A bill to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 548. A bill to provide quality standards for mammograms performed by the Department of Veterans Affairs; to the Committee on Veterans Affairs.

By Mr. BUMPERS:

S. 549. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 550. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

By Mr. CRAIG:

S. 551. A bill to revise the boundaries of the Hagerman Fossil Beds National Monument and the Craters of the Moon National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 552. A bill to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MOSELEY-BRAUN:

S. 553. A bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FEINGOLD:

S. 554. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, hourly rates for attorney fees, administrative settlement officers, and for other purposes; to the Committee on the Judiciary.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, and Mr. FRIST):

S. 555. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 556. A bill to amend the Trade Act of 1974 to improve the provision of trade readjustment allowances during breaks in training, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 548. A bill to provide quality standards for mammograms performed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

THE WOMEN VETERANS' MAMMOGRAPHY QUALITY STANDARDS ACT

• Mr. ROCKEFELLER. Mr. President, for a number of years, I have been active—both through legislation and oversight activity—in seeking to improve VA's response to women veterans. While there has been some progress, much remains to be done. During the last Congress, we were poised to make some significant improvements, particularly in defining which services VA must furnish to women veterans. Unfortunately, that legislation, along with other vital measures, died in the closing hours of the Congress. While those issues may still be brought into play on legislation later on this year, one element of our prior effort can clearly be separated out at this time and dealt with on its own merits—and that's what the bill I am introducing today will do.

BACKGROUND

Mr. President, the bill I am introducing, which is cosponsored by Senators AKAKA, JEFFORDS, MIKULSKI, MOSELEY-BRAUN, and MURKOWSKI, would ensure that women veterans will receive safe and accurate mammograms. Under this measure, VA facilities that furnish mammography would be required to meet quality assurance and quality control standards that are no less stringent than those to which other mammography providers are subject under the Mammography Quality Standards Act. VA facilities that contract with non-VA facilities would be required to contract only with facilities that comply with that act. I will now highlight briefly the provisions contained in this legislation.

SUMMARY OF PROVISIONS

Mr. President, this legislation would establish quality standards for mammography services furnished by VA which would:

First, require that all VA facilities that furnish mammography be accredited by a private nonprofit organization designated by the Secretary of Veterans Affairs.

Second, require the Secretary to designate only an accrediting body that meets the standards for accrediting bodies issued by the Secretary of Health and Human Services for purposes of accrediting mammography facilities subject to the Mammography Quality Standards Act of 1992—Public Law 102-539.

Third, require the Secretary, in consultation with the Secretary of Health and Human Services, to issue quality assurance and quality control standards for mammography services furnished in VA facilities that would be no less stringent than the Department of Health and Human Services regulations to which other mammography providers are subject under the Mammography Quality Standards Act of 1992.

Fourth, require the Secretary to issue such regulations not later than 120 days after enactment of this legislation.

Fifth, require the Secretary to inspect mammography equipment operated by VA facilities on an annual basis in a manner consistent with requirements contained in the Mammography Quality Standards Act concerning annual inspections of mammography equipment by the Secretary of Health and Human Services, except that the Secretary of Veterans' Affairs would not have the authority to delegate inspection responsibilities to a State agency.

Sixth, require VA health care facilities that provide mammography through contracts with non-VA providers to contract only with mammography providers that comply with the Department of Health and Human Services' quality assurance and quality control regulations.

Seventh, require the Secretary, not later than 180 days after the Secretary prescribes the mammography quality assurance and quality control regulations, to submit a report to the House and Senate Committees on Veterans' Affairs on the implementation of those regulations.

CONCLUSION

Mr. President, in closing, I emphasize just how vital improving VA health services for women veterans is to VA's future. Regardless of the outcome of national health care reform efforts, progress on health care reform at the State level dictates that VA must compete directly with non-VA providers. In addition, the State plans probably will provide veterans entitled to VA care, many of whom are presently uninsured, a wider range of health care choices. Under this scenario, VA would have to furnish a full continuum of health services, including quality mammography, in order to compete successfully for women veteran patients.

This bill would hold VA to the mammography standards required of other providers. Anything less would deny the great debt we owe to the courageous women who have sacrificed themselves in service to our Nation.

Mr. President, I look forward to working with the chairman of the Committee on Veterans' Affairs, Senator SIMPSON, the cosponsors of this bill, and the other members of the committee to gain prompt action on it in our committee and the Senate. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women Veterans' Mammography Quality Standards Act".

SEC. 2. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies establishing by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(2) The Secretary of Veterans Affairs shall prescribe standards under this subsection in consultation with the Secretary of Health and Human Services.

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).●

By Mr. EXON:

S. 550. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

LABOR DISPUTE LEGISLATION

Mr. EXON. Mr. President, I rise today to introduce a bill which I hope—and I emphasize "I hope"—will serve as a common ground for the two warring factions very prominent in our society today.

My bill amends the Federal labor law by providing a short-term ban on permanent replacement workers for the first 60 days of a strike. Then permanent replacements could be gradually phased in over a 12-month period so that an employer could hire 100 percent of their work force as permanent replacements by the end of a year.

I believe that those two warring factions—management and labor—need to focus more on what is in our Nation's long-term best interests and less on getting and keeping an upper hand. I caution either side from thinking that crushing blows or complete victories are within reach. They are not. I have proposed my idea before but neither side wanted to take the first step.

To management I say you have leveraged a rarely used practice into what is now the sledgehammer of negotiations. The right to strike hangs by the thread that separates the difference between being fired and being permanently replaced. To labor I say the global economy has remade the rules. International competitiveness may mean that labor will have to settle for less than the whole loaf sometimes.

I voted against NAFTA and against GATT for various reasons, but some of the most important involved my concern that our chase for cheap labor would erode the ground under our workers and the standard of living in America. But that is over and done with. We can shore up as best we can, but I fear the erosion may continue, not subside.

The two old bulls, labor and management, are still at it, with their horns locked, straining. The harmful effects of that intransigence can be seen in the festering sore of professional baseball. They often threaten to pull the Senate into the trenches and seem to have done so once again.

Mr. President, I make this appeal: Congress has the power to step in and set some ground rules instead of being pushed this way and pushed that. Let us take this opportunity to impose some order, set some rules, then hopefully set this issue aside and see if such a resolution works.

Under my bill, management is barred from simply replacing workers permanently the day after the strike. Certainly management can keep the plant open, if they choose, with temporary workers. Labor knows, however, that the meter is running under my bill and that the effect of the strike is diminished with time.

For example, after 60 days, the employer can hire 10 percent of the work force as replacements, permanent replacements; after 90 days, 20 percent; after 4 months, 30 percent; after 5 months, 40 percent; after 6 months, 50 percent; after 9 months, 75 percent; and after 1 year, 100 percent, if that is the desire of management.

Management will say that the 60-day ban is too long, while labor will say

that a year before being completely replaced is too short. I say that sounds like the start of a good compromise.

Congress can break this logjam, and I think it should. I do not believe this is a matter to be resolved by Executive order but, rather, by law. I think this proposal can satisfy well-meaning and well-intentioned people on both sides of the issue and may help us to look forward in both the Senate and this country to something better.

Mr. President, I suggest that we look ahead to the 21st century. Let us quit sticking our heads in the sand with meaningless gestures. Anyone who is looking beyond next year or the next election, who truly believes in collective bargaining, should recognize that international competition in the 21st century demands labor/management cooperation and not war.

I submit it is not fair or reasonable to expect a union worker to strike for economic grievances when he or she could lose their job the very first day that they dare walk the picket line. Some collective bargaining. With just a little bit of backbone and a little bit of reason and a little bit of understanding, we could properly correct this situation that continues to tear American labor and management apart.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) in subsection (a)—

(A) by striking the period at the end of paragraph (5) and inserting ": or"; and

(B) by adding at the end thereof the following new paragraph:

"(6) subject to subsection (h), to promise, threaten, or take other action—

"(A) to hire a permanent replacement for an employee who—

"(i) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative, or, on the basis of written authorizations by a majority of the employees, was seeking to be so certified or recognized; and

"(ii) in connection with the dispute has engaged in converted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(B) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of clauses (i) and (ii) of subparagraph (A) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed, or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute."; and

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

"(h)(1) An employer may not hire a permanent replacement for an employee described in subsection (a)(6) unless the employer complies with the requirements under paragraph (2).

"(2)(A) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 61 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 90 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 10 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(B) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 91 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 120 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 20 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(C) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 121 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 150 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 30 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(D) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 151 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 180 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 40 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(E) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 181 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 270 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 50 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(F) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 271 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 360 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 75 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(G) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) effective 361 days after the date of the commencement of a dispute described in subsection (a)(6).".

SEC. . PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth.";

(2) by adding at the end thereof the following new subsections:

"(b) Subject to subsection (c), no carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.

"(c)(1) A carrier, or an officer or agent of the carrier, may not hire a permanent replacement for an employee under subsection (b) unless the carrier or officer or agent complies with the requirements under paragraph (2).

"(2)(A) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 61 days after the date of commencement of a dispute described in subsection (b) and ending 90 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 10 percent of the total number of employees who were in the craft or class described in subsection (b).

"(B) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 91 days after the date of commencement of a dispute described in subsection (b) and ending 120 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 20 percent of the total number of employees who were in the craft or class described in subsection (b).

"(C) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 121 days after the date of commencement of a dispute described in subsection (b) and ending 150 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 30 percent of the total number of employees who were in the craft or class described in subsection (b).

"(D) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 151 days after the date of commencement of a dispute described in subsection (b) and ending 180 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 40 percent of the total number of employees who were in the craft or class described in subsection (b).

"(E) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 181 days after the date of commencement of a dispute described in subsection (b) and ending 270 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 50 percent of the total number of employees who were in the craft or class described in subsection (b).

"(F) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 271 days after the date of commencement of a dispute described in subsection (b) and ending 360 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 75 percent of the total number of employees who were in the craft or class described in subsection (b).

"(G) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) effective 361 days after the date of commencement of a dispute described in subsection (b).".

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 552. A bill to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act, and for other purposes; to the Committee on Energy and Natural Resources.

FLINT CREEK HYDROELECTRIC FACILITY LEGISLATION

Mr. BURNS. Mr. President, I rise today to introduce legislation to allow for the orderly transfer of a license for the operation of a small hydroelectric facility in my State of Montana. This operation is no longer generating electricity. The utility that owns it, Montana Power, no longer finds it economical to continue to do so. Montana Power would like to turn the operation and ownership of the dam over to someone else. And there is a potential buyer, the county of Granite. The county would like to buy the facility, refurbish it, and continue to generate low-cost electricity for itself and its neighbors.

However, FERC, the agency that must approve the license request is demanding that the buyer pay for the rent of Forest Service land that lies under the lake that was created by the dam. The Forest Service gets no benefit from the land. It's under several feet of water. And the Federal Government already owns one-third of my State of Montana.

I believe that this bill, which will defer the rental costs for 5 years which will allow the county to get its repair work done and get the generation online, is an equitable solution to the problem posed by FERC. I hope that they will support the bill.

By Ms. MOSELEY-BRAUN:

S. 553. A bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes; to the Committee on Labor and Human Resources.

THE AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1995

• Ms. MOSELEY-BRAUN. Mr. President, I introduce the Age Discrimination in Employment Amendments of 1995, legislation designed to give State and local governments the same right to set mandatory retirement ages and maximum hiring ages for their police and firefighters that the Federal Government currently enjoys.

Throughout the 104th Congress, there has been a great deal of discussion about the need for those of us in this body to hold ourselves accountable to the same standards other Americans have to meet.

We have debated and passed congressional coverage legislation, which will apply to Congress a number of laws that have already been applied to the private sector. We have also debated and passed unfunded mandates legislation in order to ensure that the Federal Government does not impose mandates on State and local governments without the funding necessary to cover the cost of those mandates.

The legislation I am introducing today is based on this same basic theme. Currently, the Federal Government enjoys a permanent exemption from the Age Discrimination in Employment Act that allows it to set mandatory retirement ages and maximum hiring ages for its public safety officers. In effect, this exemption authorizes Federal public safety agencies to use mandatory retirement ages and maximum hiring ages for their police officers and firefighters including:

The U.S. Park Police; the Federal Bureau of Investigation; Department of Justice Law Enforcement personnel; District of Columbia firefighters; U.S. Forest Service firefighters; the Central Intelligence Agency; the Capitol Police; and Federal firefighters.

However, this same exemption from the Age Discrimination in Employment Act is not available to State and local governments.

My legislation corrects this disparity by allowing State and local governments the right to set mandatory retirement and maximum hiring ages if they so choose.

Mr. President, I want to emphasize that last point. This legislation merely allows State and local governments to set mandatory retirement and maximum hiring ages if they so choose.

The bill does not set national, mandatory retirement and maximum hiring ages for police and firefighters. It does not require State local governments to create their own mandatory retirement and maximum hiring ages. It does not even encourage them to do so. It merely grants State and local governments the same rights in this area which are currently being enjoyed by the Federal Government.

As a general rule, the Age Discrimination in Employment Act prohibits employers from discriminating against workers solely on the basis of age, and generally prohibits the use of mandatory retirement and maximum hiring ages.

Prior to Congress enacting an exemption in 1986, the Age Discrimination in Employment Act allowed State and local governments to use mandatory retirement and maximum hiring ages for their public safety officers only if they could prove in court that these rules were bona fide occupational qualifications [BFOQ's] reasonably necessary for the normal operation of the business.

Although this approach sounds reasonable, courts in some jurisdictions ruled limits permissible while identical limits were held impermissible in other jurisdictions. For example, the Missouri Highway Patrol's maximum hiring age of 32 was upheld while Los Angeles County Sheriff's maximum hiring age of 35 was not. East Providence's mandatory retirement age of 60 for police officers was upheld while Pennsylvania's mandatory retirement age of 60 was struck down.

As a result, no State or local government could be sure of the legality of its hiring or retirement policies. They could, however, be sure of having to spend scarce financial resources to defend their policies in court.

The 1986 amendment to the Age Discrimination in Employment Act authorized State and local governments to set maximum hiring ages and mandatory retirement ages until January 1, 1994. It also ordered the EEOC and the Department of Labor to conduct a study to determine:

Whether physical and mental fitness tests can accurately assess the ability of police and firefighters to perform the requirements of their jobs; which particular types of tests are most effective; and what specific standards such tests should satisfy.

Finally, the 1986 amendment directed the EEOC to promulgate guidelines on the administration and use of physical and mental fitness tests for police and firefighters.

Despite the very clear mandate in the 1986 amendment, neither the EEOC

nor its researchers complied with that mandate.

While the Penn State researchers who conducted the study concluded that age was a poor predictor of job performance, they failed to evaluate which particular physical and mental fitness tests are most effective to evaluate public safety officers and which specific standards such tests should satisfy.

Nor did the EEOC promulgate guidelines to assist State and local governments in the administration and use of such tests, as Congress directed. As a result, State and local governments find themselves without a public safety exemption from the Age Discrimination in Employment Act, and also without any guidance as how to test their employees.

I firmly believe that, as a rule, Congress should avoid exempting whole classes of employees from the protection of civil rights laws. We should not carve out exemptions merely because an employer finds civil rights compliance to be too costly or inconvenient. Exemptions must be made only when there is a strong compelling need to do so and there is no other reasonable alternative.

That is the situation here. State and local fire and police agencies must be exempt from ADEA in order to protect and promote the safety of the public. This is literally a life or death matter; if police officers and firefighters cannot adequately perform their duties, people die and people get hurt.

Numerous medical studies have found that age directly affects an individual's ability to perform the duties of a public safety officer. This is not a stereotype. This is not ageism. This is a medical fact.

Consider the facts the American Heart Association found that clearly demonstrate the increased risk of heart attack and death in older individuals. One in six men and one in seven women between the ages of 45–64 has some form of heart disease. The ratio soars to one in three at age 65 and beyond. For people over age 55, incident of stroke more than doubles in each successive decade.

The diminishing of physical capabilities can also be seen in statistics in the field of public safety. For example, although firefighters over 50 comprise only one-seventh of the total number of firefighters, they account for one-third of all firefighter deaths.

Now, you may ask why State and local governments cannot just develop tests to screen out those individuals who may still retain their strength at the age of 60 or 70. However, there is no adequate test that can simulate the conditions that firefighters and police officers face in the line of duty.

The fact that an individual passes a fitness test one day does not, in and of itself, mean that the individual is capable of performing the sustained, strenuous, constant, physical activity required of a public safety officer. If a 75-year-old walks in and takes a test, and happens to be healthy on that particular day, a State or local government would have to hire that individual, even though that individual may not, day in and day out, be capable of physically performing his or her job.

Mr. President, as many of you in this body know, I come from a law enforcement background. My father was a police officer. My uncle was a police officer. My brother still is a police officer. I feel very strongly that we in Congress need to do everything we can to ensure that our rank and file officers have everything they need to do their jobs.

The legislation I offer here today is widely supported by rank and file public safety officers. In fact, my office has been besieged by calls and letters and visits from police officers and firefighters who want to see a permanent exemption enacted into law. I would like to read a list of organizations that support this legislation:

The Fire Department Safety Officers Association; the Fraternal Order of Police; the International Association of Firefighters; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Society of Fire Service Instructors; the International Union of Police Associations, AFL-CIO; the National Association of Police Organizations; The National Sheriffs Association; the National Troopers Coalition; the American Federation of State, County and Municipal Employees; the National Public Employer Labor Relations Association; the New York State Association of Chiefs of Police; and the City of Chicago Department of Police.

This legislation is also supported by the following State and local governmental organizations:

The National League of Cities; the National Association of Counties; the National Conference of State Legislatures; and the U.S. Conference of Mayors.

Mr. President, I strongly urge my colleagues to support and quickly enact this carefully drawn, greatly needed legislation.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Age Discrimination in Employment Amendments of 1995".

SEC. 2. AGE DISCRIMINATION AMENDMENT.

(a) REPEAL OF REPEALER.—Section 3(b) of the Age Discrimination in Employment Amendments of 1986 (29 U.S.C. 623 note) is repealed.

(b) EXEMPTION.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)), as in effect immediately before December 31, 1993—

(1) is reenacted as such section; and

(2) as so reenacted, is amended in paragraph (1) by striking "attained the age" and all that follows through "1983, and" and inserting the following: "attained—

"(A) the age of hiring or retirement, respectively, in effect under applicable State or local law on March 3, 1983; or

"(B) if an age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and".

SEC. 3. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (referred to in this section as "the Chairman") shall conduct, directly or by contract, a study, and shall submit to the appropriate committees of Congress a report based on the results of the study that shall include—

(1) a list and description of all tests available for the assessment of abilities important for the completion of public safety tasks performed by law enforcement officers and firefighters;

(2) a list of the public safety tasks for which adequate tests described in paragraph (1) do not exist;

(3) a description of the technical characteristics that the tests shall meet to be in compliance with applicable Federal civil rights law and policies;

(4) a description of the alternative methods that are available for determining minimally acceptable performance standards on the tests;

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests; and

(6) an examination of the extent to which the tests are cost effective, safe, and comply with the Federal civil rights law and regulations.

(b) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of the jobs of the officers and firefighters.

(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—

(1) CONSULTATION.—The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the Deputy Administrator of the United States Fire Administration;

(B) the Director of the Federal Emergency Management Agency;

(C) organizations that represent law enforcement officers, firefighters, and employers of the officers and firefighters; and

(D) organizations that represent older individuals.

(2) PUBLIC COMMENT.—Prior to issuing the advisory guidelines required in subsection (b), the Chairman shall provide an opportunity for public comment on the proposed advisory guidelines.

(d) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of enactment of this

Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 4. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) SPECIAL EFFECTIVE DATE.—The repeal made by section 2(a) and the reenactment made by section 2(b)(1) shall take effect on December 31, 1993.●

By Mr. FEINGOLD:

S. 554. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, hourly rates for attorney fees, administrative settlement offers, and for other purposes, to the Committee on the Judiciary.

THE EQUAL ACCESS TO JUSTICE REFORM AMENDMENTS ON 1995

● Mr. FEINGOLD. Mr. President, I introduce a bill to amend the Equal Access to Justice Act.

This legislation makes some needed improvements to the act to speed up the process of awarding attorney's fees to private parties who prevail in certain suits against the United States.

Mr. President, there has been considerable attention paid in the past few weeks to legislation such as regulatory reform, tort reform, and various pieces of the Republican contract which claim to address the concerns of many Americans that substantial change needs to take place in many areas.

My bill deals with some aspects of these concerns by assisting ordinary citizens who face legal conflicts with their Federal Government and prevail. The basic premise of EAJA is about giving individuals and small businesses the ability to confront the Government on a more equal footing. It is another step toward getting Government off the backs of the average citizen and small business owner.

I am convinced the improvements I have proposed will make the Equal Access to Justice Act work better and reduce the overall costs to taxpayers.

Mr. President, this is an area in which I have worked for several years before coming to this body.

My interest in this issue arises from my experience both as a private attorney and a member of the Wisconsin Senate.

When I was in private practice, I was aware of how attorneys' fees and the other costs associated with litigation could be a burden to a plaintiff with limited resources, even if the claim was just.

Once I entered the State senate, I authored legislation modeled on the Federal law. The State law, found in section 814.246 of the Wisconsin statutes, was enacted in 1985.

It seemed to me then, and does now, that we should do what we can to remove this burden to plaintiffs who need their claims reviewed and decided by an impartial decisionmaker.

When I joined the U.S. Senate, I began looking at how these two Federal statutes operate and whether change was needed. I was particularly interested in how we could make the system work better.

I am convinced change is necessary and that we can bring the system up to date to reflect 14 years worth of experience.

Mr. President, the Equal Access to Justice Act was enacted in 1980 and made permanent in 1985. The original intent of the act was to make the task of suing the Federal Government less daunting for small business owners. It was perceived that these owners suffered onerous Government regulation and other indignities rather than sue for relief because of the prohibitive costs of litigation.

Much of the work of this original Federal legislation was done by then-Representative Robert Kastenmeier of Wisconsin, who represented my home town of Middleton with distinction and served on the House Judiciary Committee for many years.

By giving prevailing parties in certain kinds of cases the right to seek attorney's fees and other costs from the United States, the act sought to prevent business owners from having to risk their companies in order to seek justice. It was, in effect, a way to give David another rock for his sling.

And it is the Davids, not the Goliaths, who benefit from this act.

Although I have reservations about the general concept of loser-pays rules, when a citizen faces the overpowering resources of the Federal Government, it is only fair that, when that citizen wins in court, the Government ought to reimburse the costs.

An individual with a net worth greater than $2 million may not request fees under EAJA, nor may a business or other organization with a net worth greater than $7 million and which employs more than 500 people, unless it qualifies either as a nonprofit under certain Federal tax laws or as an agricultural cooperative.

Collaterally, the act sought to provide a deterrence to excessive Government regulation, a subject in which we all share an interest.

Some would certainly argue that latter goal has not been achieved. But the Equal Access to Justice Act has been successful in other areas, although perhaps not quite as planned, Mr. President.

For one thing, the cost has been much smaller than originally anticipated. The Equal Access to Justice Act was originally estimated to cost at least $68 million per year, but according to the Administrative Office of the U.S. Courts, annual EAJA awards from 1988 to 1992 generally hovered around $5 to $7 million.

This is despite the fact that litigants are winning more cases than anticipated.

A study conducted by Prof. Susan Gluck Mezey of Loyola University at Chicago and Prof. Susan M. Olson of the University of Utah found that plaintiffs have been more successful than original estimates believed.

Professors Mezey and Olson examined 629 Federal district and appellate court decisions involving EAJA claims during the 1980's.

The Mezey-Olson study, published in the July-August 1993 edition of Judicature magazine, pointed out that the Congressional Budget Office originally assumed plaintiffs would receive fees under the act in about 25 percent of the claims filed against the Government.

However, the professors found in their sample that about 36 percent of litigants other than those suing the Department of Health and Human Services have won fees. Plaintiffs suing HHS, many of them seeking Social Security disability benefits, have a success rate most lawyers would envy, about 69 percent.

The Mezey-Olson study shows that most successful plaintiffs who seek fees have been these Social Security disability benefits applicants.

Another study, prepared in 1993 by Prof. Harold Krent of the University of Chicago law school for the Administrative Conference of the United States, found that, while the original intent of the Equal Access to Justice Act was supposed to make things a little easier on the applicants for fees, as currently written, it "probably creates a perverse incentive to litigate" on the part of Government attorneys.

This is because the act gives the government a chance to avoid paying fees, even when it loses its case, to the small business owner or individual who would otherwise see their costs paid. The Government can do this by showing it had substantial justification for its actions, despite the fact that those actions proved onerous to that small business owner or individual.

Professor Krent argues that the issues of whether fees should be awarded or whether the Government had substantial justification to act as it did can be nearly as exhaustive to litigate as the original complaint. This despite the fact that the substantial justification argument is successful in a relatively small number of cases.

We can fix that. We can bring the administrative costs of the Equal Access to Justice Act down.

My bill amends the act in several ways, and it is intended to make use of the act's provisions more acceptable to its original beneficiaries, the small business owners.

First, my bill raises the current $75-per-hour fee award cap to $125 per hour. It keeps the cost-of-living increase as a possible factor in setting the award,

but it eliminates language which permits further increasing the award due to some special factor, defined by example in the existing statute as "the limited availability of qualified attorneys or agents for the proceedings involved."

This brings the fee cap more closely into line with current hourly rates charged by attorneys. It also makes these suits more attractive to attorneys, which in turn means prospective plaintiffs will have a larger pool of attorneys from which to choose. This, I think, obviates the need for the special factor language. I also believe eliminating that provision simplifies the process.

Second, my bill makes more specific the method of computing cost-of-living increases to fee awards. Under existing law, courts have been forced to make these determinations without adequate statutory guidance. Professor Krent notes in his study that "courts have split as to when the cost-of-living increase is applicable—for instance, whether it should be calculated as of the date of the work performed, or as of some later date."

My bill states that a cost-of-living adjustment should be calculated from the date of final disposition. In other words, if the work was performed in 1988 but the final disposition occurred in 1994, we should base the fee calculation on 1994.

Third, my bill eliminates language in the act that allows the Government to escape paying attorney's fees even if it loses a suit if it can show substantial justification for its actions.

I believe that if an individual or small business owner go up against the Federal Government and win, they win. If you are successful in your suit against the Government or in your defense against Government enforcement, and the law provides for Government payment of your fees, the Government should pay the fees.

Further, Professor Krent's study indicates that fee awards were denied in only a small percentage of EAJA cases because of the substantial justification defense.

It may sound as though we're actually increasing the cost of this act, but these steps may well have the opposite effect. Even though fee awards may go up somewhat, the time and cost of litigation to the Government will be reduced, and we should have a more cost-effective system.

Let me refer again to Professor Krent's study for guidance as to possible increased efficiency and cost-effectiveness.

Professor Krent noted that it is probably impossible to make an exact determination of the expense of litigating the substantial justification issue.

It is his opinion, based on a study of cases between June 1989 and June 1990, that the substantial justification defense may save some money in awards, but not enough to justify the cost of litigating the issue.

In short, this has not proven cost effective, except in a few Social Security cases involving large awards, unless you count some deterrent effect, which Professor Krent believes is impossible to quantify.

Fourth, the bill would set up a process to encourage settlement of the fee issue without litigation.

The legislation will provide the Government the opportunity, similar to the process described in rule 68 of the Federal Rules of Civil Procedure, to make an offer of settlement up to 10 days prior to a hearing on the fee claim. If that offer is rejected and the party applying for reimbursement later wins a smaller award, that party shall not be entitled to receive attorney's fees or other expenses incurred after the date of the offer.

This, I think, will speed up the process, thereby reducing the time and expense of litigation.

Finally, Mr. President, my bill also requires review of the act and looks ahead to possible future expansion.

Expanding the coverage of the Equal Access to Justice Act to additional areas of litigation is not directly addressed, but it is an issue on which I hope there can be future discussion.

My bill requires the Justice Department to submit a report to Congress within 180 days that provides an analysis of the variations in the frequency of fee awards paid by specific Federal districts under EAJA and include recommendations for extending the application of the act to other Federal judicial proceedings.

According to the Administrative Conference of the United States, it remains unclear "whether EAJA covers all litigation against the United States in article I courts, even though such proceedings are often directly analogous to those covered by the act in article III courts."

Congress has taken some steps. In 1985, for example, EAJA was amended to cover the U.S. Claims Court. The Court of Veterans Appeals, which had decided in 1992 it was not covered by EAJA, is now covered by legislation.

Likewise, my bill requires the Administrative Office of the U.S. Courts to submit a report to Congress within 180 days that provides an analysis of the variations in the frequency of fee awards paid by applicable Federal agencies under EAJA and include recommendations for extending the application of the act to other Federal agencies and administrative proceedings.

The U.S. Supreme Court, in a 1991 decision, Ardestani versus INS, held that EAJA fees are available only in cases where hearings are required by law to conform to the procedural provisions of section 554 of the Administrative Procedure Act.

However, Congress had already created a statutory exception. In 1986, Congress extended EAJA's coverage to include the Program Fraud Civil Remedies Act.

It is reasonable, I believe, to investigate whether certain agency proceedings, such as deportation cases, that are nearly identical to proceedings covered by section 554 should be likewise covered by EAJA.

It may be appropriate to expand EAJA to cover certain cases subject to proceedings which are substantially the same as, but not specifically covered by, the Administrative Procedure Act.

The study provision is also meant to be responsive to recommendations made by members of a business advisory group with whom I meet on a regular basis. It was suggested that there was a need to examine why some agencies have had fee judgments awarded against them at a higher rate than others.

Let me here acknowledge the work of the Administrative Conference of the United States, which has been very helpful by conducting research into this issue, making recommendations that helped form the basis of this bill and providing valuable assistance to me in preparing this legislation.

We all know the small business owner has a rough row to hoe and that unnecessary or overburdening Government regulation is sometimes an obstacle to doing business. The Equal Access to Justice Act was conceived to help overcome that obstacle, and my amending bill is submitted to make the act work better.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EQUAL ACCESS TO JUSTICE REFORM.

(a) SHORT TITLE.—This Act may be cited as the "Equal Access to Justice Reform Amendments of 1995".

(b) AWARD OF COSTS AND FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after "(2)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after "(B)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.".

(c) HOURLY RATE FOR ATTORNEY FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(A)(ii) of title 5, United States Code,

is amended by striking out all beginning with "$75 per hour" and inserting in lieu thereof "$125 per hour unless the agency determines by regulation that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking out all beginning with "$75 per hour" and inserting in lieu thereof "$125 per hour unless the court determines that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);".

(d) OFFERS OF SETTLEMENT.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(e) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1) by striking out all beginning with ", unless the adjudicative officer" through "expenses are sought"; and

(B) in subsection (a)(2) by striking out "The party shall also allege that the position of the agency was not substantially justified.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A) by striking out ", unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust";

(B) in paragraph (1)(B) by striking out "The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought."; and

(C) in paragraph (3) by striking out ", unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust".

(f) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(g) EFFECTIVE DATE.—The provisions of this Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.●

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, and Mr. FRIST):

S. 555. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH PROFESSIONALS CONSOLIDATION AND REAUTHORIZATION ACT

Mrs. KASSEBAUM. Mr. President, on behalf of Senator KENNEDY, Senator FRIST, and myself, I rise today to introduce legislation aimed at improving the supply and distribution of health professionals for our Nation's underserved communities.

The Health Professions Consolidation and Reauthorization Act of 1995 would consolidate over 44 different health professions programs administered by the U.S. Public Health Service. Furthermore, this legislation would target Federal health professions funding to support training initiatives designed to improve the health of citizens in our Nation's underserved areas.

For three decades, through the Public Health Service and Medicare, the Federal Government has funded the training of health professionals. Once perceived to be in undersupply, physicians are now in oversupply as a result of this Federal intervention. However, the uneven distribution of physicians still leaves many areas underserved. Furthermore, many believe the Nation now has too many subspecialist physicians and too few primary care providers. To correct these problems, a better targeted Federal health professions strategy is needed.

Currently, through titles III, VII, and VIII of the Public Health Service Act, the Federal Government provides over $400 million for 44 separate initiatives. When the title VII and VIII programs were last reauthorized in 1992, the General Accounting Office [GAO] was requested to review their effectiveness in: First, increasing the supply of primary care providers and other health professionals; second, improving their representation in rural and medically underserved areas; and third, improving minority representation in the health professions.

GAO recommended that Congress or the Secretary of Health and Human Services should establish:

First, national goals for the title VII and VIII programs.

Second, common outcome measures and reporting requirements for each goal;

Third, restrictions limiting the use of funds to activities whose results can be measured and reported against these goals; and

Fourth, criteria for allocating funding among professions based on relative need in meeting national goals.

The Health Professions Consolidation and Reauthorization Act of 1995 builds on GAO's recommendations and is based on defined goals for these programs. In addition, all programs would include a strong evaluation component to ensure that they are really improving national, regional, and State work force goals.

The act targets Federal funding based on the following goals:

First, Federal health professions education programs and distribution programs should assure health through: improvements in the distribution of and quality of health professionals needed to provide health services in underserved areas; and enhancement of the production and distribution of public health personnel to improve the State and local public health infrastructure.

Second, the bureaucracy required to administer the current 44 independent

programs should be simplified and reduced.

Under this proposal, future Federal support for health professionals programs would be targeted to: primary and preventive care; minorities and the disadvantaged; community-based training in underserved areas; advanced degree nursing; and the National Health Service Corps. In recognition of the need for fiscal restraint, funding for these programs would be decreased by 10 percent at the end of 4 years.

Mr. President, the Health Professions Consolidation and Reauthorization Act of 1995 maintains the traditional goal of Federal health professions programs, which is to improve the supply and distribution of health professionals in underserved areas. I believe, however, that it offers a more effective and targeted approach by moving away from small, narrowly defined categorical programs toward broad areas of focus. In addition, my proposal places an emphasis on outcomes measurement—a feature sadly lacking in our current efforts.

As discussion of these issues develops, I would welcome any suggestions my colleagues or others may have for improving this legislation.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY OF THE HEALTH PROFESSIONS EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT OF 1995

BACKGROUND

Titles III, VII, and VIII of the Public Health Service Act authorize 45 different programs. The goal of these programs is to improve the supply and distribution of a variety of types of health professionals and to improve the representation of minorities and disadvantaged individuals in the health professions.

The focus of Title VII programs is on the training of physicians, general dentists, physician assistants, allied health personnel, public health professionals, and veterinarians. Title VIII provides for nurse training. Title III deals with the National Health Service Corps, which helps to place providers in underserved areas. These Titles include programs for direct student assistance, such as loans and scholarships, loan repayments programs, and expansion and maintenance of training programs.

SUMMARY

I. Primary care and preventive medicine training

Under this provision, funds for family physician, general pediatrician, general internists, preventive medicine physician, and physician assistant training would be authorized. These providers are generally needed to fill both rural and underserved health professional shortage areas and to help improve staffing in public health departments. Generally, priority would be given to programs which have a history of training health professionals who eventually enter practice in rural and urban underserved areas.

II. Minority and disadvantaged training

Under this provision, the Secretary would have broad discretion to fund projects which improve the number and quality of minority and disadvantaged health professionals. Many believe that an increased number of minority and disadvantaged providers would result in improvements of services in underserved areas, because such individuals are more likely to practice in those areas than are others. Generally, most minorities are currently under-represented in the health professions relative to their representation within the entire U.S. population.

III. Community-based training in underserved areas

This authority would be similar to the current Area Health Education Center program. These centers are located in underserved areas. They train medical students and other health professionals to provide services in rural and underserved areas. Exposure to these settings is generally recognized as a determinant in whether a health professional would return to practice in such settings. In addition, these centers help support practicing providers in such areas through continuing medical education support.

IV. Consolidated student assistance

This section would have a few authorities, but only one appropriation. This proposal would combine most of the current scholarship and loan programs into the current National Health Service Corps Scholarship and Loan Repayment program. As such, individuals would receive financial support only in return for service provided in primary care underserved areas. This would help to eliminate the 4,000 positions currently available in underserved areas. In addition, transfer of the current funding for scholarship programs to the Corps would help it fund more applications. Currently the National Health Service Corps is only able to provide scholarships in return for service to one out of every 10 applicants.

In addition, the current scholarship programs for minority and disadvantaged individuals would be consolidated into a single scholarship program for disadvantaged students.

The authorities which would be left in place from current law are those which do not require appropriations, but rather are revolving loan funds which currently exist at schools.

V. Nursing

The provisions of this proposal would be similar to those included in the Nursing Education Act reauthorization which was approved by the Senate last year. Under it, six current nursing programs would be consolidated into three to emphasize primary care nursing and the production of minority and disadvantaged nurses.

VI. Other priority areas

The Secretary could fund any number of other projects for health professionals training which meet national workforce needs to improve health services in underserved areas. For instance, under this provision, the Secretary could fund projects to train allied health professionals.

VII. Other provisions from last year's Minority Health Improvement Act Conference Report

Office of Minority Health

The authority for the office would be extended through FY 1999. Furthermore, the provision assures that the office is only coordinating services—not conducting its own services and research program. The authorization would be $19 million for each fiscal year through FY 1999. This would be a 10% reduction from the current appropriation of $20.668 million. (This is consistent with the general reductions in authorizations throughout the health professions bill).

State Offices of Rural Health

There would be "such sums as necessary" authorized through FY 1997. The cumulative appropriations would be capped at $20 million. In FY 1998, after these offices have been established in every state, the program would be repealed. The current appropriation for this program is $3.875 million.

Birth Defects

An enhanced program for an intramural program on birth defects at the Centers for Disease Control and Prevention (CDC) would be authorized. Through this program, research centers would be established, epidemiologic review of data would occur, and a national information clearing house would be established. This program is consistent with current CDC plans in this area. No funds would be authorized specifically for this program, but funding would occur under the general CDC program authority.

Traumatic Brain Injury

This provision is identical to that in the conference report. It would provide for the National Institutes of Health (NIH) to conduct research on traumatic brain injury without an authorization for a separate appropriation. It would also authorize $5 million a year for a demonstration program to be administered through the Health Resources and Services Administration, subject to the availability of funding, for the development of state systems of care for persons with traumatic brain injury. Finally, the provision would authorize a consensus conference at NIH regarding the treatment of individuals with this illness.

Health Services for Pacific Islanders

This would extend the Pacific Islanders initiative, with technical changes only. The program would be authorized at $3 million in FY 1996 and in each year through FY 1999. Finally, a study would be authorized to determine the usefulness of this initiative.

Demonstration Projects Regarding Alzheimer's Disease

There would be $5 million authorized in each of the fiscal years from FY 1996 through FY 1999. There are many technical revisions.

Miscellaneous Centers for Disease Control and Prevention Provisions

Epidemiologic Intelligence Service officers, funded through state and local governments, would not count in FTE determinations of CDC. Current fellowship programs at CDC would be authorized.

MINORITY AND DISADVANTAGED TRAINING

Purposes: (1) Provide for the training of minority and disadvantaged health professionals to improve health care access in underserved areas and to improve representation in the health professions; and (2) Provide administrative flexibility and simplification.

General Description: Under this provision, the Secretary would have broad discretion to fund projects which improve the number and quality of minority and disadvantaged health professionals. Many believe that an increased number of minority and disadvantaged providers would result in improvements of services in underserved areas because such individuals tend to practice in those areas more than others. Generally, most minority groups are currently under-

represented in the health professions relative to their representation within the entire U.S. population.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs."

9. Centers of Excellence in Minority Health
10. Health Careers Opportunity Program
11. Minority Faculty Fellowships
12. Faculty Loan Repayment

Summary of Provisions:

Eligible entities

Schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, allied health professions schools; schools offering graduate programs in clinical psychology; state or local governments; a consortia of health professions schools; or other public or private nonprofit entities could apply.

Activities

Grants and contracts would be made, as appropriate, to plan, develop, or operate:

1. Demonstrative programs.
2. Minority faculty development and loan repayment programs.
3. Programs to develop the pipeline for individuals from disadvantaged backgrounds to enter and remain in health professions schools.
4. Programs of excellence in the health professions education for minority individuals, including centers of excellence at certain historically black colleges and universities.
5. For the provision of technical assistance, work force analysis, and information dissemination.

Any grant which is funded could incorporate one or all of these activities. In addition, a preference would be given to projects which involve more than one health profession discipline or training institution and, beginning in fiscal year 1999, for centers of excellence at certain historically black colleges and universities.

The Secretary would fund grant applications which have the greatest chance of improving minority representation in the health professions and which have an above average record of retention and graduation of individuals from disadvantaged backgrounds.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $51 million authorized for fiscal year 1996 and such sums as necessary through fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $50.806 million. For fiscal years 1996 through 1998, there would be a 4.25% setaside for the centers of excellence at certain historically black colleges and universities.

PRIMARY CARE AND PREVENTIVE MEDICINE TRAINING

Purposes: (1) Provide for the training of primary care providers and preventive medicine public health personnel to improve access to and quality of health care in underserved areas and to enhance state and local public health infrastructure; (2) Provide administrative flexibility and simplification.

General Description: Under this provision, funding for family physician, general pediatrician, general internist, preventive medicine physician, and physician assistant training would be authorized. These providers are generally needed to fill both rural and underserved health professional shortage areas and to help improve staffing in public health departments. Generally, priority would be given to programs which have a history of training health professionals who eventually enter practice in rural and urban underserved areas.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

1. Family Medicine Training
2. General Internal Medicine and General Pediatrics Training
3. Physician Assistant Training
5. Preventive Medicine and Dental Public Health
12. Geriatric Medicine and Dentistry Faculty Development

Summary of Provisions:

Eligible entities

Health professions schools, academic health centers, or other public or private nonprofit entities could apply.

Activities

Grants and contracts would be made as appropriate to develop, operate, expand, or improve:

1. Departments (or academic administrative units) of family medicine.
2. Residency training programs in family medicine, general internal medicine, general pediatrics, or preventive medicine.
3. Physician assistant training programs.
4. Faculty development initiatives in primary care, including geriatrics.
5. Medical school primary care training initiatives.

Departments of Family Medicine

Departments of family medicine would be funded. Such units lead to a greater number of medical students choosing careers in primary care.

Residency Training Programs

Family medicine, general internal medicine, and general pediatrics residency programs would compete with one another for funding. Two outcome standards would be established to determine a funding preference. First, those programs with the highest percentage of providers who enter primary care practice upon the completion of training would receive a priority. In addition, programs which successfully produce professionals who go on to provide service in underserved areas would receive a preference.

Preventive medicine residencies would not compete for funding with family medicine, general internal medicine, or general pediatrics. Rather, they would receive an appropriate amount of funding, as determined by the Secretary. A preference would be given to those programs which train a high percentage of individuals who enter practice in state and local public health departments.

Physician Assistant Training Programs

Physician assistant training programs would receive an appropriate amount of funding, as determined by the Secretary, from the appropriation for this section. Those programs which have a higher output of providers who eventually enter practice in underserved areas would receive a preference for funding.

Faculty Development

The Secretary would determine which type of faculty development projects to fund based on national and state work force goals. Geriatric fellowships and faculty development could be funded.

Medical School Primary Care Training

Primary care training activities at medical schools would be funded through departments (or administrative units) of family medicine, general internal medicine, or general pediatrics. Applications from general internal medicine and general pediatrics administrative units would be required to demonstrate their institution's commitment to primary care education by: (1) A mission statement which has a primary care medical education objective; (2) faculty role models and administrative units in primary care, and general pediatrics; and (3) required undergraduate community-based medical student clerkships in family medicine, internal medicine, and pediatrics.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $76 million authorized for fiscal year 1996 and such sums as necessary through fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $75.285 million. Family medicine departments would receive no less than 12 percent of the overall funding. This is consistent with the current set-aside that such departments receive.

COMMUNITY-BASED TRAINING IN UNDERSERVED AREAS

Purposes: (1) Provide support for training centers remote from health professions schools to improve and maintain the distribution of health providers in rural and urban underserved areas; (2) Provide the Secretary the option of funding geriatric training centers; (3) Provide administrative flexibility and simplification.

General Description: This authority, most similar to the current Area Health Education Center (AHEC) program, would enhance the community-based training in underserved areas of various health professionals. This goal would be achieved through greater flexibility in the design of such programs and through the leveraging of state and local resources. AHECs are generally located in underserved areas remote from academic health centers. They train health professionals to provide services in rural and underserved areas. Exposure to these settings is generally recognized as a determinant in whether a health professional returns to practice in such settings. In addition, these centers help support practicing

providers in such areas through continuing medical education programs. Finally, the current program for funding geriatric training centers could continue at the discretion of the Secretary.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Senate Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

40. Area Health Education Centers
41. Health Education and Training Centers
42. Geriatric Education Centers
43. Rural Health Interdisciplinary Training

Summary of Provision:

Eligible entities

Health professions schools, academic health centers, state or local governments, or other appropriate public or private nonprofit entities.

Activities

Grants and contracts would be made as appropriate to plan, develop, operate, expand, conduct demonstration projects, and to provide trainee support, for projects which:

1. Improve the distribution, supply, quality, utilization, and efficiency of personnel providing health services in urban and rural underserved populations.
2. Encourage the regionalization of educational responsibilities of the health professions schools into urban and rural underserved areas.
3. Are designed to prepare individuals effectively to provide health services in underserved areas through: preceptorships, the conduct or affiliation with community-based primary care residency programs, agreements with community-based organizations for the delivery of education and training in the health professions, and other programs.
4. Conduct interdisciplinary training of the various health professions.
5. Provide continuing medical and health professional education to professionals practicing in the underserved areas served by the grantee.

A preference would be given to projects which involve one or more health professions discipline or training institution, train individuals who actually enter practice in underserved areas, and have a high output of graduates who enter primary care practice.

In addition, the Secretary may fund geriatric training centers if the Secretary determines such entities are needed to improve the geriatric skills of health providers.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $39 million authorized for fiscal year 1996 which would be reduced to $25 million by fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $39.159 million. The $14 billion in funding reductions over the three-year period is equivalent to the current combined appropriations for the Health Education and Training Centers, Rural Health Interdisciplinary Training Programs, and the geriatric training centers. Funding will be phased down to allow for the completion of current project funding periods.

HEALTH PROFESSIONS WORK FORCE DEVELOPMENT

Purpose: Provide support to strengthen capacity for the education of individuals in certain health professions which the Secretary determines to have a severe shortage of personnel and for improving the care of underserved populations and other high-risk groups.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

4. Public Health Special Projects
6. Health Administration Traineeships and Special Projects
13. Geriatric Optometry Training
14. General Dentistry Training
15. Allied Health Advanced Training and Special Projects
16. Podiatric Primary Care Residency Training
17. Chiropractic Demonstration Projects
45. AIDS Dental Services

Summary of Provisions:

Eligible Entities

Schools of medicine, osteopathic medicine, public health, dentistry, allied health, optometry, podiatric medicine, chiropractic medicine, veterinary medicine, pharmacy, or graduate programs in mental health practice.

Activities

Grants and contracts would be made as appropriate to plan, develop, or operate programs to strengthen the capacity for health professions education and practice. The Secretary shall have broad discretion to fund projects, but shall give priority to projects which would improve care for underserved populations and other high-risk groups and which would increase the number of practitioners in any health professions field for which the Secretary determines there is a severe shortage of professionals.

In general, funds under this section could be used to provide for faculty development, model demonstrations, trainee support, technical assistance, or work force analysis.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $20 million authorized for fiscal year 1996 which would be reduced to $5 million by fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $20.264 million. The three-year period to phase down this funding would allow for the completion of current project award periods.

NURSING WORK FORCE DEVELOPMENT

Purposes: (1) Provide for the training of advanced degree nurses and other nurses to improve access to and quality of health care in underserved medical and public health areas; and (2) Provide administrative flexibility and simplification.

General Description: This proposal would provide for the training of advanced degree nurses, including nurse practitioners, nurse midwives, nurse anesthetists, and public health nurses. In addition, projects to improve nursing work force personnel diversity and to expand the training of nurses in certain priority settings would occur. The Secretary would have broad discretion to determine which projects to fund. Generally, projects which would ultimately lead to a greater number of nursing providers for rural and underserved areas, including local and state public health departments, would receive a funding preference.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

18. Nursing Special Projects
19. Advanced Nurse Education
20. Nurse Practitioner/Nurse Midwife Education
21. Nurse Anesthetist Training
22. Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds
32. Professional Nurse Traineeships

Summary of Provisions:

Eligible entities

Schools of nursing (collegiate, associate degree, diploma), nursing centers, state or local governments, and other public or nonprofit private entities.

Activities

Grants and contracts would be made, as appropriate, to plan, develop, or operate:

1. Advanced practice nurses training programs including programs for nurse practitioners, nurse midwives, nurse anesthetists, and public health nurses.
2. Programs to increase nursing work force diversity.
3. Projects to strengthen the capacity for basis nurse education in certain priority areas.

Amounts provided under any one of these areas could be used for faculty development, demonstrations, trainee support, work force analysis, technical assistance, and dissemination of information.

In determining which projects to fund under each of these areas, the Secretary would give priority to those projects which would substantially benefit rural or underserved populations, including public health departments. Generally, those programs which tend to produce nurses for these areas, including primary care nurses, would receive funding priority. In addition, the Secretary would have broad discretion to distribute the appropriation among these different activity areas. Funds would be allocated among these activities to meet the priority for underserved areas and to meet relevant national and state nursing work force goals.

The National Advisory Council on Nurse Education and Practice would continue to advise the Secretary regarding nursing issues. Funding for this council would be provided through the appropriations under this section.

Advance Practice Nurses Training

Projects that support the enhancement of advanced practice nursing education and practice would be funded. In addition, a

grantee could use a portion of the funds to provide for traineeships. Such traineeships would provide stipends to students to help cover the costs of tuition, books, fees, and reasonable living expenses. Programs which could receive support under this authority are those which train nurse practitioners, nurse midwives, nurse anesthetists, public health nurses, and other advanced degree nurses.

Programs To Increase Nursing Work Force Diversity

Projects to increase nursing education opportunities for individuals who are from disadvantaged racial and ethnic backgrounds under-represented among registered nurses would be funded. Such projects could provide student stipends or scholarships, pre-entry preparation, or retention activities.

Projects To Strengthen Basic Nurse Education

Funding priority would be given to basic nurse education programs designed to: (1) improve nursing services in schools and other community settings; (2) provide care for underserved populations and other high-risk groups such as elderly, individuals with HIV-AIDS, substance abusers, homeless, and battered women; (3) provide skills needed under new health care systems; (4) develop cultural competencies among nurses; (5) and serve other priority areas.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $62 million authorized for fiscal year 1996, which would be reduced to $59 million for fiscal year 1999.

CONSOLIDATED FINANCIAL ASSISTANCE AND OTHER LOAN PROGRAMS

Purposes: (1) Provide consolidation of current loan repayment, scholarship, and scholarship payback programs into a flexible National Health Service Corps program requiring service payback in underserved areas in return for federal financial assistance; (2) Continue certain loan programs which do not require federal appropriations or that guarantee the availability of loan sources in the market for health professions students; (3) Consolidate scholarship programs for the disadvantaged; and (4) Provide administrative flexibility and simplification.

General Description: This proposal would combine most of the current targeted scholarship and loan repayment programs into the existing National Health Service Corps Scholarship and Loan Repayment program. As such, individuals would only receive "free" financial support in return for service provided in underserved areas. This would help to eliminate the shortage of over 4,000 positions in primary care underserved areas and in underserved public health positions in state and local health departments.

The three scholarship programs for minorities and disadvantaged students would also be consolidated into a single scholarship program for disadvantaged students.

The authorities which would not be consolidated are those which do not require appropriations but, rather, are revolving loan funds which currently exist at schools. In addition, the current Health Education Assistance Loan Guarantee program would also be left in place.

(This consolidated program is meant to complement other federal financial assistance programs for which health professional and public health professional students qualify. Generally, the funds provided under the Perkins and Stafford Loan programs, administered through the Department of Education, provide sufficient resources to allow anyone the opportunity to pursue a career in any health professions training program. For instance, medical students may qualify for $23,500 annually in loans under these two programs—more than enough to finance the average medical school education.)

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs."

23. Scholarships for Disadvantaged Students

25. Exceptional Financial Need Scholarships

26. Financial Assistance to Disadvantaged Health Professions Students

28. State Loan Repayment Program

29. Community Based Scholarship Program

30. Nursing Loan Repayment Program

36. National Health Service Corps Scholarship Program

37. National Health Service Corps Loan Repayment Program

39. Public Health Traineeships

Current Law Authorities Continued Without Consolidation: (These are revolving loan funds administered by schools which do not require appropriations.)

33. Nursing Student Loan

34. Primary Care Loan Program

35. Health Professional Student Loans

36. Loans for Disadvantaged Students

Current Law Authority Requiring a Separate Appropriation:

38. Health Education Assistance Loans

Summary of Provisions:

Part I. Consolidated Scholarships and Loans

A. National Health Service Corps Scholarship and Loan Payback

Eligible entities

Health professionals and public health professionals (for loan payback only).

Activities

The Secretary would have broad authority to offer the following scholarship or loan repayment options to persons who agree to provide services through the National Health Service Corps in underserved areas. This consolidated authority would be patterned after the existing National Health Service Corps Scholarship and Loan Repayment programs.

1. Provide scholarships to health professional students in return for a commitment for such students to practice in the National Health Service Corps in underserved areas once their education is completed.

2. Provide loan repayment to:

a. Health professionals and public health personnel in return for a commitment from such persons to practice in the National Health Service Corps designated underserved sites or, in the case of public health personnel, state and local health departments with public health professional shortages.

b. Nurses for an amount no greater than 85 percent of their debt for persons who agree to practice in National Health Service Corps designated underserved areas.

3. Provide funding to states to operate their own loan repayment or scholarship programs. States could designate their own underserved areas utilizing their own criteria if such criteria are approved by the Secretary.

The Secretary would determine how much to provide for each activity to meet the goals of providing service to underserved areas and retaining providers in underserved areas. States applying for grant funding to run their own programs would receive priority.

Authorization

There would be $90 million authorized for fiscal year 1996 and such sums as necessary through fiscal year 1999. This amount of funding is consistent with the combined current appropriations for these programs.

B. Scholarships for Disadvantaged Students

Eligible entities

Health professions schools.

Activities

The Secretary would award grants to health professions schools for the awarding of scholarships to disadvantaged students. Eligible entities would receive a preference based on the proportion of graduating students going into primary care, the proportion of minority students, and the proportion of graduates working in medically underserved areas.

Authorization

There would be $32 million authorized for fiscal years 1996 through 1999. This amount of funding is consistent with the combined current appropriation for these programs.

Part II. Current Loan Authorities Continued Without Appropriations

Activities

The current Nursing Student Loan (NSL) program, Primary Care Loan (PCL) program, Health Professions Student Loan (HPSL) program, and the Loans for Disadvantaged Students (LDS) programs would continue. These programs would continue using the revolving funds which remain at health professions schools.

Authorization

There would be $8 million authorized in each of fiscal years 1996 through 1998 for the LDS program. For fiscal year 1999, the authority for appropriations would be repealed after the revolving funds begin to be paid back by current loan recipients.

The NSL, PCL, and HPSL programs, which do not currently receive appropriations, would not be authorized to receive appropriations.

Part III. HEAL Loans

Activities

The HEAL loan program would continue in its current form.

Authorization

This program would continue to be authorized at such sums as necessary to guarantee sufficient funds for the insurance pool for loan defaulters. The current premiums provided by borrowers are insufficient to meet the needs of this fund. As a result of reforms made in this program in fiscal year 1992, HHS is improving its loan collection and the insurance fund is growing. Over time, this program may not require appropriations. The current appropriation is $24.972 million.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 556. A bill to amend the Trade Act of 1974 to improve the provisions of

trade readjustment allowances during breaks in training, and for other purposes; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE IMPROVEMENT ACT

Mr. KERRY. Mr. President, last October I received a letter from a Mrs. Myra Hoey of Blandford, MA. Mrs. Hoey detailed a problem that her husband, David, was having with the Trade Adjustment Assistance Program which oversees the benefits provided to workers displaced by the North American Free-Trade Agreement. David Hoey was an employee at the Westfield River Paper Co. in Massachusetts. Along with over 100 other employees, David lost his job when the paper company moved to Canada after Congress approved NAFTA.

When we passed NAFTA in 1993, we recognized the importance of assisting those working families, like the Hoeys, who might be displaced by this agreement in obtaining gainful employment in another field through the Trade Adjustment Assistance Program. For many years the Trade Adjustment Assistance Program has been very helpful to the citizens of this Nation by helping them to seize an opportunity for a second chance—for another career or further education. However, Mr. President, occasionally some Federal guidelines fall behind the times and need to be adjusted in order to continue to be effective. Mrs. Hoey and the other workers in Westfield, MA, discovered—the hard way—that the Trade Adjustment Assistance Program has problems that need to be fixed.

Workers displaced because of import-related movement of companies are eligible for trade adjustment assistance [TAA]. Workers displaced specifically because of NAFTA related movement are eligible for trade readjustment allowances [TRA]. TAA and TRA provide 52 weeks of unemployment insurance-like payments to these workers and pay for approved training programs to train these workers.

Because their employer moved to Canada, the Westfield River Paper Co. employees were eligible for TRA, and a number of them began a retraining program at Springfield Technical Community College during the fall of last year. These workers dedicated themselves to the task of learning new skills so that they could support their families. However, during Christmas break from their training, these hard-working former employees found out that their benefits were cut off for a full month.

This is because the law that created TAA includes a provision that limits TAA and TRA payments during scheduled breaks in training to the first 14 days of these breaks.

Consequently, those workers who are out of work and are training for new jobs and who are enrolled in programs with 6-week winter breaks lose a month of benefits, even though they are willingly participating in good faith in a training program and have no other source of income. The missed weeks of benefits are tacked on to the end of the displaced workers' benefit year so that a total of 52 weeks of TRA is still provided.

The motivation behind this provision is to encourage workers to chose training programs with shorter breaks so that the workers will be moved into the workforce with greater speed. In addition, workers are implicitly encouraged to select programs that train them quickly because benefits only last 1 year.

However, not all workers have a plethora of programs from which to choose. Some are limited to only those programs offered by their local community college. Most colleges and universities have winter breaks longer than what is allowed by TRA, and as a result, benefits are temporarily suspended to those people enrolled in this program at those colleges.

Extending to 45 calendar days the period of a break in training through which TAA and TRA benefits can be paid would be helpful to displaced workers. It would be very nearly cost-neutral, because no additional weeks of benefits would be provided, and it would eliminate inequities in the existing system. And at the risk of redundancy, workers would still be encouraged to choose programs with smaller breaks, because the total amount of time that they will receive benefits will still be only a year. Finally, a 45 calendar day training break limitation would encourage workers to engage in summer programs if their period of retraining overlaps summer recess.

The bill I am introducing today, the Trade Adjustment Assistance Program Improvement Act, provides this increase in the training break during which benefits may continue to be paid. It also would clear up another problem as well, one that touches only on TRA's. I welcome my distinguished senior colleague from Massachusetts, Senator KENNEDY, as an original cosponsor.

In order to qualify for a TRA, the law currently requires a displaced worker to enroll in training by the end of the 16th week after his or her initial unemployment compensation benefit period. the rationale for the time limit is that adjustment assistance is generally more effective if adjustment decisions are made relatively early in the unemployment period. However, the current language creates some inequities because the initial benefit period is triggered by initial lay offs and continues to run even if a worker is recalled.

For example, if a worker is recalled 4 weeks after an initial layoff, then is laid off a second time after 12 weeks of employment, that worker would not qualify for TRA even if the worker immediately enrolled in training because the 16 weeks of his initial benefit period would have expired.

It makes a lot more sense to allow the worker 16 weeks from his or her most recent separation in order to determine whether retraining is needed. This would provide the worker an opportunity to conduct a job search and to explore other options before making an enrollment decision, while at the same time encouraging the person to make a decision at a point early enough to promote effective adjustment.

Therefore, this bill takes into account situations involving recalls and would require that in order to qualify for TRA, a worker must enroll in training by the end of the 16th week after his or her most recent separation from the impacted firm.

These two changes, one to both TAA and TRA, and one only to TRA, would improve the entire TAA system in small but tangible ways, and at slight additional cost enable these programs more effectively to help the people they were designed to aid. People like David and Myra Hoey, and other workers in Michigan, Tennessee, Washington, Pennsylvania, and around the Nation will get the assistance they need to get back on their feet and into the work force.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Adjustment Assistance program Improvement act of 1995".

SEC. 2. PROVISION OF TRADE READJUSTMENT ALLOWANCES DURING BREAKS IN TRAINING.

Section 233(f) of the Trade Act of 1974 (19 U.S.C. 2293(f)) is amended by striking "14 days" and inserting "45 days".

SEC. 3. TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 250(d)(3)(B)(i) of the Trade Act of 1974 (19 U.S.C. 2331(d)(3)(B)(i)) is amended by striking "of such worker's initial unemployment compensation benefit period" and inserting "after such worker's most recent qualifying separation".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to workers covered under a certification issued on or after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BREAUX, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings

and investment through individual retirement accounts, and for other purposes.

S. 14

At the request of Mr. DOMENICI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 14, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

S. 141

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Maine [Ms. SNOWE) was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Washington [Mrs. MURRAY], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 293

At the request of Mr. CONRAD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 293, a bill to amend title 38, United States Code, to authorize the payment to States of per diem for veterans receiving adult day health care, and for other purposes.

S. 327

At the request of Mr. HATCH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 351

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 375

At the request of Mr. ABRAHAM, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 375, a bill to impose a moratorium on sanctions under the Clean Air Act with respect to marginal and moderate ozone nonattainment areas and with respect to enhanced vehicle inspection and maintenance programs, and for other purposes.

S. 388

At the request of Ms. SNOWE, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 395

At the request of Mr. MURKOWSKI, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 395, a bill to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes.

S. 428

At the request of Mr. ROTH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 428, a bill to improve the management of land and water for fish and wildlife purposes, and for other purposes.

S. 440

At the request of Mr. WARNER, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 445

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 445, a bill to expand credit availability by lifting the growth cap on limited service financial institutions, and for other purposes.

S. 511

At the request of Mr. DOMENICI, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 511, a bill to require the periodic review and automatic termination of Federal regulations.

S. 469

At the request of Mr. GREGG, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Minnesota [Mr. GRAMS], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 469, a bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards.

S. 476

At the request of Mr. NICKLES, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 476, a bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes.

S. 520

At the request of Mr. SHELBY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 520, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for adoption expenses.

S. 530

At the request of Mr. GREGG, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. HELMS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 531

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 531, a bill to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Mr. THOMPSON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MURKOWSKI, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Maine [Ms. SNOWE], the

Senator from Montana [Mr. BURNS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maine [Mr. COHEN], the Senator from Georgia [Mr. COVERDELL], the Senator from Arizona [Mr. KYL], the Senator from Tennessee [Mr. THOMPSON], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China of Taiwan to the United States.

SENATE RESOLUTION 79

At the request of Mr. SPECTER, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from California [Mrs. BOXER], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. GREGG], the Senator from Maryland [Mr. SARBANES], the Senator from Massachusetts [Mr. KENNEDY], the Senator from California [Mrs. FEINSTEIN], the Senator from Texas [Mrs. HUTCHISON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Nevada [Mr. REID], the Senator from Maryland [Ms. MIKULSKI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Virginia [Mr. ROBB], the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Delaware [Mr. ROTH], the Senator from Massachusetts [Mr. KERRY], the Senator from Washington [Mrs. MURRAY], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. COVERDELL], the Senator from Maine [Mr. COHEN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Maine [Ms. SNOWE], the Senator from Virginia [Mr. WARNER], the Senator from Wisconsin [Mr. KOHL], the Senator from Kansas [Mr. DOLE], the Senator from Georgia [Mr. NUNN], the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Resolution 79, a resolution designating March 25, 1995, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 80

At the request of Mr. DORGAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Resolution 80, a resolution expressing the sense of the Senate on the impact on the housing industry of interest rate increases by the Federal Open Market Committee of the Federal Reserve System.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENT NO. 331

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of ammendment No. 331 proposed to H.R. 889, a bill making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Wednesday, March 15, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Tuesday, March 21, 1995, at 9:30 a.m., in room 216 of the Hart Senate Office Building. The subject of the hearing is health care fraud.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 14, at 9:30 a.m., in SR-332, to discuss conservation, wetlands and farm policy.

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

COMMITTEE ON FINANCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, March 14, 1995, in room 215 of the Dirksen Senate Office Building, beginning at 9:30 a.m., to conduct a hearing on welfare reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 14, 1995, at 10 to hold a nominations hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 14, for a hearing at 10 a.m. on nuclear nonproliferation.

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

COMMITTEE ON THE JUDICIARY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 14, 1995, at 9 a.m. to hold a hearing on proposals to reduce illegal immigration and reduce costs to taxpayers.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on effective health care reform in a changing marketplace, during the session of the Senate on Tuesday, March 14, 1995 at 10 a.m.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, March 14, 1995, in open session, to receive testimony on the technology base programs in the Department of Defense.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that Subcommittees on Housing Opportunity and Community Development and HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 14, 1995, to conduct a hearing on HUD reorganization.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES AND WILDLIFE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to meet Tuesday, March 14, at 10

a.m. to consider S. 503, a bill to amend the Endangered Species Act of 1973 to impose a moratorium on the listing of species as endangered or threatened and the designation of critical habitat.

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

ADDITIONAL STATEMENTS

PASADENA ADOPTS AMMUNITION CONTROL

• Mr. MOYNIHAN. Mr. President, for more than a decade now, I have argued here on the Senate floor, and often in print, that in order to make any real progress in reducing gun violence, we must seek to control ammunition. I have put it that "Guns don't kill people, bullets do."

This is not to say that I do not support gun control; I certainly do. I was an original cosponsor of the Brady bill when it was first introduced in 1989, and was proud to vote for it when it finally passed the Senate in 1993. We are all pleased at the very real difference the Brady law has made. Just 1 year after it became effective, background checks under the Brady law have already prevented 45,000 felons and other prohibited persons from purchasing handguns. No doubt a significant number of lives were saved as a result.

Yet the fact remains that there are already some 200 million firearms in circulation in the United States. These weapons are not going away. With a minimum of care they will last indefinitely. I recall that as an officer of the deck in the Navy of the 1940's, I was issued a Colt model 1911 .45 caliber sidearm. That particular handgun was first sold to the U.S. military in 1912, and continued to be used in the Navy until very recently. Use of weapons 35 or even 50 years old has been common in our Armed Forces—and these guns still work perfectly.

We probably have a two-century supply of guns in circulation today. On the other hand we have something like a 4-year supply of bullets. This has led me to conclude that a different approach is needed.

Gun violence is a public health epidemic and therefore demands an epidemiological response. An epidemiologist will tell you that in order to cope with any epidemic, you must eliminate the pathogen, or the agent causing the disease. In 1992, Dr. Lester Adelson made precisely this argument in an article entitled "The Gun and the Sanctity of Human Life: the Bullet as Pathogen" in the "Archives of Surgery." In the case of gun violence, the pathogen is the bullet. I say again, guns don't kill people, bullets do.

I have been making this point for many years now, but with only the slightest success in getting it across. We have had two small but significant achievements: in 1986 and again in 1994, I was able to secure enactment of provisions to ban the manufacture or importation of armor-piercing ammunition: the so-called cop-killer ballets. This was done with considerable difficulty in the first instance because, although the police groups, led by Phil Caruso and the New York Patrolmen's Benevolent Association, were strongly supportive, the National Rifle Association was not, and in the end only grudgingly supported the bill. That bill, the Law Enforcement Officers Protection Act of 1986, was the first law to outlaw a round of ammunition. In 1994 in the crime bill, we updated the 1986 act to cover a new round of armor-piercing ammunition being made in Sweden.

These were important but really only incremental steps. The slaughter in the streets goes on. But Mr. President, we may have some good news. An editorial in the March 1, 1995, edition of the Los Angeles Times describes a bold new initiative in Pasadena, CA, where the city council has adopted one of the first ordinances in the Nation restricting the sale of ammunition. I ask that this article be printed in the RECORD.

Gun dealers in Pasadena must now record not only their sales of guns, but also of ammunition. And why? Pasadena Chief of Police Jerry Oliver summed it up nicely when he said

> In Pasadena tonight, at this very moment, it is easier to buy a box of 9-millimeter rounds than it is to buy a can of spray paint.

Last September, I noted on this floor that the city of Chicago had become the first municipality in the Nation to ban the sale of all handgun ammunition. Now Pasadena has taken steps to regulate the sale of bullets. This won't prevent buyers from going to neighboring Los Angeles to buy ammunition, but similar steps are now being considered in Los Angeles, and in nearby Azusa as well.

Mr. President, I hope the actions of Chicago and Pasadena represent a turning point in our thinking about this problem. I hope other cities and towns recognize the potential of ammunition control to bring about real progress in the fight against gun violence. I hope the States and the Federal Government will come around to this idea as well. We need a new approach, we need bold action, and we need it soon. Pasadena has the right idea. Let us hope the rest of the Nation is paying attention.

The article follows:

[From the Los Angeles Times, Mar. 1, 1995]

HOW DESPERATION BECOMES A TOOL

PRODDED BY EVER-RISING MAYHEM, PASADENA PASSES A LAW REGULATING BULLET SALES

Bravo to the members of the Pasadena City Council. By a vote of 5 to 2, the council adopted what is believed to be the nation's first municipal law restricting bullet sales.

Approval did not come easily, however. Emotions ran high: Ordinance supporters, outraged by street violence, verbally battled with gun enthusiasts who reject even the most reasonable restrictions. The vote did not occur until shortly before midnight, after five hours of debate. Dozens of backers and opponents of the ordinance offered impassioned testimony before a standing-room-only crowd. Tempers flared; one council member temporarily left the proceedings in angrily reacting to pro-ordinance comments by the police chief. Cheers and catcalls broke out often.

And what was all the fuss over? The new ordinance requires anyone buying bullets in Pasadena to provide identification showing proof of age and to complete a registration form listing the amount, brand and type of ammunition purchased.

The measure is intended to curtail sales of bullets to juveniles—such sales are already illegal but nonetheless widespread—and to provide police with information that may help link bullets found at a crime scene with suspects.

Pasadena has taken but the tiniest of steps with this ordinance. But it is a measure of the headlock in which the gun lobby has held federal, state and local lawmakers that even these tepid, sensible restrictions on bullet sales can be so strongly resisted as an infringement on the right of self-defense. After all, as Pasadena Police Chief Jerry Oliver noted at the start of the council meeting, "Tonight, it is easier to buy 9-millimeter ammunition than it is to buy a can of spray paint." That discrepancy is nuts.

The most powerful criticism of the new ordinance is that it may not be very effective. Pasadena kids and adults bent on violence may simply seek their bullets in nearby Glendale, Los Angeles or La Canada. Alone, Pasadena can realistically do little to reduce gun violence.

But the true worth of Pasadena's ordinance—its value as an example—was apparent even before its passage. Monday afternoon the Los Angeles City Council took the first steps to follow Pasadena's lead. The council's Public Safety Committee asked the city attorney to draft an ordinance patterned on Pasadena's. Then, on Tuesday, Azusa's police chief vowed to seek such an ordinance there.

If Los Angeles and Azusa—as we hope—pass bullet laws, more cities are sure to follow. Then, what began as, in part, a symbolic gesture reflecting the desperation of Pasadena's leaders to "do something" about gun crime will become a tough tool against criminals throughout this violence-weary region.•

DISCOVERY OF THE TOP QUARK

• Mr. D'AMATO. Mr. President, I rise today to congratulate Dr. Paul D. Grannis and the New York State D-Zero collaboration members on the discovery of the Top Quark.

Dr. Grannis is a physicist at the State University of New York at Stony Brook and is a leader of an international collaboration of scientists working at Fermi National Accelerator Lab in Batavia, IL.

The D-Zero collaboration includes scientists from Brookhaven National Laboratory, Columbia University, New York University, and the University of Rochester as well as those from the State University of New York at Stony Brook. Scientists from Rockefeller

University also participated in the discovery.

The discovery of the Top Quark is one of the most important achievements in high energy physics this decade. The Top is the last of six Quarks to be discovered and is an integral part of the Standard Model of modern physics. This Standard Model not only serves as the basis for our understanding of physics but defines the fundamental building blocks of the Universe.

Dr. Grannis has headed the D–Zero collaboration at Fermilab for over a decade. During this tenure he has commuted to Illinois nearly every week while never failing to meet his commitment to academics and teaching in New York.

I commend him on his extraordinary commitment—which I believe exemplifies the high standard of dedication to both research and education in New York. It is a great credit to New York State institutions that their leadership has culminated in this exciting discovery.

Again, I congratulate Dr. Grannis on this tremendous achievement and wish him continued success. Dr. Grannis lives in Stony Brook, NY with his wife Barbara and has four children: Jennifer, Eliza, Helena, and David.

Mr. President, I ask that the March 3, 1995, New York Times article by Malcolm W. Browne describing this discovery be included in the RECORD following the text of these remarks.

[From the New York Times, Mar. 2, 1995]

ELUSIVE ATOMIC PARTICLE FOUND BY PHYSICISTS

(By Malcolm W. Browne)

BATAVIA, IL., March 2—Culminating nearly a decade of intense effort, two rival groups of physicists announced today that they had found the elusive top quark—an ephemeral building block of matter that probably holds clues to some of the ultimate riddles of existence.

The announcements brought sustained applause and a barrage of questions from an overflow audience of physicists at the Fermi National Accelerator Laboratory, where the work was done. Fermilab has the world's most powerful particle accelerator.

The two competing scientific teams, each with about 450 scientists and each using a separate detection system, reported that after a long chase in which there had been several false sightings of the top quark, this monstrously heavy but elusive particle has finally been cornered and measured. The results of the two groups' independent measurements differed somewhat, but when margins of error were taken into account, the scientists agreed that the results were consistent.

One of the teams, the CDF Collaboration (standing for Collider Detector at Fermilab) reported last April that it had found evidence of the quark's existence. But at the time, the group lacked enough statistical evidence to claim discovery, and the competing group, the D0 (for D–Zero) Collaboration, which had even less evidence of its own, branded the CDF announcement as premature.

The achievement claimed today by both teams leaves virtually no room for doubt, however, and the discovery was hailed as a landmark in science. Hazel O'Leary, who as Secretary of Energy heads the Federal agency providing most of the money for research at Fermilab, called the discovery a "major contribution to human understanding of the fundamentals of the universe."

The finding confirms a prediction based on a theory known as the Standard Model that nature has provided the universe with six types of quarks; the other five, the up, down, strange, charm and bottom quarks had all been known or discovered by 1977. Since the infancy of the universe shortly after the Big Bang—estimated at 10 billion to 20 billion years ago—only the up and down quarks have survived in nature, and the protons and neutrons that make up the nuclei of all atoms are built from combinations of these two quarks; the other quarks disappeared from the observed universe, but have been recreated by modern particle accelerators.

Dr. Leon M. Lederman, a winner of the Nobel Prize in Physics and the former director of Fermilab, said at today's meeting that he doubted there could be any more quark types but that "we know there's a lot of dark matter out in the universe that we can't identify."

"We're still in for a lot of surprises," he added.

But more important than merely completing the table of quarks predicted by theory, the top quark may now begin to shed light on a deep philosophical question: everything in the universe, from the most distant galaxy to a rose petal, is made of quarks. Were the masses and other properties of these particles determined by random chance, or by some fundamental unifying plan? If so, what is that plan, and how might gravity, the least understood of the four forces of nature, be related to it?

"This monster, compared with all the other quarks, is like a big cowbird's egg in a nest of little sparrow eggs," said Dr. Paul D. Grannis, a leader of the D0 group. "It's so peculiar it must hold clues to some important new physics."

"The top quark has turned out to be so heavy," added Dr. John Peoples, director of Fermilab, "that it's kind of a laboratory in itself, from which many new experiments will certainly yield important insights."

It may be, scientists believe, that quarks (and the higher forms of matter they make up) are endowed with mass by interacting with an all-pervading universal "field," with which they communicate through a hypothetical particle called the Higgs boson. To find and measure the Higgs boson would be as exciting for a physicist as the creation of life in a test tube would be for a biologist.

One of the questions high-energy physicists regard as fundamental is whether there is a single type of Higgs boson, or several types. Theory predicts that if it is possible to accurately measure the masses of two known particles—the top quarks and the W particles that transmit the weak nuclear force—it will be possible to determine whether there are one or more than one Higgs bosons.

"We're so elated by the discovery of the top quark that we haven't yet begun to sift all the data," said Dr. Boaz Klima of Fermilab, one of the leaders of the successful search. "But this particle is so astonishingly heavy that its decay may give us hints of a lot of other things, perhaps even of supersymmetric particles."

The quest for supersymmetric particles by the world's most powerful accelerators during the last decade has failed to turn up any evidence that they exist, but according to some theories, they may be so heavy they are beyond reach of present-day accelerators. If supersymmetric particles could be shown to exist, they might offer scientists a tool for learning how gravity is related to the other forces of nature: the electromagnetic force and the strong and weak nuclear forces.

Even when trillions of protons and antiprotons are made to collide in Fermilab's huge accelerator at combined energies of two trillion electron-volts, the creation of top quarks by the miniature fireballs remains a rare event.

Dr. Grannis of the D0 collaboration said today that his group, which has been running its detector on and off since 1992, has found 17 collisions resulting in evidence of the creation of a top quark. The team was able to calculate the mass of the particle as 199 billion electron-volts, give or take about 30 billion electron-volts. (Particle physicists measure mass in terms of its energy equivalent, because the units are more practical. Einstein's famous equation $E=mc^2$ defines the equivalency of mass and energy.)

For their part, according to Dr. William Carithers Jr., a leader of the rival CDF Collaboration, two separate counting techniques using the CDF detector have turned up a total of about 21 top quark events. The group calculates the mass of the top quark as about 176 billion electron-volts, give or take about 13 billion.

These results, the competing teams say, are in reasonably close agreement. At any rate, they agree that they have found the quark, and that there is only one chance in about one million that the results could have been caused by anything besides the decays of pairs of top and antitop quarks.

One of the main difficulties in identifying the top quark is that it cannot be seen directly. When one is created from the immense pool of energy formed in the collisions of protons and antiprotons accelerated by Fermilab's Tevatron, its lifetime is so brief that no detector could sense it. But the top quark disintegrates into hundreds of daughter particles, which in turn decay into cascades of other particles.

From the patterns of "jets," particle types and other characteristics of these decays, theorists have learned to identify the parent particles like the top quark which cannot be detected directly. A jet is a spray of particles moving in the same general direction away from a collision.

High-energy physics is expensive. The Fermilab Tevatron accelerator, a ring of superconducting magnets four miles in circumference, cost about $250 million to build, and each of the two detectors built into the accelerator cost about $60 million. An upgrade of the Tevatron called a main injector, costing $228 million, is scheduled for completion by 1999.

The Superconducting Supercollider, a project that would have been Fermilab's successor, would have cost more than $8 billion if Congress had not canceled it last year. For the foreseeable future, Fermilab will remain America's most powerful particle accelerator, and scientists say that the machine has at least 15 more years of useful life.

The stakes for the high-energy physics community are enormous, in terms of job security, the risks of failure and the promise of great prestige for leaders of successful experiments. Competition between physicists is often intense and sometimes bitter.

The CDF and D0 detector collaborations have gone to great lengths to avoid even

looking at each others' experiments—a policy that persisted even today minutes before their joint seminar began.

"We know that some of the younger physicists on both sides have been exchanging pirated copies of our reports, but we've tried to suppress such exchanges," one physicist said. "Of course there is friction, but that's a healthy aspect of science. This way, we know that our results are in no way influenced by those of our competitors, and when both our versions of the top quark are published side by side, scientists will be able to judge for themselves."

Despite a joking undertone of bickering between the two collaborations, which include scientists from a dozen nations, a holiday mood today eclipsed old rivalries and the collective anxiety about future financing of high-energy physics.

"We're ecstatic about this discovery," Dr. Peoples said. "Non-scientists often ask me what the point of all this may be. I say it's important because it makes the universe knowable, in the same sense that our discovery of DNA has made the nature of life knowable. We have a long, long way to go, but it's one of the most intellectually satisfying pursuits there is."●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week of the 104th Congress, to announce to the Senate that during the past week, 13 people were murdered by gunshot in New York City, bringing this year's total to 120.●

MEASURE READ FOR THE FIRST TIME—H.R. 956

Mr. DOLE. Mr. President, I inquire of the Chair if H.R. 956 has arrived from the House of Representatives.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

Mr. DOLE. Mr. President, I now ask for its second reading.

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MARCH 15, 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 9:30 a.m. on Wednesday, March 15, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders reserved for their use later in the day. I further ask that the Senate then immediately resume consideration of H.R. 889, the supplemental appropriations bill, and at that point there be 1 hour for debate on the Kassebaum amendment, to be divided equally between Senators KASSEBAUM and KENNEDY.

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

PROGRAM

Mr. DOLE. For the information of all Senators, at 10:30 a.m. on tomorrow, Wednesday, two back-to-back votes will occur, the first being the cloture vote on the Kassebaum amendment, to be followed immediately by a vote on adoption of the unfunded mandates conference report, and following those two votes the Senate will resume consideration of the supplemental appropriations bill. Therefore, additional votes will occur and a late session can be anticipated.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Wednesday, March 15, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 14, 1995:

THE JUDICIARY

MARY BECK BRISCOE, OF KANSAS, TO BE U.S. CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JAMES K. LOGAN, RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

JAMES A. FAIN, JR. [redacted]
JOHN M. NOWAK [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

GEORGE T. BABBITT, JR. [redacted]
JOHN C. GRIFFITH [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

DANIEL R. SCHROEDER [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, HEADQUARTERS, U.S. MARINE CORPS, AND APPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5043:

To be commandant of the marine corps

CHARLES C. KRULAK [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

DAVID M. BENNETT [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

JOSEPH L. WALDEN [redacted]

To be major

GRAEME R. BOYETT [redacted]
RICHARD A. LOGAN [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL CORPS

To be colonel

ANDERSON, DOUGLAS M. [redacted]
*ATKINSON, SIDNEY W. [redacted]
*BALLOU, WILLIAM R. [redacted]
BENTON, FRANK R. [redacted]
*BERKENBAUGH, JAMES [redacted]
BRADSHAW, DONALD M. [redacted]
BYRNE, MICHAEL P. [redacted]
*CAWTHON, MICHAEL A. [redacted]
CLAYTON, WILLIAM L. [redacted]
COQUILLA, BEATRIZ H. [redacted]
*DAI, JOSEPH M. [redacted]
DAIGH, JOHN D. [redacted]
*DECKER, LAWRENCE A. [redacted]
*DONESKY, DWIGHT L. [redacted]
DRAKE, GREGORY L. [redacted]
*EGAN, JAMES E. [redacted]
FALBEY, ROBERT J. [redacted]
GAFFNEY, CHERRY [redacted]
*GATES, ROBERT H. [redacted]
*GIFFIN, JAMES M. [redacted]
*GOMEZ, EDWARD R. [redacted]
*GORE, NEY M. [redacted]
*GRAVES, WALTER G. [redacted]
HALBACH, DAVID P. [redacted]
*HAWLEYBOWLAND, CARL [redacted]
*HEFFESS, CLARA S. [redacted]
*HEIB, LOUIS A. [redacted]
*HWANG, MOO O. [redacted]
*JAQUES, DAVID P. [redacted]
*JARRETT, ROBERT V. [redacted]
*JOHNSON, BRIAN R. [redacted]
*JONES, MYRON B. [redacted]
*KUMAR, SHASHI [redacted]
*LANDE, RAYMOND G. [redacted]
*LOVETT, ETHRIDGE J. [redacted]
MADIGAN, WILLIAM P. [redacted]
MARTIN, JAMES W. [redacted]
MASON, KEVIN T. [redacted]
MATTESON, GARY N. [redacted]
*MC QUEEN, CHARLES E. [redacted]
*MELENDEZ, JOSE E. [redacted]
MORTON, DAVID A. [redacted]
MURDOCK, EDWIN A. [redacted]
NAGORSKI, LEONARD E. [redacted]
NOCE, MICHAEL A. [redacted]
OLIVERSON, FORREST [redacted]
*PEARSON, CLARENCE E. [redacted]
*RAJAGOPAL, KRISHNAN [redacted]
RIPPLE, GARY R. [redacted]
*RIVERA, DAVID E. [redacted]
*RUEDAPEDRAZA, M. E. [redacted]
*SADO, ANTHONY S. [redacted]
SCHULTE, JEFFREY J. [redacted]
SERWATKA, LINDA M. [redacted]
*SODHI, PARMINDER [redacted]
*SOUTHPAUL, NEANNETTE [redacted]
STECKEL, FREDERICK [redacted]
THOMPSON, IAN M. [redacted]
*THONG, AILEEN [redacted]
*TILLMAN, JOHNIE S. [redacted]
TOLLEFSON, DAVID F. [redacted]
*WATTERS, MICHAEL R. [redacted]
WEBBER, PAUL M. [redacted]
WHATMORE, DOUGLAS N. [redacted]
WILCOXRIGGS, SANDRA [redacted]
*WILDER, DAVID M. [redacted]
WINECOFF, WILLIAM F. [redacted]

DENTAL CORPS

To be colonel

*AKIYAMA, DENNIS P. [redacted]

ASHER, MARSHALL L. [redacted]
BEATTY, GERALD W. [redacted]
BERWICK, JAMES E. [redacted]
BRADFORD, BRANT A. [redacted]
BROWN, CHARLES R. [redacted]
BUTEL, EUGENE M. [redacted]
CASO, PETER A. [redacted]
CAVATAIO, RONALD E. [redacted]
CIBOROWSKI, PHILIP [redacted]
CONCILIO, MARY C. [redacted]
COOK, LAWRENCE J. [redacted]
DAVIDSON, MICHAEL J. [redacted]
FONDAK, JEFFREY T. [redacted]
GRABOW, WAYNE E. [redacted]
HALEY, WILLIAM B. [redacted]
HARPER, DENNIS L. [redacted]
JENNINGS, DENNIS E. [redacted]
JONES, JACKIE L. [redacted]
KLAGER, PETER [redacted]
MCCANN, JOHN T. [redacted]
MUNDY, GARY D. [redacted]
MURRAY, DANIEL J. [redacted]
NICKEL, WILLIAM L. [redacted]
NIXON, LARRY L. [redacted]
OAKES, MARTIN J. [redacted]
PHILLIPS, JOHN L. [redacted]
PITCHFORD, JOHN H. [redacted]
POLLARD, BRYAN K. [redacted]
RAGNO, JAMES R. [redacted]
RESIDE, GLENN J. [redacted]
SCHACH, RAPHAEL T. [redacted]
STRITTMATTER, EDWAR [redacted]
THRONDSON, ROGER R. [redacted]
VANCE, BRADLEY J. [redacted]
WAWROUSEK, HANS W. [redacted]
WOLFF, GERALD K. [redacted]
WONDERLICH, STEVEN [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, March 14, 1995*

The House met at 12:30 a.m. and was called to order by the Speaker pro tempore [Mr. SHAYS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 14, 1995.

I hereby designate the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

STATE OF AFFAIRS AT GUANTANAMO BAY

Mr. GOSS. Mr. Speaker, I just returned from a quick visit down to Guantanamo Bay in Cuba to see how the situation was there with the Cubans who are in the detaining camps and see how our military is doing, and I have nothing but accolades to give to our military for the fine job they are doing down there under very difficult circumstances. They are running a city of about 36,000 people in reality and they are doing it with very little material and very little preplanning and under difficult circumstances when everybody who is there is not necessarily happy to be there in terms of the Cubans who have left.

Cubans had hoped to go to Miami rather than to Guantanamo Bay, but I will say that the Cubans themselves who are in the camps are doing very well. They are well cared for. I spent a good deal of time with Senator BOB GRAHAM from Florida talking directly with them about their problems. The main complaint of course is the paroling process. The immigration process is too slow and it is moving very, very slowly for the children, the elderly, the sick among them, and then the big problem, of course, that it does not provide for some 17,000 to 20,000 Cubans who don't really know where they are going to go because there is no process for them and at the present time they are just living in a camp, a tent camp in Guantanamo without too much hope of what is next.

We talked about the problems that they were having in those camps, the remoteness, the feeling out of touch, the medical attention, the priorities, not enough medicine to go around, not enough doctors' visits, the food. Everybody always complains about food in situations like that, but by and large the Cubans are being very, very well cared for and I think Americans can be proud of that.

Improvements are being made. We are putting in food galleys, putting in air-conditioning in some areas, better recreation areas, better bathrooms, getting away from the port-a-potties, better shelters, sturdier tents with hard roofs. This matters because it is a harsh climate down there. It is an area where the wind often blows hard, the windward passage, and it is subject to hurricanes. In fact, some call it Hurricane Alley in that part of the world.

We have dealt with the water problems, the sewer problems and landfill problems, and all of this is going on while there is a very intense opposition to Fidel Castro in these camps that has not diminished in any sense at all, and people who think we should negotiate might want to talk to some of these Cubans down there at Guantanamo about the human rights violations, the suffering, the misery, the economic hardship that the Castro government has put them through, even to the point of death and confiscation.

Right now Fidel Castro is in Europe in a self-rehabilitation program promoting himself and what a great guy he is and he has apparently convinced a few people in Copenhagen and is on his way to meet with the President of France and have some type of a photo opportunity to prove to the world that he has not really done all the bad things that these witnesses in Guantanamo are there to attest that he has done.

What is going on in Guantanamo is not without cost. It costs us about $20 million a month and it doesn't account for all of the costs we are putting in there. Right now, we are using Navy funds, operational and maintenance funds that the Navy needs for steaming, keeping up our readiness, national security, defense, as it were, is being used and we are going to have to restore those funds. When we get through, we are talking about hundreds of millions of dollars for this problem that Fidel Castro has given to the American taxpayer in the way we are handling it today.

There are some very serious problems staring us in the face right now. What is going to be the future of Guantanamo as a base once it is no longer a refugee camp, I don't know, but we are putting a ton of money in the place so we ought to know. But more important than that, what is going to happen when the long hot summer starts and 17,000 to 20,000 Cubans, mostly young adult males, discover that they really have no place to go and no way to get there. That is not a good situation and those who are working in the camps are very, very concerned about it.

There are probably more visits to the psychiatric side of the medical facility right now than any others by people who are already feeling stressed and as hope begins to erode and the summer gets warmer, it is going to be a very difficult situation and one that we cannot wait to solve itself or erupt.

We need to get ahead of the curve. Senator GRAHAM has a very good idea about shifting the visas that were arranged with the Castro government to apply to those folks in Guantanamo so that they can come here rather than some other folks that Fidel Castro might choose.

Senator GRAHAM makes a convincing case that Fidel Castro has violated the agreement that was made in New York with him at the United Nations because he is already charging a thousand dollars for visas for victims of his regime to leave, which is a real extraordinary—it would be a crime in this country, I guess.

I believe very strongly we should encourage our allies to tighten the embargo. It is extraordinary to me that Mexico and Canada and Venezuela and our good friends in France and Spain are trading only with Cuba, sustaining the Castro regime. There are solutions but we don't have much time. We must deal with the issue that is there.

WHERE ARE OUR PRIORITIES?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Oregon [Ms. FURSE] is recognized during morning business for 5 minutes.

Ms. FURSE. Mr. Speaker, I believe that every American wants, and is demanding that Congress change the way

it does business. I am committed to changing our spending priorities, and that is what I have been working on. We must cut unnecessary spending, cut waste, and eliminate programs that do not work—like star wars—and we must invest in our citizens and in our communities. That is true national security.

Everyday the Republicans come here to the House floor to talk about their Contract on America and how they are living up to their promises.

To clear up some confusion about exactly what is a contract, I consulted Webster's dictionary. It says that a contract is "a binding agreement between two or more persons * * * a covenant." However, only Republican Members and candidates signed that contract. The American people did not sign that contract. And now the Republicans are not even keeping to their so-called contract.

They promised a vote on term limits to be completed by today. But there was no vote. The majority leaders say "they don't have the votes." That's interesting. For the past 2 months they have been voting in near perfect lock step on every issue that impacts the lives of women, children, and seniors. But when the issue affects themselves, they pull the vote.

The American people want change, but they want a Government that's leaner, not meaner.

After ducking the bill that would affect Members jobs, we are now confronted with a rescission bill where 63 percent of the cuts are in programs that help low-income children and seniors, and not one penny is cut from the Pentagon. Is this what the people said last November? Cut the funds that keep children and seniors out of poverty, but don't touch wasteful Pentagon spending? I don't think so.

America signed a real contract with the men and women in our armed services. But this rescission will cut $206 million from veterans programs.

Is that what the people asked for last November?

I don't think so.

Why is a phony, one-sided contract more important than a genuine contract signed with our veterans?

To make matters worse, we are not even allowed a real debate on real choices. Is this what the American people said last November? Cut summer jobs, drug-free schools, and low-income heating for seniors, but don't let other choices even be discussed? Doesn't sound very democratic to me.

And lastly, Mr. Speaker, if that wasn't enough, not one penny of these cuts to summer jobs, drug-free schools, and low-income heating for seniors will reduce the deficit. This money taken from seniors and children will go for tax cuts for the wealthiest Americans. Taking money out of the pockets of seniors and children, as well as for future generations and put it in the pockets of those making over $100,000. I ask again, is this really what the people said last November?

At last, under the 1993 budget, we finally get the deficit going in the right direction—down. But now we are being asked to do voodoo economics all over again. Increase Pentagon spending. Cut taxes on the rich. Drive up the deficit.

I believe that what the people said last November was they want new priorities. They want us to bring common sense to the decisions we make here.

So I would like to remind my Republican colleagues that all of us have a real and binding contract with every citizen in this country. And that is to make our schools competitive, our streets safe and our communities strong. That is the real contract we have with our citizens. It is not a one-sided agreement.

The people in my home State of Oregon overwhelmingly approved a term limits bill. On the first day of this session, I introduced a term limits bill that mirrors the one Oregonians approved. Numerous States have also overwhelmingly supported term limits. The American people have spoken. They want us to vote on term limits, and they don't want a phony excuse. It is time for the Republicans to honor their own contract and the real contract that we have with the American people.

OSHA'S REGULATORY EXCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I believe that the American people are frustrated by regulatory process that creates impossible standards. Every day, small businessmen and women are pulling their hair out trying to keep up with unrealistic and overreaching regulatory mandates they cannot possible comply with. I know that the guardians of the old status quo will scoff at this, but I need only to point to a proposed OSHA rule to make my point.

Mr. Speaker, allow us to consider for a moment OSHA's proposed revision to its confined spaces standard. This applies to people who work in sewers or air ducts or in similarly tight quarters. In the abstract, this is a very reasonable subject for OSHA to be concerned with and employers have a responsibility to workers working in such confined spaces to make sure that their work spaces are as safe as possible.

However, OSHA has taken this a step further. Now OSHA wants to regulate what happens after an accident. If the revised standard is implemented, employers who rely on rescue squads and other outside rescue services to respond to emergencies would have to, and I quote, "ensure that the outside rescuers can effectively respond in a timely manner to a rescue summons," end quote.

Since most employers do not have an entire team of emergency medical technicians standing on guard at their worksites, it is reasonable to assume that these employers will be dependent upon the performance of professional rescue squads to meet OSHA's standards.

Mr. Speaker, accidents do happen. We funded OSHA to try to cut down the chances that a workplace accident would occur. Now OSHA wants an employer to ensure the rescue of a worker after an accident. What bothers me is OSHA's use of the word "ensure." The word "ensure" places an unrealistic burden on the employer, given OSHA's past behavior.

Mr. Speaker, perhaps the bureaucrats over at OSHA have doubts about an employer's desire to ensure a worker's rescue in case of an accident. I have little doubt that employers, often in family businesses, care about their employees, but given OSHA's history, I have serious doubts about allowing OSHA to define when an employer has done enough. I can just see OSHA slapping the employer with a huge fine if a rescue squad gets stuck in traffic.

Even if the employer makes a good-faith effort to provide rescue services, he or she could still be hit with a prohibitive fine if it does not meet with OSHA's ambitious standard.

Mr. Speaker, now OSHA claims that the employers' compliance with this proposed revision will not be based solely upon a rescue service's actual performance during any single incidence, but rather upon the employer's total effort to ensure that the prospective rescue service is indeed capable in terms of timeliness and training and equipment of performing an effective rescue, but what we have seen in the past is that OSHA implements a rule or a standard that sounds very reasonable in the Federal Register or before a congressional hearing; however, when a rule is enforced out in the field, it is used as a big stick to harass hard-working Americans.

Is this just another way for OSHA to fine hard-working Americans and collect more money for the Federal Treasury? Not until a great outcry is heard does OSHA consider providing a clarification of its standards or rules in order to ensure that it is not used to harass hard-working Americans. OSHA has shown again and again that regulatory excess is an addiction and they just cannot seem to kick the habit.

Mr. Speaker, I hope that in this case, OSHA's enforcement of its rules does not cause more problems than it is intended to prevent. You can be sure that I will be watching and listening just in case this is not true.

OSHA is one agency that has turned a reasonable and an important mission

into a bureaucratic nightmare for the American economy. Common sense was long ago shown the door over at OSHA. OSHA is one agency that needs to be restructured, reinvented, or just plain removed.

BE ALL YOU CAN BE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am very proud to take the well today wearing this ribbon which was given to me by the Girl Scouts, because the Girl Scouts today are asking adults to wear this ribbon and be the best that they can be. I think that that is a good motto for all of us as Americans. We probably ought to do it everyday, but this is a special day and I, as an ex-Girl Scout and a mother of a Girl Scout, am very, very proud to be here and be talking about that.

So I got to thinking, well, now, if you took this and applied it to the Federal Government in Washington, why do people get so frustrated with this and what would "be the best we could be" mean at the Federal level?

Well, it seems to me that one of the things that we don't do at the Federal level is model what the average family does at their kitchen table. At the average family kitchen table when times get tough, the last thing they do to make budget ends meet is cut the children. They will try to hold the children harmless from budget cuts absolutely as long as possible, and yet this week, the first thing we are going to do as we try to find the first round of budget cuts, and these are just for big tax cuts and they are for disaster relief in California, we are going to cut children. That is going to be our very first thing, our very first budget cut act. Heaven only knows what we will do to them when we get to the next round where we are dealing with the deficit.

Now I remind you that children did not cause this deficit, nor are they asking for big tax cuts. They would just like a school lunch, thank you, and they did not cause the disaster in California or other places. But I think the thing that is really harming and the reason I think our priorities are so wrong right now is that while this body has been discussing risk assessment, risk assessment, risk assessment, and we were doing this all across the board when it came to regulations, and many people agree, yes, we should look at that, but why are we not looking at the risk assessment on the next generation of children which will people America's 21st century if we continue on with these budget cuts?

Now, what are some of the things that we know? When I chaired the Committee on Children, Youth and Families, we had all sorts of CEOs from corporate America join us looking at the cost-effectiveness of Federal dollars spent for children, and the best money you can save is investing in a young child, because you are saving it later on, saving it later on.

We got all sorts of incredible numbers that are a big surprise. If you vaccinate every child—and as you well know, America is way behind in vaccinating children, many Third World countries do a much better job—the studies we have been showed is that it is $14 to the taxpayer later on. So one dollar for a vaccination, every one dollar spent on that saved $14 later on. That is not a bad deal. I have never been able to invest my money like that in any other area.

When you put children into Head Start, for every dollar we spent on Head Start, you could show a $6 saving in special education that the taxpayer would pick up. For feeding children, for every dollar you spent in WIC and for every dollar you were spending in child nutrition programs, you way more than made the money back in not having to spend it in Medicaid.

You know, we go around all the time, too, saying children must say no to this, children must say no to this, we must give them things to say yes to, and that is what we are doing. We are taking a lot of the same "yes to's" away.

We are totally taking away summer jobs. We are taking away many of the youth programs. We are cutting back many of the others so that localities are going to be really strapped, and I must say, as the prior gentlewoman from Oregon said, when you are taking 63 percent of these cuts out of a group of programs that only make up 12 percent of the discretionary budget. I think we are going down real heavy on the kids.

This is not across the board. We are not going after $600 toilet seats. Oh, no. those are sacred cows. We are not going after other things. No no, those are sacred cows. Why? Because they have political action committees that can come protect them with all sorts of money for campaigns. They can organize and they can vote.

Children don't vote. They don't have political action committees, and I think if we are going to be the best that we can be, we have got to reconsider these cuts this week because I think it is really—maybe you think it is penny wise, but it is long term and pound foolish.

RESCISSION CUTS ON JOBS PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN is recognized during morning business for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to talk about two programs. First this week we will be considering a rescission bill and the activities that I was involved in over the weekend, but also talk a little bit about the School Lunch Program. But first let me talk about the rescission bill that Congress will be voting on this week.

This last Saturday in Houston, I had the opportunity to, at 8 o'clock in the morning, to go to our city hall in the city of Houston and see hundreds of young people and not so young people who were there at 8 o'clock on a Saturday morning getting prepared to go out and work in the community.

The rescission bill we are going to vote on this week will definitely cut part of the national service, the Americorps Program that serves Houston, and I have served Houston Program in Texas. We started with really no program last year and we have become such a great serving institution for the community.

Let me talk about the Corporation for National Service on a nationwide basis and then bring it down to how it affects Houston: AmeriCorps, Learn and Serve, and the Senior Corps. They work full or part-time in local organizations addressing community needs. We have 60 of them in Houston that serve Houston, 60 positions. I wanted more but we couldn't do it as a startup, 33,000 more with 1995 moneys and 47,000 more with 1996 moneys, but again, the rescission bill will cut us back.

This would complete the contract that a bipartisan Congress made with our young people with the National and Community Service Fund Act of 1993, but we cannot do it if we pass the rescission bill this week with those cuts.

Learn and Serve America, elementary and high school and college students participate in activities that address community needs and they enhance their own academic skills. Approximately 375,000 elementary and secondary school and college students participate, growing to over $588,000 if we had the 1996 funds.

The Senior Corps, Americans 55 or older serve in local communities on a part-time basis and they provide, for example, modest stipends for foster grandparents, and I have received a lot of mail and phone calls this week from senior companions, 480,000 seniors participate today, and if we could take it out of the rescission bill, we would be able to increase that just a small amount to 510,000.

The cuts in the Americorps is wrong and should not be because it is one of the best programs we have. If we are really going to reform welfare, we need to make sure we reform it by giving people that job experience and those jobs.

Let me talk about another example of the Saturday I was with the Summer

Jobs Program that is sponsored by Houston, works at the cooperative effort in a number of our local governments. We have 2,000 jobs in my district that are summer jobs that are part of that program, 6,000 in Harris County alone. And my concern, by the rescission bill that cuts those 6,000 jobs, we are going to lose out and three or four individuals who were there Saturday who were graduates of the Summer Jobs Program.

We have a young lady, Marilena, who now works at a radio station in Houston who got her start in the Summer Jobs Program. Wilbert, who now is a supervisor for the city of Houston in waste water, got his start in a summer jobs program. Laquista is a young lady who made the news in Houston who got her start working at a summer jobs program and now is supervising cleanup in our community for the city of Houston. Arti, who not only works in my office, but is also a student who got her start in the Summer Jobs Program.

Too often we hear that the majority party now says that there is no benefit to these summer jobs program, but there is a benefit, and Saturday morning I had four people who were graduates who are now productive citizens today because of the Summer Jobs Program. And to cut out 2,000 young people in my own district or 6,000 in the county or thousands all over the United States for a 6-week Summer Jobs Program is wrong because what we are doing is we are having some short-term savings that provides for some short-term tax relief; but in the long term, the American people in our country will lose the values of those talents of those young people whether it be in the Summer Jobs Program and productive citizens or whether it be in the Americorps and Serve Houston where we are losing not only their talents now in helping our community, but we are going to lose the experience they are getting now through Serve Houston and through Americorps for the future of our country.

We cannot be penny wise and pound foolish and lose that effort right now. And that is my concern, that the Congress this week needs to make sure that we do not cut these programs out of the rescission package. We do not need to cut those programs now and say we are going to provide for additional tax cuts now and cut out those 2,000 young people in my own district who have a summer job for 6 weeks.

□ 1300

THE RESCISSION BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. BROWN] is recognized during morning business for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, yesterday I was in Twinsburg, OH, in my district, Ohio's 13th District in northeast Ohio, visiting the community center and meeting with parents, children, teachers, and nurses and talking about the Women, Infants and Children's Program and the School Lunch Program.

Some of the people I met with, some of the parents, were unemployed. Most of them were working part-time or full-time, generally for minimum wage. Often many of these parents, basically all of those parents' children were getting school lunches, because their income was not high enough that they paid full price for these lunches.

Those parents, those teachers, those children, especially those nurses, could simply not understand why extremists in this body, in Congress, want to cut school lunches, want to cut senior nutrition, want to cut programs like Women, Infants and Children; Programs that have been in effect, in terms of the School Lunch Program, for literally five decades, started by Harry Truman in 1946.

Other programs, like WIC, that have been in effect and working for a couple of decades. Programs that help young people grow, help pregnant women, help those children with nutrition and counseling. The WIC program, especially. And this was what was called a WIC center in Twinsburg.

The WIC Program is not just a giveaway program. It is a program where working class mothers come in with their children, come in while they are pregnant and get some nutritional supplements and are counseled, generally less educated women are counseled about nutrition while they are pregnant to make sure they have a healthy baby. The, after the baby is born, for the next 5 years they come into WIC regularly and are counseled about nutrition and can get immunized, either there or are directed where they can get immunized in the first 2 years of the baby's life; all the things that we need for the future of this country.

These people did not understand why the extremists in Congress want to make these cuts. What they did understand is that School lunches, Children's nutrition Programs, programs like counseling for WIC, immunizations, all these things are the investment for the future and they make sense for this country.

They do understand that, OK, we might save a few dollars making cuts now, but in the end, long term, we will pay more money for welfare for children as they get older and have bad nutrition and did not have the advantages when they were younger. They are more likely to be on welfare and more likely to be in prison. And these young families did understand that. That that simply is bad public policy long term.

I am a deficit hog. I voted for budget cut after budget cut after budget cut in this body. But we should not be stupid about it. There is no reason to make cuts that affect our children and affect our future the way that cutting school lunches and cutting programs like WIC and nutrition programs like that would mean.

Three weeks ago this body passed an increase in military spending of $3.2 billion. The extremists here are cutting nutrition, children's long-term-for-the-future programs on the one hand and increasing military spending $3 billion on the other hand, for a military in a country where our military budget is larger than the next nine countries in the world. Yet we are increasing military spending, cutting school lunches and WIC Programs, and at the same time the extremists in this body want to see major tax cuts for the wealthiest taxpayers.

Just recently the Republican leaders in the Committee on Ways and Means have called for an end to the alternative minimum tax. You may remember about 10 years ago President Reagan and most of the country were outraged that many large corporations in this country were able, through all kinds of use of accountants and lawyers and all their tax breaks and loopholes, literally to avoid paying any Federal tax and sometimes actually getting the government to pay them money through some rebate programs.

Many large corporations fell into the category. So Congress and President Reagan enacted something called the alternative minimum tax to make sure that every large corporation in this country did, in fact, pay some corporate income tax to the Government. They want to eliminate that alternative minimum tax. On the one hand we are increasing military spending, we are eliminating a tax on major corporations—these are corporations that have $250 million or larger in assets—and we are cutting Nutrition Programs and School Lunch Programs and WIC Programs.

In the other end of that, they want to give capital gains tax breaks which will go to the richest 1 or 2 or 3 percent in this country, in large part. The great majority of capital gains, 87 percent of capital gains cuts, go to the wealthiest people in this country.

This whole Contract With America disturbs me, Mr. Speaker, because it is transferring money from the middle class to the rich. It doesn't make sense and I ask for the defeat of the rescission bill this week.

UNHEALTHY KIDS DO NOT MAKE A STRONG AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 5 minutes.

Mr. DURBIN. Mr. Speaker, I am sure that many of my Republican colleagues

were busy this past weekend, as were by colleagues on the Democratic side of the aisle. I wish some of my Republican colleagues who have proposed these cuts in programs might have accompanied me on my trip through Illinois.

My first stop was at a convention in Chicago sponsored by the Illinois Education Association, one of the largest groups of teachers in our State. Almost a thousand teachers met for a 3- or 4-day conference in Chicago to talk about issues on their mind.

I sat down for breakfast in Chicago with Gary Jones, a high school teacher in Troy, and Cindy Klickna from Springfield, IL, and I said, "What is different about this convention?" And they said, "The budget moved through quickly and we are glad to see that. But there is another thing that started coming up in the course of these conversations which is becoming more and more popular." And I said, "What is that?" And they said, "Security in schools."

Teachers who for years have been meeting and talking, scarcely talked about the question of security of teachers and students in schools. But now it has become an issue of paramount importance, not only in the city of Chicago but across the State.

All of us understand as we read in the newspaper about violence among kids. Children bringing knives and guns to school. Unfortunate and tragic incidents involving injury and death, schoolchildren one to another and threats to teachers. This is today's reality.

The reason why this is relevant is that this week on this floor of this House of Representatives we will be considering a Republican rescission bill, which is a spending cut bill, which will cut money for what is known as Safe and Drug-Free Schools. Money that we have put into a special account in the Federal Government to give to school districts to figure out ways to make if safer for our children and grandchildren to go to school.

I wish we didn't have to do this. I wish we could put the money into computers and teachers. But every one of us knows in our heart of hearts that more than anything we want our kids coming home at the end of the day safe. Safe. And yet we are going to cut millions of dollars out of that.

The Republicans believe this is thoughtful; this is sensible. They don't think this investment is necessary. I wish a few of them could sit down with the teachers in today's schools who will tell you that taking the weapons out of schools, stopping the fighting in schools, and ending the drugs that are starting to permeate all of our kids' culture is really the key to security and the key to America's future and readiness.

I went back to Springfield, IL, which is in my district, and had another meeting and this meeting consisted of people representing the WIC Program, day-care homes, and school lunch programs. My friend the gentleman from Ohio, SHERROD BROWN, has talked about the school lunch program. I will not dwell on it.

At that meeting we talked a lot about what day care means to working mothers and fathers. A young couple in their 20's came in to see me with their children; one was 3 and another in a toddler seat. Both of them are working, and that is not unusual in America today, and they depend on quality day care to take care of their kids while they are off to work.

The Republican proposal on welfare reform is going to cut the nutrition grants which we give to day-care centers and homes across America. This is in the name of saving money. What these families told me was: Congressman, if the cost of day care gets up too high, it does not make sense to work. We are working to pay day care. We want to work. We want to pay taxes and we want to improve our lives and buy our homes and prepare for our future. But do not make an additional burden on day care, which is literally going to pull the plug on a lot of working families.

In Quincy, a week ago, there was a woman working 45 hours a week in fast food who had her daughter in day care who said, "If you are going to raise my day care bill 20 percent, I have to stop and really think does this make sense anymore?"

In the midst of a welfare debate we should be encouraging people to work. We should be helping them to stay on the job. We should not be increasing the overhead costs of going to work.

The same thing is true on the WIC Program. Here is a program which is a dramatic success—40 percent—40 percent of the infants in America are in our Federal WIC Program. And you know why it is such a big program? It works.

We have dropped the infant death rate in America. It should go even lower, but we have dropped it dramatically because we bring in pregnant mothers. You meet early on with a counselor who says, "Here are the things you should put in your diet to have a healthy baby. And here are the things to avoid: Alcohol, narcotics and tobacco, especially."

And it works. We know it works. It is a proven success. And yet, the Republicans are coming in with their new vision of America to cut out these programs and reduce the amount of money we put in them. You know when we are going pay for that cut? Generations to come. Unhealthy kids do not build a strong America. We have got to stick with the programs that work. And I hope my Republican colleagues will get back to their districts and take a look around.

THE RESCISSION BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, tomorrow we will consider the rule and the bill on rescissions. That $17 billion cut will begin to fundamentally change the way the Federal Government acts and responds, but more importantly, will begin to change the fundamental way we respond to Americans.

While I suspect both will pass, I intend to oppose both the rule and the bill. The rule is too restrictive. First, it only allows the restoration of programs through other cuts within the same chapter. And second, the rule restricts cuts to those programs already proposed to be cut. In short, the rule is designed to ensure that the disproportion in cuts proposed cannot be changed.

According to the analysis of the Center on Budget and Policy Priorities, low-income people will bear 63 percent of the cuts, where they only account for 12 percent. And over 12 percent of the total budget is paying 63 percent of the cuts proposed. The rule makes it virtually impossible to correct that imbalance of the shift of more burdens to the poor.

I cannot support such a rule, Mr. Speaker. Again, I cannot support such a rule that reverses in such a basic and elemental way the way in which we provide for the quality of life for the poor that Americans have come to expect and in fact, have come to rely upon.

The rescission bill would change how poor people eat, where poor people live, and where the poor people work, and what they can learn, and where they can travel, and how poor people can attend to their health care when they are in need.

It should be noted that the quality of life for poor people cannot be changed significantly or dramatically without affecting the quality of life of all of us. We all live in America and as they are affected, we are also affected.

If poor become poorer in our society, the resources from those of us who are affluent and rich certainly will be drained. If poor people are not involved in the mainstream of our economy, the mainstream of America will suffer as a consequence of that.

In our blind rush to change things, it seems that we are ignoring these changing factors. To review some of these changes, let's consider that again according to the Center on Budget and Policy Priorities, the low-income elderly will be the hardest hit by a rescission. Why? Because the low-income energy assistance program will be eliminated from these cuts. More than half of a million senior citizens will no

longer have assistance in the cold of winter for heating purchases.

Also the low-income housing assistance program will also be drastically reduced. Poor children will be hit very, very bad by this bill. Excluding the housing and the energy assistance programs, $5 of every $6 proposed for the cut will affect children and youth. Children and youth thus far will face a double hit, because they also are assisted by the assistance for housing and also for fuel assistance.

More importantly, to receive no assistance means that low-income families with children must bear a disproportionate burden. The availability of housing for the poor will be made far more difficult if, indeed, the rescission package goes through.

These are fundamental changes in the quality of life of our citizens. While poor children will be cold, they may also be malnourished. Despite facts and statements to the contrary, more cuts in nutrition will indeed, occur, Mr. Speaker, despite the fact that the opposing side is saying that that will not happen.

Consider this fact: The WIC Program will be cut by $25 million in this rescission package, even before we get to the welfare reform next week. So to suggest that we are not cutting, we are going to make sure that children, pregnant women, and the very small suffer the most.

Why are we doing this? Where is the rationale for making these drastic cuts? In a sense, Mr. Speaker, we are imposing unfunded mandates on the States. I submit to you, by cutting these funds we are shifting the burden from the Federal Government to the States. And it will be, indeed, the expectation of the poor and those who have come to rely on these, they will now go to the States or to their local Governor expecting them to bear up this burden.

The States will have very little, I suspect, in responding to those who are cold in the winter, who are ill-housed. Therefore, Mr. Speaker we should not be doing this.

Funding for safe and drug-free schools, as my colleague has just mentioned to you, will be drastically cut. Some $482 million will be lost, including $9 million, Mr. Speaker, from my State of North Carolina. And for those lucky enough to receive training, they will not have jobs to go to because transportation will be cut.

Mr. Speaker, it seems to me that the rescission bill really is a contract for disaster for poor people in America.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 13 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Pour down upon us, gracious God, the mercies and the judgments of Your word. Where we have missed the mark, grant us correction; where we have denied Your spirit and gone our own way, grant us forgiveness; when we have spoken the truth and done good works, give us encouragement; when we feel alone or in need of Your healing care, grant us Your abiding peace. We place before, O God, our prayers and the secret petitions of our hearts asking that Your word speak to us in the depths of our being. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HASTERT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HASTERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Illinois [Mr. HASTERT] objects to the vote on the ground that quorum is not present and makes the point of order that a quorum is not present.

Pursuant to clause 5 of rule I, further proceedings on the question will be postponed until 5 o'clock this afternoon.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. FUNDERBURK] come forward and lead the House in the Pledge of Allegiance.

Mr. FUNDERBURK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS OF REVIEW PANEL OF THE OFFICE OF FAIR EMPLOYMENT PRACTICES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of rule LI, the Chair appoints to the review panel of the Office of Fair Employment Practices the following employees of the House of Representatives: Ms. Elizabeth Haas, legal counsel, Office of the Clerk; and Mr. Randy Johnson, workplace policy coordinator, Committee on Economic and Educational Opportunities.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the Congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and Congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

BLOCK GRANTS DO NOT FEED CHILDREN

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, after just 67 days in power, the Republicans are now known as the party that cut school lunches.

Today, they are actually trying to convince us that block grants will be better for children.

But that is not what they said in the past.

In 1982, Congressman WILLIAM GOODLING said, and I quote: "a child's nutrition needs do not vary from State to State."

Senator BOB DOLE said: "The nutrition area is one that does not easily lend itself to State responsibility" and added "It is appropriate that the Federal Government retain primary responsibility for nutrition programs."

And Speaker, GINGRICH himself cosponsored a resolution which said, and I quote, "the Federal Government should retain primary responsibility for the child nutrition program and such programs should not be included in any block grant."

Mr. Speaker, block grants do not feed children.

Republicans understood that in the past. But now that they need the money to pay for their tax cuts for the wealthy, they seem to have forgotten.

Well, I promise you this, Mr. Speaker: the American people will not forget.

PUT THE FARMER FIRST

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, I have often said that farmers are the backbone of my district. The Second District of North Carolina from Rocky Mount to Dunn is the second largest producer of tobacco in America. We also have hundreds of soybean, peanut, and livestock farms. Unfortunately, Washington treats these hard working Americans like criminals. It taxes and regulates them.

A classic example of Washington's war on farmers is the tax penalty the IRS imposes on those who pass farmland down to their family members. Farmers have 2 years to notify the IRS that someone has died.

The catch is that the IRS has not made hundreds of farm families aware of this requirement. For farmers who do not have time to read the IRS fine print, the tax police demand back taxes and penalties which are so severe, that these farmers are now in the position of having to sell their farms to pay the tax man.

Mr. Speaker, the farmer has had enough—enough of interference, enough of redtape, and enough of the IRS. Let us do something right for the men and women who put the food on the table. For starters let us pass H.R. 501, which allows farm families to hand their farms down from each generation without fear of the IRS.

FREEDOM OF CHOICE ON BUDGET CUTS

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, this is a place where we come to make choices. Many of us, both Republican and Democrat, are ready to make choices to reduce the Federal budget, but today in the Committee on Rules, the Republican leadership of the Committee on Rules is ready to deny us a choice, a series of choices, that the American people have a right to hear us make.

This week on this floor, we will have presented to us a $17 billion budget cut proposal by the Republican majority. Some of us agree that the budget ought to be cut, but ought to be cut in different places. We want to offer an amendment that would say: "Let us not take home heating assistance away from senior citizens across this country; instead, let us take the money from the S&L bailout. Let us not take money away from reading teachers for children across this country; let us take the money from energy subsidies to huge multinational corporations.

We are not going to get the right to make that choice unless the rule proposed by the Republican leadership is defeated. Honor your Contract With America, open up the promise, and defeat this rule.

REPUBLICANS PROMISE DELIVERY ON FIGHT TO PRESERVE THE AMERICAN DREAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, you will hear a lot of whining, weeping, and gnashing of teeth on the other side of the aisle in the coming days. You see, the liberal Democrats just cannot accept that under our Republican tax relief plan, Americans will actually be allowed to keep more of their own money.

The liberal Democrats think all money belongs to the Government.

They think the Government needs the money more than working families do.

They think Government does a better job of spending your money than you do.

And they cannot accept that the bloated bureaucracy will be reduced to pay for much-needed tax relief.

They think Government should be even bigger.

They think Government does just a wonderful job of delivering services.

They think the Government needs a raise.

But Republicans will put Government on a diet. We will read every page, check every line, and challenge every figure in a search to cut waste, fraud, and abuse.

This is nothing less than a fight to preserve the American dream for our children. And we will deliver.

THE SHAMEFUL REVERSE ROBIN HOOD POLITICS OF THE REPUBLICAN PARTY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, why are Republicans cutting school lunches for our children, heating assistance for our seniors, and health care for our veterans? To pay for yet another tax cut for the wealthy.

Last week we finally got a look at the Republican tax giveaway, and we found that 50 percent of the benefits of the Republican tax cuts go to people making $100,000 or more. The capital gains cut is worth $8,000 to families making $200,000 or more, while working middle class families making $30,000 or less would only get a tax cut worth $92.

Mr. Speaker, I say to my colleague who just spoke, yes, that is a fact, it is a diet, it is a diet for the working middle class families of this country. Cutting services for the most vulnerable to benefit the most privileged 2 percent of Americans is wrong. The reverse Robin Hood politics of the Republican Party is shameful.

TELL THE AMERICAN PEOPLE THE TRUTH

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, I have come to the floor of the House to confront my Democratic colleagues who seem more intent on distortions, regarding the future of the School Lunch Program, rather than promoting the health and safety of our Nation's most precious asset—our children. I hope these individuals abandon hollow political rhetoric and tell the American public the truth. The Republican plan is growing school meals by 4.5 percent. Tell the American people the truth. By the year 2000, we will be spending $1 billion more on school lunches than today. Tell the American public the truth, Republicans are cutting out Federal bureaucrats and bringing school lunches closer to home.

Mr. Speaker, for the sake of our children, let us hope the Democrats end this partisan charade and tell the truth about the Republican school lunch proposal—increased funding, more meals for the children who need them, and fewer Federal bureaucrats micromanaging our lives.

MEXICO DOES NOT DESERVE COMMENDATION FOR THEIR WAR AGAINST DRUGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 2 out of every 3 tons of cocaine that comes into America comes from Mexico and through Mexico. Brown Mexico heroin is as plentiful in American cities at times as jelly beans. Three assassinations in Mexico were recently now attributed to the drug cartel down there in Mexico.

It has gotten so bad Mexicans are running across the border with backpacks full of cocaine and heroin, and guess what, the administration commended Mexico for their war against drugs.

Beam me up, Mr. Speaker. Commending Mexico for their war against drugs is like commending Iran for their record on terrorism. I think NAFTA has taken on a whole new meaning. It now should be known as the "Narcotics Anonymous Federal Treatment Administration," and believe me, we need it.

I think the truth is, I remember when the administration gave a pat on the back to Gen. Manuel Noriega for his efforts on drugs. Think about that one a while.

THE IMPORTANCE OF BIODIVERSITY

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, today, I would like to discuss an interesting story about the Endangered Species Act. As the Resources Committee begins to hold hearings on this issue, it is imperative that important facts about endangered species and biodiversity be known. The ESA is vital to maintaining our natural resources and to maintaining our quality of life.

I would like to illustrate this by discussing an endangered plant called the Lake Placid scrub mint which is found in only 300 acres in Central Florida. Scientists discovered that insects were not eating this rare plant. With further analysis, scientists found the plant contained a strong natural insect repellent called trans-pulegol, as powerful as any known insect repellent. The possibilities for agriculture are enormous.

Scientists also discovered a symbiotic fungus growing on the plant which had evolved only in association with this plant and therefore, was an extremely rare fungus. More analysis found this fungus produced an agent which had strong antifungal properties, with potential for pharmaceutical uses.

What are the real-life implications of discovering such agents in rare plants? Curing an array of diseases.

The $79 billion pharmaceutical industry relies on natural resources for 40 percent of its prescriptions. Rare plants and animals may very well hold the key to curing the common cold, AIDS, and cancer.

URGING MEMBERS TO COSPONSOR LEGISLATION TO OPEN FEDERAL HEALTH CARE CHOICES TO SMALL BUSINESS EMPLOYEES AND TO SELF-EMPLOYED AMERICANS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, I am wearing this blue ribbon because the Girl Scouts today are asking everyone to be the best that they can be, and to take some kind of a pledge to try and make our communities better.

One of the things I would hope Members would do would be to seriously consider cosponsoring the bill I have, because I think it would make Americans' lives better. What would it do? I have a bill that would allow anyone who works for a small employer or who is self-employed to be able to bid off the same Federal menu of health care choices we as Members of Congress get to, the President gets to, and Federal employees get to.

Boy, would that give people some choices and put them in a large pool where their premiums would be much more reasonable.

Mr. Speaker, I include for the RECORD this editorial in Roll Call this week talking about how the Speaker of the House has put on the payroll once a year for $100 his fundraiser, so she could have access to that health care.

Let us avoid this. Let us let everyone have it, and let us move on.

The editorial referred to is as follows:

THE $100 A YEAR CLUB

Her fundraising services were worth $16,000 to Rep. Newt Gingrich's (R-Ga) campaign between 1990 and 1993; helping Gingrich's Congressional staff learn how to answer constituent mail brought Nancy Bocskor a measly $100 a year. So, why did she bother? The hundred bucks Bocskor earned on Gingrich's payroll enabled her to maintain her participation in the federal employees' health care plan—a far cheaper and better alternative than buying private insurance (Roll Call, March 9). Nothing wrong with that, says Gingrich spokesman Tony Blankley. It's all legitimate under the rules. The question, Blankley says, "is whether the procedures should be changed, if somebody thinks they are not correct." Well, we do. Bocskor is a political fundraising consultant, not a real Hill employee. She shouldn't gain access to official benefits just because she performed a minor—though politically valuable—service to Gingrich. Neither should anybody else in the $100 a year club.

ENCOURAGING MEMBERS TO JOIN IN SPECIAL ORDER ON TIMBER SALVAGE

(Mr. COOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, tonight, time permitting, I will be giving a very important special order on timber salvage, an issue that is vital to my district and the West.

I will explain at length the necessity of salvage and the benefits to the environment, economy, and Federal budget.

I invite everyone to watch in preparation for tomorrow's debate. We will be embarking on a course that brings our timber policy back to sanity.

For too long we have fought battles against those whose idea of preservation is pickling our national forests and putting them on a shelf with a do not disturb sign. It is time to wake up and change this destructive mentality.

Tonight, I, along with several of my colleagues, will try to dispel some of these myths. I am looking forward to this opportunity and encourage as many as can to join me.

□ 1415

REPUBLICAN BUDGET CUTS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I would like to make one more plea for reason and justice in the fiscal decisionmaking process of the 104th Congress. Mr. Speaker, through the rescission process, to immediately cut the Summer Youth Employment Program is a reckless and barbaric act. First, planned school lunch cuts and now the overnight zero in the budget for summer teenage employment. This savage cut again dramatically demonstrates the Republican contempt for the work ethic. We say we want the poor to work and then we wipe out the Jobs Program for teenagers. Instead of saving money by compounding the sense of hopelessness among our youth, let's save money by cutting the *Sea Wolf* submarine; let us cut the CIA and the intelligence budget from $28 to $14 billion.

If we cut farm price supports in half we could save $8 billion. If we discontinue the unnecessary manufacture of the F-22 fighter plane we could save $17 billion over the next 6 years. Using reason and a sense of justice there are effective cuts that can be made to reduce the Federal budget. But the hi-tech barbarian approach is a dishonest approach, an overwhelming bully power approach. Fiscal decisionmaking in the 104th Congress is now so lopsided that it is becoming a form of legalized

corruption. Let us please stop the madness now.

THE NEW SALT II

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, it is time for a nuclear moratorium, a moratorium on the thermo-nuclear rhetoric spouted by the Democratic White House and those who continue to defend the failed welfare state and skyrocketing deficits.

We talk of transforming the poor. They hold up children. We want to end subsidized illegitimacy. They hold up children. We talk about giving more flexibility to the States. And they hold up children.

Mr. Speaker, have they no shame? Children cannot and should not be used as political shields. We have the moral obligation to our children to reduce the deficit and reform welfare. It is because we care about saving the future for our children and grandchildren, and it is because we know that our children do matter that we are taking on the difficult tasks of cutting the Federal bureaucracy. We are willing to make the difficult decisions.

Mr. Speaker, it is time to sign the new SALT II treaty. S. Stop the rhetoric. A. Assume responsibility. L. Limit the bureaucracy. T. Tackle the problem. The nuclear rhetoric must end.

REPUBLICAN BUDGET CUTS

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, hearing about salt, I can only think of child nutrition. I can only think of our School Lunch Programs. I can only think about what we have heard from the people who are supporting and who are committed to one thing and one thing only, and, that is, this Republican contract.

They hate it when we stand up here, those of us who are fighting for our working families, and remind them that a cut is a cut if it does not meet the need. The need is what the goal is here, the need of our children to have a hot meal at school because that may be the only place they get it.

If you raise by 4.5 percent the money that is being spent, that is still not an increase if the need has gone up by more. If you cap that increase at 4.5 percent and the need does in fact go up by more, you are taking food from the mouths of our children. That is not what the voters have sent us here to do.

TAYLOR-DICKS EMERGENCY TIMBER SALVAGE AMENDMENT

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, much of our national forests in the West are sick and dying. Drought, disease, insects, and fire are killing our forest in epidemic proportions. Some forests are already 60 and 70 percent dead. We must restore the health of our forests before it is too late. The best way to do this is to remove the source of sickness as soon as possible. Insects and disease cannot kill living trees if we remove the infested trees from the forest. Dead brittle trees cannot become the kindling for wildfire if we extract them from overstocked timber stands. Mr. Speaker, if we really want to preserve our forests, then we must act now. The Taylor-Dicks emergency timber salvage amendment to the supplemental appropriations bill before the House this week will curb the death cycle in our forest. Mr. Speaker, I urge my colleagues to support this crucially important amendment.

REPUBLICAN RESCISSIONS PACKAGE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Republican Contract With America is not with middle class America. It is a contract to help well-to-do and corporate America. The middle-class hard-working people of this country are going to be paying for Republican tax cuts for the wealthy.

Here are the facts. Republicans will cut funding for every American who wants to choose educational television programs. Republicans will cut funding for veterans, for medical equipment that vets need even though more veterans need medical help. Republicans will cut funding for students by cutting drug-free schools, summer jobs for youth, academic scholarships, a total of $1.7 billion in education cuts.

Mr. Speaker, it is virtually certain that none of these cuts will go for deficit reduction.

Mr. Speaker, instead the savings will go to finance a capital gains tax cut, 76 percent that will go to people with incomes of $100,000 or more.

Mr. Speaker, this is not a contract with middle-class America.

REPUBLICANS CARE ABOUT CHILDREN

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, we just heard more baloney. The principal tax cut in the Contract With America is a $500 per child tax credit. If that is a tax break for the rich, then our friends on the other side of the aisle are sadly misinformed.

They can continue the scare tactics, the distortions, the out-and-out hysteria. It is time we told the truth. Republicans care about children and our numbers prove it.

We are growing School Lunch Programs by 4.5 percent per year for the next 5 years. By the year 2000, we will be spending $1 billion more on the School-Based Nutrition Program than today.

Yes, Mr. Speaker, it is clear that Republicans care about children and our numbers prove it. The American public should ask who the Democrats care about when they oppose a 4.5-percent spending increase for school lunches and $1 billion more by the year 2000.

Do they care about a School Lunch Program that is closer to home? Do they care about our children and their future or do they care about some Federal bureaucrats?

THE CONTRACT WITH AMERICA AND THE CONSTITUTION

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, the Republicans have a Contract With America. Unfortunately, they do not seem to care whether it violates this contract with America, the Constitution of the United States.

This contract with America, the Constitution, took another hit last week. They called it tort reform but what they did was federalize all the legal standards, and that, my friends, is contrary to the commerce clause and the 10th amendment to the Constitution.

Let's strike out another provision in the Constitution, punch it out again, punch it out again, my Republican colleagues. Your Constitution is going down the drain. Punch it out again.

MARCH MADNESS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. It is the commerce clause, the commerce clause is the part of the Constitution that gives the mandate to the Congress to do what we did last week.

Mr. Speaker, March madness usually refers to that time of year when all college basketball fans glue themselves to the television and become transformed into screaming, raving hoops fanatics. However, this year March madness has taken on a few new connotations.

March madness could refer to the wild distortions that the bitter defenders of big Government the liberal

Democrats, are spreading about the Republican welfare plan. March madness could refer to the scare tactics and the false hysteria Democrats have ignited among the poor children in America telling them that they will starve under the Republican majority. Finally March madness could refer to the fact that yet another member of President Clinton's Cabinet has become involved in yet another ethics investigation.

Mr. Speaker, what madness is next?

CUTTING CHILDREN'S PROGRAMS

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, activities occurring in the 104th Congress this week make very clear the warped priorities and bad economics of the Republican's contract on America. The warped priorities are evident in the programs subject to deep and painful spending cuts: school lunches, day-care nutrition, drug-free schools, and several other programs representing an important investment in our next generation. In short, help for our kids that our kids need.

And for what are these cuts being made? Being made to finance a tax package to be voted on in the Committee on Ways and Means, a package that represents the more you make, the more you are going to get. In fact, this tax package makes it clear the breaks are going to be even more lucrative in the future. Consider it the gift that keeps on giving for America's most privileged and powerful.

So there it is. Cuts in programs for our kids to fund tax breaks for the most privileged. The contract for America is bad news for this country because it is bad news for our kids.

FCC SPECTRUM AUCTIONS

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I want to today applaud yesterday's spectrum auction conducted by the Federal Communications Commission. The broadband auction for personal communications services resulted in bids of more than $7 billion, that is 7 with a "B", billion dollars, exceeding all previous estimates.

Pioneer preference licenses to companies using new innovative technologies resulted in bids of over $700 million. As many as 300,000 new jobs will be created as a result of these auctions.

They have been more than successful than I ever dreamed when I first introduced this concept a few years ago in that auction revenues now will approach an impressive $9 billion. This is $9 billion that will go to the Treasury. Rarely do we see an idea whose time has not only come but has produced the kind of revenue to the taxpayers that this particular provision has.

Our full Committee on Commerce tomorrow will consider legislation to extend the FCC's auction authority by the year 2000. We plan to continue in that vein.

REPUBLICANS ARE NOT CUTTING SCHOOL LUNCHES

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, I see where several of our colleagues on the other side of the aisle are up to their same old class warfare tricks. The gentleman from Michigan, the distinguished minority whip, said that Republicans are giving working Americans the cold shoulder. Well, the Democrats' class warfare will not wash with the American people.

Republicans are not out to cut school lunches. Actually our program will increase school lunches to the children of our country. We do not intend to cut the School Lunch Program. Our proposal will actually increase school lunches.

We offer incentives. Our proposals offer better opportunities. The Democrats offer the same old class warfare rhetoric with more taxing and more spending.

I urge the American people to look carefully at what we the Republicans are attempting to do, which is provide more school lunches for our school children.

□ 1430

TAKE FROM OUR FAMILIES AND GIVE TO THE BUREAUCRATS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, we are seeing a new version of Robin Hood displayed by the Democrats this week. They want to "take as much as possible from hard working families and give to the bureaucrats in Washington, DC."

Minority Leader GEPHARDT even called the Republican proposal to give a $500 per child tax credit to families "an appalling display of Republican indifference to working people." This tax credit will benefit approximately 50 million families—90 percent of whom earn less than $75,000 a year. Yet the minority party claims this is bad for working families.

Whose family would be worse off today with an additional $1,000 to help make ends meet? Whose family would be worse off with $1,000 to start a college education fund for their children? Whose family would be worse off with more of their own hard-earned money?

Mr. Speaker, it is time we start cutting bureaucracy here in Washington, DC, and returning control and money to American families. Despite what the minority party claims, the $500 per child tax credit is good for all working families and I urge my colleagues to support it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the three parties are hereby adopted and ratified as a matter of Federal law. These conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to the receipt of any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any other effect upon section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be the basis for any claim to land or money by Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 2. MINING CLAIMS AFTER LANDS CONVEYED TO ALASKA REGIONAL CORPORATION.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

"(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of the enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g) of this Act, shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings which would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made to the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in the place of the United States. All contest proceedings and appeals by the mining claimants of adverse decisions made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim or claims so conveyed.".

SEC. 3. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

"SEC. 40. (a) As used in this section:

"(1) The term 'contaminant' means hazardous substances harmful to public health or the environment, including asbestos.

"(2) The term 'lands' means real property transferred to an Alaska Native Corporation pursuant to this Act.

"(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of hazardous substances on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

"(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

"(2) existing information identifying the existence and availability of potentially responsible parties for the removal or amelioration of the effects of such contaminants;

"(3) identification of existing remedies; and

"(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on such lands.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

"There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.".

SEC. 5. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

"(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under section 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of the Kuupik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.".

SEC. 6. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKAN VETERANS FOR ALLOTMENTS.

(a) IN GENERAL.—No later than six months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (Chapter 2469; 34 Stat. 197), as such Act was in effect before December 18, 1971;

(2) an assessment of the potential impacts of additional allotments on conservation system units as such term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375); and

(3) recommendations for any additional legislation that the Secretary concludes is necessary.

(b) REQUIREMENT.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 7. TRANSFER OF WRANGELL INSTITUTE.

(a) PROPERTY TRANSFER.—Cook Inlet Region, Incorporated, is authorized to transfer to the United States and the General Services Administration shall accept an approximately 10-acre site of the Wrangell Institute in Wrangell, Alaska, and the structures contained thereon.

(b) RESTORATION OF PROPERTY CREDITS.—

(1) IN GENERAL.—In exchange for the land and structures transferred under subsection (a), property bidding credits in the total amount of $382,305, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94-204; 43 U.S.C. 1611 note), referred to in such section as the "Cook Inlet Region, Incorporated, property account". Such property bidding credits shall be used in the same fiscal year as received by Cook Inlet Region, Incorporated.

(2) HOLD HARMLESS.—The United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from Federal or Cook Inlet Region, Incorporated, ownership of the land and structures prior to their return to the United States.

SEC. 8. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Secretary is authorized to reacquire the interests originally conveyed pursuant to Patent No. 1240529, and, notwithstanding any other provision of law, the Secretary shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the clean up of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State or from the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 402. This bill is the result of a 2-year effort of the Alaska Federation of Natives, the State of Alaska, the administration, and my ranking minority member, the gentleman from California [Mr. MILLER]. I thank them for their dedication and hard work.

The bill is noncontroversial. Most of the provisions have already passed the House in previous Congresses but were not acted on by the Senate. We hope that the new congressional leadership will improve the track record on this bill.

Mr. Speaker, H.R. 402 makes several technical changes to the Alaska Native Claims Settlement Act of 1971 [ANCSA] and the Alaska National Interests Land Conservation Act to address some of the unresolved land issues which have arisen since the passage of these acts.

These include specific land conveyances to Native corporations, the clarification of mining authority and administration of mining claims on lands conveyed to Native corporations, a report on hazardous substances on lands conveyed to Native corporations, an authorization of technical assistance to Native villages to help with land reconveyances required under ANCSA, and a report on Vietnam-era veterans who were eligible but did not receive land under the Native Allotment Act of May 17, 1906.

Mr. Speaker, all these provisions are long awaited, but I feel very strongly about section 6 regarding unclaimed land allotments for Native Alaskans serving during the Vietnam war. Many of these Natives were in service overseas and were unable to file for their allotments. I do not believe that they should be penalized for fulfilling their patriotic duty. I hope that with this report, Congress will be able to enact additional legislation on behalf of these Alaska Native veterans.

The version of the bill before the House has a minor change from the version reported from the Resources Committee on February 8. In section 5, we have restored the right of a Native corporation to concur in the selection of oil and gas rights allowed under the act. Our minority has agreed to this small improvement to the bill.

I also want to thank Chairman KASICH and his staff for their thorough review of this bill in a short period of time and their cooperation in scheduling all the bills on today's program.

I urge my colleagues to support this measure.

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

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a bit puzzled by about how long it took the gentleman from Alaska to describe this bill. What is different about this picture?

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, if I may, there is nothing different about this bill at all. We are just bringing it up under suspension today.

Mr. STUDDS. Let me just say that I concur with this legislation which is substantially the same as the legislation we passed in the previous Congress, and it is without controversy. It is even a good thing.

Mr. Speaker, I rise in support of the legislation. The gentleman from Alaska has long been a good friend of his Alaska Native constituents and this bill continues that tradition.

This legislation was the subject of a hearing, reported by the committee, and passed by the House in the previous Congress. The eight diverse sections in the bill were largely developed in the course of negotiations between the Alaska Federation of Natives, the State of Alaska, and the Department of the Interior. This process was successful in fostering consensus and minimizing controversy.

I would note, Mr. Speaker, that this bill also reflects a tradition of bipartisan concern and cooperation within the committee when dealing with issues affecting Alaska Natives.

I urge support for the legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 402, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PURCHASE OF COMMON STOCK OF COOK INLET REGIONAL CORPORATION

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 421) to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes, as amended.

The Clerk read as follows:

H.R. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURCHASE OF SETTLEMENT COMMON STOCK OF COOK INLET REGION.

(a) IN GENERAL.—Section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) is amended by adding at the end the following new paragraph:

"(4)(A) As used in this paragraph, the term 'Cook Inlet Regional Corporation' means Cook Inlet Region, Incorporated.

"(B) The Cook Inlet Regional Corporation may, by an amendment to its articles of incorporation made in accordance with the voting standards under section 36(d)(1), purchase Settlement Common Stock of the Cook Inlet Regional Corporation and all rights associated with the stock from the shareholders of Cook Inlet Regional Corporation in accordance with any provisions included in the amendment that relate to the terms, procedures, number of offers to purchase, and timing of offers to purchase.

"(C) Subject to subparagraph (D), and notwithstanding paragraph (1)(B), the shareholders of Cook Inlet Regional Corporation may, in accordance with an amendment made pursuant to subparagraph (B), sell the Settlement Common Stock of the Cook Inlet Regional Corporation to itself.

"(D) No sale or purchase may be made pursuant to this paragraph without the prior approval of the board of directors of Cook Inlet Regional Corporation. Except as provided in subparagraph (E), each sale and purchase made under this paragraph shall be made pursuant to an offer made on the same terms to all holders of Settlement Common Stock of the Cook Inlet Regional Corporation.

"(E) To recognize the different rights that accrue to any class or series of shares of Settlement Common Stock owned by stockholders who are not residents of a Native village (referred to in this paragraph as 'non-village shares'), an amendment made pursuant to subparagraph (B) shall authorize the board of directors (at the option of the board) to offer to purchase—

"(i) the non-village shares, including the right to share in distributions made to shareholders pursuant to subsections (j) and (m) (referred to in this paragraph as 'nonresident distribution rights'), at a price that includes a premium, in addition to the amount that is offered for the purchase of other village shares of Settlement Common Stock of the Cook Inlet Regional Corporation, that reflects the value of the nonresident distribution rights; or

"(ii) non-village shares without the nonresident distribution rights associated with the shares.

"(F) Any shareholder who accepts an offer made by the board of directors pursuant to subparagraph (E)(ii) shall receive, with respect to each non-village share sold by the shareholder to the Cook Inlet Regional Corporation—

"(i) the consideration for a share of Settlement Common Stock offered to shareholders of village shares; and

"(ii) a security for only the nonresident rights that attach to such share that does not have attached voting rights (referred to in this paragraph as a 'non-voting security').

"(G) An amendment made pursuant to subparagraph (B) shall authorize the issuance of a non-voting security that—

"(i) shall, for purposes of subsections (j) and (m), be treated as a non-village share with respect to—

"(I) computing distributions under such subsections; and

"(II) entitling the holder of the share to the proportional share of the distributions made under such subsections;

"(ii) may be sold to Cook Inlet Region, Inc.; and

"(iii) shall otherwise be subject to the restrictions under paragraph (1)(B).

"(H) Any shares of Settlement Common Stock purchased pursuant to this paragraph shall be canceled on the conditions that—

"(i) non-village shares with the nonresident rights that attach to such shares that are purchased pursuant to this paragraph shall be considered to be—

"(I) outstanding shares; and

"(II) for the purposes of subsection (m), shares of stock registered on the books of the Cook Inlet Regional Corporation in the names of nonresidents of villages;

"(ii) any amount of funds that would be distributable with respect to non-village shares or non-voting securities pursuant to subsection (j) or (m) shall be distributed by Cook Inlet Regional Corporation to itself; and

"(iii) village shares that are purchased pursuant to this paragraph shall be considered to be—

"(I) outstanding shares, and

"(II) for the purposes of subsection (k) shares of stock registered on the books of the Cook Inlet Regional Corporation in the names of the residents of villages.

"(I) Any offer to purchase Settlement Common Stock made pursuant to this paragraph shall exclude from the offer—

"(i) any share of Settlement Common Stock held, at the time the offer is made, by an officer (including a member of the board of directors) of Cook Inlet Regional Corporation or a member of the immediate family of the officer; and

"(ii) any share of Settlement Common Stock held by any custodian, guardian, trustee, or attorney representing a shareholder of Cook Inlet Regional Corporation in fact or law, or any other similar person, entity, or representative.

"(j)(i) The board of directors of Cook Inlet Regional Corporation, in determining the terms of an offer to purchase made under

this paragraph, including the amount of any premium paid with respect to a non-village share, may rely upon the good faith opinion of a recognized firm of investment bankers or valuation experts.

"*(ii) Neither Cook Inlet Regional Corporation nor a member of the board of directors or officers of Cook Inlet Regional Corporation shall be liable for damages resulting* from terms made in an offer made in connection with any purchase of Settlement Common Stock if the offer was made—

"(I) in good faith;

"(II) in reliance on a determination made pursuant to clause (i); and

"(III) otherwise in accordance with this paragraph.

"(K) The consideration given for the purchase of Settlement Common Stock made pursuant to an offer to purchase that provides for such consideration may be in the form of cash, securities, or a combination of cash and securities, as determined by the board of directors of Cook Inlet Regional Corporation, in a manner consistent with an amendment made pursuant to subparagraph (B).

"(L) Sale of Settlement Common Stock in accordance with this paragraph shall not diminish a shareholder's status as an Alaska Native or descendant of a Native for the purpose of qualifying for those programs, benefits and services or other rights or privileges set out for the benefit of Alaska Natives and Native Americans. Proceeds from the sale of Settlement Common Stock shall not be excluded in determining eligibility for any needs-based programs that may be provided by Federal, State or local agencies.".

(b) CONFORMING AMENDMENT.—Section 8(c) of such Act (43 U.S.C. 1607(c)) is amended by striking "(h)" and inserting "(h) (other than paragraph (4))".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 421, a bill to amend the Alaska Native Claims Settlement Act [ANCSA]. I introduced this bill at the request of Cook Inlet Region, Inc. [CIRI] and have worked with the Alaska Federation of Natives, the State of Alaska, the Department of the Interior, and my ranking minority member, Mr. MILLER, to reach a consensus.

Cook Inlet Region, Inc., is one of 13 regional corporations formed under ANCSA. CIRI has approximately 6,300 shareholders, who each own 100 shares of stock. ANCSA bans the public sale of any Native corporation stock until the majority of its shareholders vote to remove this restriction.

CIRI's shareholders would like to sell their stock. CIRI wishes to buy back stock from its shareholders and to cancel these shares, thus keeping the corporation in Native ownership. This bill is intended to give CIRI, and only CIRI, this authority.

The Committee on Resources favorably reported H.R. 421 on February 8 with an amendment offered by Mr. MILLER. His amendment protects CIRI, its directors, and officers from liability in connection with an offer to purchase stock if the offer was made in good faith, in reliance on a good faith opinion of a recognized firm of investment bankers or valuation experts, and if the offer was otherwise in accordance with section 7(h)(4) of ANCSA. This will provide reasonable protections for CIRI shareholders while protecting CIRI from repeated litigation when it has made a good faith offer to purchase stock that is based on an independent, professional evaluation.

I accepted Mr. MILLER's amendment because it contained the protection needed by CIRI, and it is consistent with ANCSA, which encourages Alaska's Native people and their corporations to conduct their affairs in their own way and without litigation. The protections provided under H.R. 421 are limited to stock re-purchase offerings only, as long as they are made in accordance with ANCSA, and this provision does not apply to other types of corporate activities under State or Federal law.

Mr. Speaker, this bill passed the House last Congress, and I urge support again for this measure.

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

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just observe we used to do these things a lot more expeditiously in the old days. The gentleman is filibustering in his vintage years.

Mr. Speaker, the gentleman is absolutely correct. This bill is absolutely without controversy and supported by the administration, and as far as I know, by everyone in Alaska. We did it before, and we should do it again.

Mr. Speaker, I rise in support of this legislation. H.R. 421 is virtually identical to a bill introduced by Chairman YOUNG and passed by the House last Congress.

Since the option to purchase stock is subject to approval of the Native shareholders and is expressly limited to Cook Inlet Region, Inc. This bill is not controversial. The administration has no objection. In an effort to assure that the interests of the Native shareholders are protected, the committee adopted an amendment offered by Representative GEORGE MILLER which deleted immunity from liability for financial advisors involved in establishing the value of the stock.

Mr. Speaker, I compliment the gentleman from Alaska for his legislation and ask that Members support the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 421, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

SEA OF OKHOTSK FISHERIES ENFORCEMENT ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 715) to amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit fishing in the Central Sea of Okhotsk by vessels and nationals of the United States.

The Clerk read as follows:

H.R. 715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1995".

SEC. 2. FISHING PROHIBITION.

The Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended—

(1) in section 302, by inserting "and the Central Sea of Okhotsk" after "Central Bering Sea"; and

(2) in section 306—

(A) by redesignating paragraphs (2), (3), (4), (5), and (6) in order as paragraphs (3), (4), (5), (6), and (7); and

(B) by inserting after paragraph (1) the following:

"(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the sponsor of H.R. 715, I urge my colleagues to join me in this effort to help save valuable living marine resources in a small enclave of international waters known as the Peanut Hole.

Three years ago, Congress approved my Central Bering Sea Fisheries Enforcement Act, which prohibited the destruction of pollock stocks in an area known as the Donut Hole.

While this law has promoted conservation efforts for the region, it has had unwanted results. Certain fishermen from China, Japan, Korea, and Poland have now moved their operations to the Peanut Hole and they are severely overfishing the pollock stocks in this region. Unless immediate steps are taken, these stocks will collapse.

My bill, which has been cosponsored by the leadership of the Subcommittee

on Fisheries, Wildlife and Oceans, JIM SAXTON and GERRY STUDDS, would amend the 1992 statute to prohibit U.S. citizens from fishing in the Peanut Hole unless the fishing operation fully complies with international fishing agreements between the United States and Russia.

The bill is noncontroversial and well supported. It passed the House twice in the last Congress and it is helpful to our negotiators in their ongoing efforts to establish agreements to conserve fish stocks in international waters.

May I suggest at this time to the gentleman from Massachusetts [Mr. STUDDS], it is amazing what you learn when you go to a new committee, such as the Committee on Natural Resources. The gentleman just had the opportunity not only to support this legislation that he worked so hard on last year, but to become an expert in the American Native movement, and I hope and I wish him well.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, I would also be very, very excited at the possibility of learning how to pronounce this particular sea.

Mr. YOUNG of Alaska. Mr. Speaker, I would yield to the gentleman from Massachusetts if he can also improve my pronouncement.

Mr. STUDDS. Mr. Speaker, I could not possibly. I was asking the gentleman.

Mr. YOUNG of Alaska. I would say it is Okhotsk. I hope that satisfies the gentleman. I would spell it O-k-h-o-t-s-k.

Mr. STUDDS. I congratulate the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 715, the Sea of Okhotsk Fisheries Enforcement Act.

The decline of fisheries worldwide, and the need for multilateral cooperation in fisheries management, have become increasingly evident as of late. A recent U.N. Food and Agriculture Organization report classified almost every commercial fish species in every ocean and sea as either "depleted," "fully exploited," or "over-exploited." Stocks in 4 of the world's 17 major fishing regions are seriously depleted, while catches in 9 other regions are declining. If this tide is to be turned, the United States and all coastal nations have a responsibility to participate in international agreements and organizations that provide responsible conservation and management of high seas resources.

This bill demonstrates the U.S. commitment to cooperative management of shared resources on the high seas. The Sea of Okhotsk, also known as the Peanut Hole, is an area of international waters completely surrounded by the Exclusive Economic Zone [EEZ] of the Russian Federation. Russian resources that migrate into the Peanut Hole are being adversely affected by heavy foreign fishing in that area. Recent efforts by the United States and Russia to forge a management agreement for the Peanut Hole have been thwarted by the lack of cooperation from other countries currently fishing in the area.

This bill would prohibit U.S. fishing in the Peanut Hole until a cooperative international agreement has been reached among the nations that fish there. It would also prohibit entry into U.S. waters to any vessel fishing in the Peanut Hole while no cooperative management agreement exists and to any vessel that violates the agreement once it has been negotiated.

By requiring the United States to work cooperatively in an area of the ocean where fisheries of importance to our own fishermen occur, H.R. 715 signals the U.S. dedication to multilateral management of high seas resources. It is also an important step in our efforts to restore global fisheries, and I am delighted to join the gentleman from Alaska in this effort. I urge Members' support.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I suggest that the gentleman from Massachusetts brings up a very good point. Our seas are in serious trouble, primarily because of indiscriminate overfishing. This is just a small step forward, but we are going to address this hopefully on another level very soon in the Magnuson Act with an attempt to again arrest some of the misuse of our seas as far as fishing efforts.

I am one who believes very strongly that there are enough fish if we take care of them, if we scientifically put them on a biological survival rate that we can continue to fish. But if we do not do something with the activities from all of the countries jointly we will be destroying that capability to provide the fish to all of the people of this world.

So I again welcome my good friend, the gentleman from Massachusetts, GARY STUDDS, to the Committee on Natural Resources, because there is no one who has worked harder over the years to provide and protect the fishing industry for the continued yield of the species which we depend on than the gentleman from Massachusetts. So we will be looking forward to looking with him hopefully sometime in May, bringing to this floor a bill that will address the domestic side of this issue as well as the international side of this issue. For those who may not be aware of this, to me the sea has to be recognized as a provider, and it is our responsibility not only to protect but to conserve and to continue providing of the fisheries, as I have said before, that we depend so heavily upon.

So again I welcome the gentleman from Massachusetts to the committee.

□ 1445

Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his kind remarks. This is the most wonderfully nonpartisan of all matters. I never met a fish who gave a whit about the gentleman's political affiliation or mine, and we have responsibilities here that dramatically and significantly transcend some of the partisan differences that are occasionally reflected on this floor.

I am authorized by the good people of Cape Cod to extend another invitation to the gentleman, notwithstanding all the partisan things that have occurred here, notwithstanding some of his other contractual obligations, to say to him that he is still welcome on Cape Cod and to see if we can lure him again this year. We look forward to that.

Mr. YOUNG of Alaska. If the gentleman will yield, I accept that invitation as well as you have been so generously accepting my invitation to travel to the great State of Alaska and participate in the cuisine as provided by our great blue waters. If I go to Cape Cod, I hope I have the added attraction of having that which can be provided by your ocean to my palate regardless of what contract I will be working under for the last hundred days.

Mr. STUDDS. That is a deal, as they say. The gentleman will simply have to adjust himself to beauty of another scale.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 715.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DESIGNATING THE GREAT WESTERN SCENIC TRAIL AS A STUDY TRAIL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 531) to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POTENTIAL ADDITION OF GREAT WESTERN SCENIC TRAIL TO NATIONAL TRAIL SYSTEM GREAT WESTERN TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(38) The Great Western Scenic Trail, a system of trails to accommodate a variety of travel users in a corridor of approximately 3,100 miles in length extending from the Arizona-Mexico border to the Idaho-Montana-Canada border, following the approximate route depicted on the map identified as 'Great Western Trail Corridor, 1988', which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture. The trail study shall be conducted by the Secretary of Agriculture, in consultation with the Secretary of the Interior, in accordance with subsection (b) and shall include—

"(A) the current status of land ownership and current and potential use along the designated route;

"(B) the estimated cost of acquisition of lands or interests in lands, if any; and

"(C) an examination of the appropriateness of motorized trail use along the trail.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 531 is a noncontroversial measure that would simply study the prospect of adding the Great Western Trail to the National Trails System. The Great Western Trail extends from Mexico to Canada through the Rocky Mountain West and will take advantage of existing roads, trails, and corridors that enjoy nearly all types of recreational travel. The Great Western Trail is envisioned as truly a western trail. This corridor celebrates the heritage and spirit of the West and the many types of recreational travel people enjoy. Whether you prefer horseback, backpack, canoe, mountain bike, or four-wheel drive, the Great Western Trail will provide you access to the most scenic areas of the West.

There was much discussion in our subcommittee hearing regarding possible conflicts with private property. This is exactly what this trail study is designed to accomplish. H.R. 531, with the amendment I offered in subcommittee, will specifically look at the current status of landownership and the estimated cost of any acquisition if necessary. We cannot know what those impacts will be until this study is completed. I can assure the Members that private property rights are of a highest concern to me and this study will simply let Congress know what the potential impacts will be, giving us sufficient information to decide at a later time whether or not to actually designate this trail.

The amendment to H.R. 531 adopted in subcommittee would delete the language regarding the inventory of rights-of-way along the corridor and would replace that language with the protections called for in the National Trails System Act. The amendment also retains the requirement that the Secretary look at the appropriateness of motorized trail use. I believe this amendment will ensure that the Secretary include in the study a complete look at possible private property conflicts prior to actual congressional designation of the trail. I urge the Members to support H.R. 531.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 531, as amended, is a good bill which will provide for a study of the proposed Great Western Trail for possible designation as a national trail. While the bill only provides for a study, the subcommittee hearing on H.R. 531 entailed a considerable discussion about the possible impacts a trail could have on private property. Having authored national trail legislation myself, I have always found such trails to be highly popular with the public, with good relations among the affected interests and property owners. In any event, this bill just provides for a study, so that if any problems do exist they can be identified and perhaps addressed during the study process.

H.R. 531 was amended by the Resources Committee to substantively modify the bill language regarding the detailed identification of rights-of-way and private property along the proposed trail. This was an improvement over the bill, as introduced. I was concerned, as was the administration, about the original bill language's potential cost and workability. The committee amendment reintegrates the provisions of the National Trails System Act on these matters. I believe such language addresses any concerns. Therefore I support the bill as amended and recommend its adoption by the House.

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

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 531, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 694) entitled the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995," as amended.

The Clerk read as follows:

H.R. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995".

TITLE I—MINOR BOUNDARY ADJUSTMENTS

SEC. 101. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001–B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION BY DONATION.—

(1) IN GENERAL.—Within the boundaries described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) ADMINISTRATIVE COSTS.—The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 102. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres, in Washington County, Utah, that are located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres, in Washington County, Utah, that are located in Lot 2 of Section 5, Township 41 South, Range 11 West. Upon completion of the exchange, the Secretary is authorized to revise the boundary of Zion National Park to add to the park the approximately 5.48 acres acquired by the Secretary under this subsection and to delete from the park the approximately 5.51 acres conveyed by the Secretary under this subsection. Land added to the park under this subsection shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire upon the expiration of the two-year period beginning on the date of the enactment of this Act.

SEC. 103. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on the

map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore," numbered 625–80, 043A, and dated July 1992.

SEC. 104. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accordance with such administrative boundary, as modified by this section.

SEC. 105. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of the Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131–80,008, and dated October 1987. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands, waters, and interests therein deleted from the boundary of the Craters of the Moon National Monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). Federal lands, waters, and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands, waters, and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and shall administer such acquired lands, waters, and interests therein as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 106. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding at the end the following new subsection:

"(d) To further the purposes of the monument, the Secretary is authorized to acquire by donation or, from willing sellers only, by purchase with donated or appropriated funds or by exchange not more than 65 acres outside the boundary depicted on the map referred to in section 301 and to develop and operate, on such acres, research, information, interpretive, and administrative facilities. Lands acquired and facilities developed under this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

SEC. 107. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service and shall be administered as part of the monument in accordance with the laws and regulations applicable thereto.

TITLE II—MISCELLANEOUS SPECIFIC PARK AMENDMENTS

SEC. 201. ADVISORY COMMISSION FOR KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)), is amended by striking "ten years" and inserting "twenty-five years".

SEC. 202. FORT PULASKI NATIONAL MONUMENT, GA.

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979), is amended by striking ": Provided, That" and all that follows and inserting a period.

SEC. 203. AMENDMENT OF BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z–1(b)) is amended by inserting "(1)" after "(b)" and by adding at the end the following new paragraph:

"(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of informational and interpretive materials relating to the Boston National Historical Park and to the Freedom Trail.".

TITLE III—GENERAL AUTHORIZATIONS AND REPEALERS

SEC. 301. REPEAL OF LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", in the first section of the Act of August 24, 1912 (37 Stat. 460; 16 U.S.C. 451), is hereby repealed.

SEC. 302. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following new subsection:

"(j) Provision of transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

SEC. 303. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end the following: "No provision of this Act shall be construed to limit the authority of the Secretary of the Interior to manage units of the National Park System. No provision of this Act shall be construed to diminish the authority of the Secretary of the Interior to use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18, United States Code, shall not apply to such use, or the contracting for such use, by the Secretary of the Interior in furtherance of such management.".

SEC. 304. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) FUNCTIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes", approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in subsection (b) of the first section, by striking "from such donations and bequests of money"; and

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

"SEC. 2. ADDITIONAL FUNCTIONS.

"(a) TRANSFER, CONVEYANCE, AND DESTRUCTION.—In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

"(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental entities if the Secretary determines, prior to any conveyance under this subsection, that the private or non-Federal recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the objects or collections, as the case may be.

"(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) CARE, DELIBERATION, AND REVIEW.—The Secretary shall ensure that museum objects and museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession and applies to all actions taken under this section.".

(b) APPLICATION AND DEFINITIONS.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes", approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding at the end the following new section:

"SEC. 3. APPLICATION AND DEFINITIONS.

"(a) APPLICATION.—Authorities granted to the Secretary of the Interior by this Act shall be available to the Secretary only with regard to—

"(1) museum objects and museum collections that were under the administrative jurisdiction of the Secretary for purposes of the National Park System on the day before the date of the enactment of this section; and

"(2) museum objects and museum collections that the Secretary acquires on or after such date.

"(b) DEFINITIONS.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure,

such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.".

SEC. 305. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking all that follows "Act" and inserting a period.

SEC. 306. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

Section 3 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a-2), is amended—

(1) in subsection (i), by striking the period at the end and inserting a semicolon; and

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

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to any such agreement, to accept from and make available to the cooperator the technical and support staff, financial assistance, supplies and equipment, facilities, and administrative services, relating to cooperative research units, that the Secretary determines to be appropriate; except that no provision of this subsection shall be construed to waive any requirement with respect to research projects that are subject to the Federal procurement regulations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 694, legislation to make minor boundary adjustments at several national parks and to make other technical amendments to various legislative acts affecting administration of the National Park System.

Title I of the bill contains minor boundary adjustments at seven parks: Zion National Park in Utah, Yucca House National Monument, Pictured Rocks National Lakeshore, Independence National Historical Park, Craters of the Moon National Monument, Hagerman Fossil Beds National Monument, and Wupatki National Monument.

Title II contains several park specific measures and Title III of the bill makes several changes in the generic authority of the Park Service, such as increasing the amount that NPS can spend on an annual basis for their volunteer program.

This is a good bill which has been developed in a bipartisan fashion with the administration. A similar bill has passed the House in each of the last two sessions and I hope that it will finally be enacted this Congress. I urge my colleagues to support this bill.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 694 is a noncontroversial housekeeping bill that makes minor boundary adjustments and other miscellaneous changes in programs and authorities of the National Park Service.

The bill, as reported by the Resources Committee, contains an amendment that reflects appropriate changes to this noncontroversial bill and will make the amended bill consistent with previous action on this and related measures in the last Congress. The deletion of the proposed extension of the Advisory Commission at Women's Rights National Historical Park mirrors the action the Resources Committee took on a measure—H.R. 359—dealing with the Women's Rights Park in the 103d Congress. Likewise, the amendment corrects a mistake in the introduced bill dealing with museum properties. The amended bill language will now accurately reflect the agreement worked out in the last Congress with the former Government Operations Committee and which also passed the House. The last change made by the amendment was technical to make sure that the bill did not inadvertantly undercut competitive bidding of research projects.

These are all good changes that improved the bill. I support HR 694, as amended, and recommend its adoption by the House.

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

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 694, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 1995

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 562) to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, as amended.

The Clerk read as follows:

H.R. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Walnut Canyon National Monument Boundary Modification Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Walnut Canyon National Monument was established for the preservation and interpretation of certain settlements and land use patterns associated with the prehistoric Sinaguan culture of northern Arizona.

(2) Major cultural resources associated with the purposes of Walnut Canyon National Monument are near the boundary and are currently managed under multiple-use objectives of the adjacent national forest. These concentrations of cultural resources, often referred to as "forts", would be more effectively managed as part of the National Park System.

(b) PURPOSE.—The purpose of this Act is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this Act referred to as the "national monument") to improve management of the national monument and associated resources.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled "Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona", numbered 360/80,010, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

SEC. 4. ACQUISITION AND TRANSFER OF PROPERTY.

The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this Act) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under section 3 is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this Act and the provisions of law generally applicable to units of the National Park Service, including "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. HAYWORTH] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 562, a bill to modify the boundary at Walnut Canyon National Monument in Arizona.

The purpose of this legislation is to allow consistent management of the archeological resources in Walnut Canyon.

Walnut Canyon National Monument was established in 1915 to serve and protect the ruins of prehistoric Sinaguan settlements.

Within the canyon there are five steep, rocky ridges that extend into the canyon from the rims. Archeological sites cluster around these dramatic features, which were called forts by early archeologists.

My legislation would extend the boundary of the monument to include an additional two forts and associated archeological areas by transferring approximately 1,279 acres currently managed by the U.S. Forest Service to the Walnut Canyon National Monument managed by the Park Service.

During consideration at the Resources Committee, an en bloc amendment to H.R. 562 was adopted.

This amendment changed the map reference used in this legislation to include 53 acres of land owned by a private property owner adjacent to the current Monument boundary.

The landowner in question has asked that this land be included and has indicated his desire to work with the Park Service to bring about a land exchange.

The amendment also inserts an authorization for appropriations into the bill. I believe that this language provides an important safeguard for the private landowner should his efforts at exchange fail.

Mr. Speaker, my legislation enjoys the strong support of the Flagstaff City Council and the Coconino County Board of Supervisors.

Mr. Speaker, I understand the administration has no objection to this legislation.

Mr. Speaker, in closing, I would like to thank the chairman of the Resources Committee and the chairman and ranking member of the National Parks, Forests, and Lands Subcommittee for their assistance in moving this important bill.

I urge my colleagues to support H.R. 562.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first to my colleague from Arizona, congratulations; I assume this is the first bill he has managed.

Mr. Speaker, H.R. 562, as introduced, would have modified the boundaries of the Walnut Canyon National Monument to provide for the inclusion of approximately 1,239 acres to be administratively transferred to the National Park Service from the Forest Service and the deletion of 54 acres which would be administratively transferred to the Forest Service from the National Park Service.

□ 1500

The bill was subsequently amended by the Resources Committee to also include within the monument boundaries 53 acres of private property. Mr. Speaker, we support the bill, and, as I noted at committee markup, I find it ironic that when Representative Karan English introduced this legislation last year, it included a private property owner. Subsequently, that owner decided, that after supporting being in the bill, he no longer wanted to be included. Representative English asked that his property be deleted and the committee and the House passed the bill in the 103d Congress without this property. That same private landowner now again wants his property included in the bill and the committee amendment accomplishes this.

My good friend, the gentleman from Arizona, assured me this is the last time we will deal with this issue. I supported this amendment in committee because the resource values of that private property would be an excellent addition to the monument. I just hope this landowner does not again change his mind.

With that being said, Mr. Speaker, I support H.R. 562, as amended, and recommend its approval by the House.

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

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly welcome the support of the gentleman from New Mexico [Mr. RICHARDSON], my good friend, and once again, as we did in committee, let me allay the fears of my good friend from New Mexico because the landowner now in question has decided that we are married, and we are going to stay married with this provision.

Mr. Speaker, I have no further requests for time. Therefore I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Arizona [Mr. HAYWORTH] that the House suspend the rules and pass the bill, H.R. 562, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMERCIAL VEHICLES IN THE DELAWARE WATER GAP NATIONAL RECREATION AREA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 536) to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF COMMERCIAL VEHICLES.

(a) IN GENERAL.—Effective at noon on September 30, 2005, the use of Highway 209 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

(b) LOCAL BUSINESS USE PROTECTED.—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located within or in the vicinity of the recreation area, as determined by the Secretary.

(c) CONFORMING PROVISIONS.—(1) Paragraphs (1) through (3) of the third undesignated paragraph under the heading "ADMINISTRATIVE PROVISIONS" in chapter VII of title I of Public Law 98-63 (97 Stat. 329) are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall not exceed $25 per trip.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSON. Mr. Speaker, I rise in support of H.R. 536, legislation to reinstate the commercial vehicle use fee at Delaware Water Gap National Recreation in Pennsylvania.

Mr. Speaker, this bill simply reinstates the authority of the Secretary of the Interior to collect a fee for nonlocal commercial vehicles which use Route 209 through Delaware Water Gap National Recreation Area. That authority, which expired in 1993, is important for the management of commercial vehicular traffic, as well as ensuring the safety of park visitors and local residents who use this road.

The bill provides for this unique authority to expire in 10 years, when alternative routes are expected to be available for this commercial traffic.

I commend the gentleman from Pennsylvania [Mr. MCDADE] for his work on this bill and urge all my colleagues to support it.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 536, as introduced, was a significant departure from the legislation—Section 301 of H.R. 3252—which passed the House last Congress. The bill that passed the House last Congress provided for an end by the year 2000 of through commercial truck traffic on Route 209 within the Delaware Water Gap National Recreation Area. The bill, as introduced, would have extended that authority indefinitely. I believe it is in the public interest to end through truck traffic on Route 209 within the park. That's why I prefer the House language from last year. However, I recognize that the National Park Service in their testimony before the Resources Committee asked for additional time, until the year 2005, to end through truck traffic. I supported the committee amendment that embodies this change with the understanding that this so-called temporary authority will be just that—temporary—and that through truck traffic on this segment of Route 209 will end in 2005.

Mr. Speaker, with that change to the bill, I support H.R. 536, as amended, and recommend its adoption by the House.

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

Mr. MCDADE. Mr. Speaker, I want to commend Chairman DON YOUNG and Subcommittee Chairman JIM HANSEN and BILL RICHARDSON for their cooperation and support in fashioning this legislation. Over the last two sessions of Congress there has been strong bipartisan support for this bill. During the 103d Congress, Subcommittee Chairman VENTO helped to facilitate House passage of a bill similar to H.R. 536, but the Senate was unable to act on that measure prior to the close of the session.

I introduced this measure so that Congress can extend the management policy which has helped to save lives, maintained the economic viability of regional businesses and enhanced the quality of life in Monroe and Pike Counties, PA. The Office of Management and Budget and the National Park Service has advised me that there is no objection to the enactment of this bill. The fiscal impact of H.R. 536 would be negligible because the new fees authorized by this measure would offset the cost of collecting the fees.

The creation of the Delaware Water Gap National Recreation Area, in 1965, from an existing rural residential locality, with accompanying business community, presented many unique policy challenges to the Park Service. The test for the Park Service was how to manage the heavy truck traffic which was traveling through the center of the recreation area on Route 209, at a rate of 3,000 trucks a day, without adversely impacting local business needs.

Route 209 was a primary route for commercial truck traffic which was destined for points in New England. This heavy use of Route 209, which was incompatible with its original design as a small rural road, created problems varying from accident related deaths, road and property damage, to the creation of unacceptable levels of noise and air pollution.

Clearly, the existence of a heavily traveled commercial route cutting through the recreation area was inconsistent with the purpose for which the park was created. For this reason, Route 209 was transferred to the Park Service from the Commonwealth of Pennsylvania so that a partial ban could be implemented on truck traffic not serving local businesses.

In July 1983, Public Law 98–63 authorized the closure of Route 209 to commercial truck traffic except vehicles serving the park or regional businesses and established the existing fee schedule. The NPS implemented the law by setting up checkpoints and toll booths to collect fees from commercial traffic. The authority to collect fees was to expire in 10 years or when Interstate 287 was completed as an alternate route. This carefully crafted compromise effectively balanced the needs of the local business community with the mission of the national recreational area.

The execution of this ban and the free collection policy have been highly successful in reducing highway deaths and injuries, air and noise pollution and property damage. This has been accomplished while protecting local business needs. To date, businesses along Route 209 or contiguous to the recreation area have been able to effectively co-exist with the park under this management policy. The Park Service, in conjunction with the Delaware Water Gap Citizens Advisory Committee, support the provisions in H.R. 536 and the extension of the fee collection authority.

As a management policy tool, the ban and fee collection schedule have been effective in achieving the goals for which they were designed 10 years ago. Even though the revenues which have been generated by the fee collection operation are decreasing over time, the process raises adequate moneys to subsidize the collection operation. Historically, any profits from the commercial fees are additionally applied to the maintenance of Route 209.

Over time the collection process may have to be phased out due to dwindling revenues collected from the operation. It is anticipated that the Commonwealth of Pennsylvania will be able to improve State Route 2001, the major western north/south route paralleling Route 209, to an adequate level to accommodate the traffic from Route 209 if it must be closed to commercial traffic. The State envisions that it will take 10 years to upgrade State Route 2001. Therefore, I strongly recommend that, at this juncture, the Park minimally continue the current fee collection operation for another 10 years. For the immediate future, I believe that the collection of fees should be continued as an important management tool for the Park Service in order to allow local businesses to use Route 209 while raising revenues for its maintenance.

Mr. Speaker, I respectfully request the expeditious approval of this measure due to the July 30, 1993, expiration date of the current law.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 536, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CHACOAN OUTLIERS PROTECTION ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 517) to amend title V of Public Law 96–550, designating the Chaco Culture Archeological Protection Sites, and for other purposes.

H.R. 517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1995".

SEC. 2. CONFORMING AMENDMENT.

Section 501(b) of Public Law 96–550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Subsection 502(b) of Public Law 96–550 (16 U.S.C. 410ii–1(b)) is amended to read as follows:

"(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled 'Chaco Culture Archeological Protection Sites', numbered 310/80,033–B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-nine archeological protection sites totaling approximately 14,372 acres identified as follows:

"Name:

	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Morris 41	85
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440

	Acres
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60.

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. ACQUISITIONS.

Section 504(c)(2) of Public Law 96-550 (16 U.S.C. 410ii-3(c)(2)) is amended to read as follows:

"(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 505) to accomplish the purposes of archeological resource protection at those sites described in section 502(b) that remain in private ownership.".

SEC. 5. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96-550 (16 U.S.C. 410ii-5) is amended by adding the following new subsection at the end thereof:

"(f) The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I rise in support of H.R. 517, a bill to improve the management and protection of the Chaco outliers in the Four Corners region.

Mr. Speaker, in 1980 Congress recognized the outstanding collection of archeological sites related to the Anasazi ruins at Chaco Canyon and established the Chaco outliers as additional resources worthy of recognition and protection. Subsequent analysis by the interagency team overseeing the management of these sites has led to the development of this legislation; which deletes some sites, adds other sites, and modifies the boundaries at some existing sites.

This is a good bill. I particularly want to note that this legislation provides for cooperative management of these sites by the Federal Government, native Americans, and private property owners. This is a good model which underscores the point that the Federal Government does not need to own cultural resources in order to ensure their protection.

I commend the gentleman from New Mexico [Mr. RICHARDSON] for his longstanding efforts to complete work on this bill, and I am pleased that we are able to move it early in the session. I urge all my colleagues to support the bill.

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

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me congratulate the chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN], for his outstanding bipartisan work, and, I must say, most productive work that he has initiated in our subcommittee. I think it is close to 10 bills that are moving through the House, perhaps even more, and I want to thank the gentleman for his fairness, his bipartisanship, and his immense productivity. I hope it continues throughout this session.

Mr. Speaker, I am pleased to speak in strong support of H.R. 517, legislation I introduced in January to protect outlying sites at the Chaco Culture Archaeological Protection Site in my congressional district in northwestern New Mexico.

The entire New Mexico congressional delegation has spent the better part of 10 years working to pass this legislation, which would correct several inequities resulting from passage of the last Chaco-related legislation in 1980. I am pleased that Chairmen HANSEN and YOUNG and their staffs have recognized the importance of this legislation by ensuring its timely consideration in the House early in this session. I would like to thank them for their leadership.

The name Chaco Canyon comes from the Chaco culture, the single most important prehistoric culture in the Western United States, which is known to have lived in the area. The Chaco culture site in New Mexico contains spectacular archaeological remains of the native American past, which have long been recognized as representing an archaeological peak in Anasazi Indian prehistory.

The Resources Committee considered this bill earlier this year, and did not make any changes to the bill as introduced. The bill would authorize alterations in the area including the addition of the Morris 41 site to the list of what will now be 39 outlying sites, the addition of clarifying language regarding the role of the National Park Service in working fully with the Navajo Nation to ensure that the sites are managed responsibly, and the addition of new language authorizing the acquisition of lands for the purpose of completing the inclusion of the new outlying sites.

New Mexico's senior Senator, PETE DOMENICI, has joined me in introducing identical legislation in the Senate. I am pleased that Senator DOMENICI has secured a subcommittee markup of this legislation in the Subcommittee on Parks, Historic Preservation and Recreation for tomorrow. With the Senator's fine leadership, I look forward to the swift consideration and passage of this legislation in the Senate as well.

I am confident that the provisions of H.R. 517 are reflective of the unique needs of this culturally significant site. I welcome the passage of H.R. 517 today and look forward to its enactment into law in the very near future.

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

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 517.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE HONORABLE CHRISTOPHER SHAYS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHRISTOPHER SHAYS, Member of Congress:

CONGRESS OF THE UNITED STATES,
March 9, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, the Capitol, Washington, DC.

DEAR NEWT: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Superior court for the Judicial District of Fairfield County in the State of Connecticut.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

□ 1515

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHAYS). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO LTC MARY LOU SMULLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I want to congratulate LTC Mary Lou Smullen who will retire from the U.S. Army on May 1, 1995, after a distinguished 20-year career of service to our Nation. I am particularly pleased to note that a significant portion of that service relates directly to the Congress.

Lieutenant Colonel Smullen graduated from Ohio University in Athens, OH, after majoring in radio and television broadcasting. In April of 1975, following a short foray into the business sector, she sought and accepted a direct appointment as a second lieutenant in the Women's Army Corps.

During her first assignment, then-lieutenant Smullen immediately established a reputation for excellence, creativity, and mission accomplishment. In a series of high profile positions at the U.S. Army Signal School and Center at Fort Gordon, GA, involving public affairs and protocol she excelled and began polishing skills that would serve her exceptionally well in future assignments. Perhaps the highlight of her tour at Fort Gordon was a weekly television show titled "On the Move" that she produced, wrote, and appeared in, that covered stories of local interest. This well-received show was eventually picked up and broadcast as a public service on one of the local commercial television stations.

Our very best officers actively seek duty with soldiers and Mary Lou Smullen is no exception. In the early 1980's, the U.S. Army in Europe was one of the most challenging places to serve with soldiers. Tough, realistic training and competent, confident leaders maintained the warrior's edge as America's Army stood ready to defend Western Europe from the Warsaw Pact.

Effective personnel administration is one of the many important, yet unheralded tasks, that contribute to maintaining trained and ready forces in the field. We want to be sure that utmost care is taken of America's sons and daughters. We want to be sure our soldiers are properly assigned, promoted, schooled, rewarded, and disciplined. And that is exactly what then-Captain Smullen did as chief of officer records for the Fifth U.S. Corps and later as commander of the 64th Adjutant General Replacement Detachment, and chief of the Enlisted Assignment Section for the Fifth Corps. Well over 21,000 soldiers in over 106 units directly benefited from LTC Smullen's exceptional efforts. She went on to serve with distinction as the Assistant Secretary for the General Staff for Protocol for the Fifth Corps and found the time somehow, to earn a master's degree in international relations from Troy State University at its overseas campus.

LTC Smullen's educational background, experience, and demonstrated performance resulted in her next assignment as assistant public affairs officer for the Armed Forces Inaugural Committee. Once again she set herself apart from her peers by exhibiting exceptional skill, intelligence, and innovation. The information briefings, historical, and art programs she deftly developed established a standard that is still looked to today.

Each service assigns congressional liaison officers to offices on the Hill that perform a particularly important function keeping Congress adequately apprised of myriad programs so we can make informed decisions regarding defense authorizations and appropriations. Few positions within the services have such direct impact on the services' programs as these liaison positions. Accordingly, the services strive mightily to assign only their best officers to liaison positions on Capitol Hill. LTC Smullen was the Army's first female officer assigned to such as liaison position on Capitol Hill. This action testifies to the degree of trust and confidence senior Army leadership placed in this superb officer. She did such a fine job for the Army that the Office of the Secretary of Defense sought her transfer and she went on to provide liaison between the Secretary of Defense and Congress in matters relating to all weapons systems procurements, command control and communications issues, and chemical matters.

Few of our serving military officers ever get the opportunity to work on Capitol Hill as bona fide members of the congressional staff. Perhaps the ultimate indicator of LTC Smullen's special talents was her selection and assignment as a special assistant to the staff director on the Joint Committee on the Organization of Congress. This historic effort, pursued only twice before in the history of our Republic, was supported by an extremely small staff. LTC Mary Lou Smullen played a key role in the joint committee's activities. She coordinated research and background of legislative-executive relations, chose the best witnesses, analyzed the correct solutions for the joint committee to recommend, oversaw preparation of all outgoing constituent correspondence signed by members, and prepared all correspondence for the National Archives. All these tasks were accomplished in an exemplary fashion, and many of the committee's recommendations are under consideration by the current Congress for implementation.

Since completing work with the joint committee, LTC Smullen has been serving as a special assistant to the Army's Chief of Legislative Liaison and has continued to excel in a position with many and varied challenges. Excellence continues as her hallmark.

The role of women in our Armed Forces has been a topic of much discussion over the past several years. Throughout our history women have served America's Army in many substantive and diverse roles: Mary Ludwig McCauley, alias Molly Pitcher, Dr. Mary Edwards Walker, Mary Hallaren, and Mary E. Clarke have inspired generations of women to seek an opportunity to serve our Nation. Like them, Mary Lou Smullen heard the call. In her own way, LTC Smullen has played an active part in effecting important changes within America's Army. These changes have not occurred quickly. However, they have rooted deeply within the institution itself. Often have I heard the Army claim that senior leaders cannot be hired off the street. They must be nurtured and grown within the institution. The very fact that we have senior Army officers like LTC Smullen actively engaged in sensitive, important, and demanding positions is ample testament that the Army has indeed kept pace with the cultural changes that have occurred in the rest of American society. The Women's Army Corps was eliminated shortly after LTC Smullen graduated from its basic course. She has been in the vanguard of change that has permeated America's Army, setting an example, breaking down long-established barriers, and disproving widely held stereotypes.

On a personal note, I would point out that LTC Smullen was one of the escort officers for a Veterans' Affairs Committee trip several years ago to Corregidor and talks with Filipino officials regarding the restoration of the memorial to United States troops on the island. She proved to be an excellent escort officer and contributed greatly to the success of the trip.

Mary Lou Smullen is a consummate professional. She has personified those traits of professionalism, integrity, and competence that our Nation has come to expect from its Army officers. When she was needed, she was there. She has served our country well and our heartfelt appreciation and best wishes go with LTC Smullen as she prepares for the future.

IN OPPOSITION TO VETERANS' ADMINISTRATION RESCISSIONS

The SPEAKER pro tempore. There being no designee of the majority leader at this time, under the Speaker's announced policy of January 4, 1995, the gentlewoman from Florida [Ms. BROWN] is recognized for 60 minutes as the designee of the minority leader.

Ms. BROWN of Florida. Mr. Speaker, the topic of my discussion will be the rescission cuts. There have been many targeted, including children and the elderly, but worst of all have been the veterans, and I rise today in behalf of the veterans throughout this Nation.

There is a national disgrace in this country that must be addressed now. We all know that American men and women in the prime of their lives willingly go to remote parts of the world to defend their country. Sometimes they do not return. Sometimes they return wounded. Sometimes they return with wounds that do not surface until years later. War is never without human cost, and for this reason we have a longstanding contract with our brave warriors that goes something like this: "If you will stand in harm's way for me, I will care for you later."

On February 24, a day of disgrace, the House Appropriations Committee with Republican leadership voted to rescind $206 million in fiscal year 1995 from the VA appropriations. During the full

committee markup on March 2, the Republicans voted to support those cuts.

This rescission money was intended to fund six VA ambulatory care projects totaling $200 million. It is a national disgrace that veterans' programs are a part of this rescission list, a list that was quickly and thoughtlessly compiled. These canceled projects prevent us from expanding our outpatient service, a national trend in health care delivery and making our health care system more efficient and cost-effective. These canceled projects are aimed at one of the most deserving groups in our society, veterans after World War II and the Korean conflict. These veterans and all veterans should expect and receive good care. If we cannot protect them at this time in their time of need, how can we ask them to stand in harm's way to protect us?

GOP says veterans health is not a priority.—The Republicans' message is clear: the health of our Nation's veterans is not a priority. Clearly, they feel that reducing vital medical services to needy veterans is an appropriate way to pay for tax cuts for the wealthy.

All these funds have been carefully considered.—The Department of Veterans Affairs has ranked the six targeted ambulatory care projects as priorities. In fiscal year 1995, the Department proposed to fund these projects, all of which have been authorized, as part of the veterans health care investment fund.

Ambulatory care saves taxpayer dollars.—The ambulatory care projects are an integral part of the Department's plan to move away from costly inpatient care and provide more accessible, cost effective and efficient outpatient care. Ultimately, all of these projects will save the VA medical system more money.

These projects will provide better care.—The projects will allow VA to better meet the workload experienced by the transfer of expensive inpatient care to a less costly ambulatory setting.

These projects will allow VA to deliver managed outpatient care and will greatly improve VA's ability to deliver primary care.

These projects will correct serious safety and space deficiencies in ambulatory care areas of affiliated referral facilities or in undersized leased satellite clinics.

Presently, the clinic space available at these proposed facilities was designed for workloads of 50 to 60 percent of current workloads. The lack of space results in appointment delays and overcrowding.

Veterans take the hit to pay for taxcuts for the wealthy.—These cuts are not only "penny-wise and pound-foolish," but also wrong. These cuts are aimed at the most vulnerable groups in our society—aging World War II and Korean conflict veterans and others who have sacrificed so much for our Nation.

Members will have another chance to get their priorities straight.—Support restoring this vital funding when this ill-conceived rescission package is brought to the floor next week. Do not let our veterans down. They deserve better.

Orlando Satellite Outpatient Clinic and Nursing Home.—The fiscal year 1995 appropriation is $14 million. This project will allow the VA to better provide primary and preventive care and address long-term care needs in the Orlando area. It renovates the Orlando Naval Training Center hospital for use as a VA satellite outpatient clinic and nursing home care unit. It will replace the existing leased undersized clinic which was sized to accommodate less than one-half of the visits currently experienced in Orlando. The project will allow the VA to provide excellent primary and preventive care and long-term care in the Orlando area. Since June 1994, there have been 15,000 veteran patient visits to the Orlando Satellite Outpatient Clinic—120,000 visits are expected by the end of 1995.

The existing clinic is in three separate buildings approximately one-half mile from each other and cannot be expanded further in present location. Unsuccessful efforts have been made for the past 6 years to obtain acceptable replacement lease space. Existing space lacks sufficient examining rooms, waiting areas, and bathrooms with no privacy for examining women veterans. This project will allow for 120 new beds without new construction by renovating an existing building.

Gainesville ambulatory care addition.—The ambulatory care addition will be added to the main hospital building. Ambulatory surgery facilities and an outpatient pharmacy will be included along with clinic space. The addition will allow the VA medical center to provide primary and preventive care in an ambulatory setting, as well as correct severe space and functional deficiencies and add much needed ambulatory care space.

The fiscal year 1995 appropriation is $17,812,000. The current ambulatory care facility was constructed in 1966. Present ambulatory care is 35 percent space deficient and handles over 133,000 visits a year. Services are spread over several floors making it confusing and physically difficult for many handicapped patients.

The emergency room is a converted hallway with treatment and support spaces on either side of the hall. Administrative duties take place in the hallway along with movement of patient, supply, staff, and visitor traffic.

Mr. Speaker, I will now yield to my good friend, the gentleman from Georgia [Mr. SANFORD BISHOP].

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman from Florida for yielding.

Mr. Speaker, thanks to the men and women who have served in the Armed Forces, we Americans live in the freest, the most bountiful, and the most secure country in the world. All of us will agree, I am sure, that we owe each and every one of our veterans a deep debt of gratitude. On patriotic holidays we express our thanks in speeches and parades, and well we should, because when our veterans signed up and answered the call with their faithful service to our Nation, our Government in essence issued a promissory note, a check assuring them certain basic benefits, including education and job training opportunities, housing assistance, and a health care system that specifically serves veterans, the veterans' population, when they need it, for life.

It will be a tragic day, Mr. Speaker, if that check is ever returned marked "Insufficient Funds." In essence, that is exactly what will be happening if Congress votes to support the more than $206 million in VA rescissions the Appropriations Committee is recommending, rescissions that will eliminate critically needed high-priority improvements in the veterans' health care system that must sooner or later be implemented if the system is to meet its needs in the immediate years ahead.

These funds are earmarked for six ambulatory care projects totaling $156 million and medical equipment purchases totaling $50 million. The ambulatory care projects are needed to carry out the projected transfer of many inpatient-care patients to a more cost-effective outpatient care. In the long run it will cost much more money to continue to hospitalize many thousands of patients who could be treated on an outpatient basis. Rescinding this investment makes no sense from either a financial standpoint or a medical standpoint. It will prevent the Veterans' Administration from moving to more cost-effective and efficient operations. This means higher costs for current services and fewer resources for meeting future needs.

The VA health care system must either move forward or it will inevitably face decline, and that will be tantamount to breaking our promise.

Mr. Speaker, veterans are already shouldering their share of the burden of budget cuts in recent years, and then some. The Budget Reconciliation Acts of 1990 and 1993 alone have cut VA benefits and services by nearly $7 billion. Additional cuts can be expected in the VA budget that Congress will consider for the next fiscal year, and now on top of all this the House Appropriations Committee is proposing that Congress slash VA health care funds already appropriated and included in the current budget. Either we keep our promise to provide a quality health care system for our veterans or we renege on that promise. This is the fundamental issue that we will be debating when this ill-conceived rescissions package is brought to the floor next week.

In addition to the personal sacrifices that veterans have made in the defense of our country, we will be asking them to sacrifice benefits and services that have been promised and approved.

Mr. Speaker, let us keep our word. Let us restore these funds. Vote to build the VA health care system, not tear it down.

Ms. BROWN of Florida. Mr. Speaker, would the gentleman respond to a question?

Mr. BISHOP. Yes, I will, if the gentlewoman will yield further.

Ms. BROWN of Florida. Mr. Speaker, the gentleman serves on the authorizing committee, and can he tell me

whether or not anyone on the authorizing committee was contacted by anyone from the administration or anyone from the Secretary's office pertaining to these cuts or whether it is politics the old-fashioned way, a group of good old boys getting together and making these decisions?

Mr. BISHOP. Mr. Speaker, as the gentlewoman is aware, we had hearings in the Committee on Veterans' Affairs, and I think the Secretary appeared and indicated that he had not been consulted, and I think that the committee records would reveal that probably there were no consultations from the authorizing committee. This was something that happened sui sponte. There was no consultation at all, and I think, as the gentlewoman alludes to it, this was the old-fashioned way of doing things, and apparently that is what we are faced with.

Ms. BROWN of Florida. Mr. Speaker, I have one followup question: What does the gentleman think about the reverse Robin Hood procedure, robbing from the poor to give to the rich?

Mr. BISHOP. I feel that it is a slap in the face to our Nation's veterans. I feel that it is certainly a disservice to our Nation's veterans, and it is tantamount, as I said earlier, to having the check come back marked "Insufficient Funds."

Ms. BROWN of Florida. Mr. Speaker, does the gentleman think there is a lot of waste as far as the dollars we spend on veterans?

Mr. BISHOP. No, no, they are cost-effective dollars, very cost-effective.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding.

Ms. BROWN of Florida. Mr. Speaker, I now yield to my friend, the distinguished leader of the Black Caucus and the leader in the Appropriations Committee, the gentleman from Ohio, Mr. LOUIS STOKES.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentlewoman from Florida, Ms. CORRINE BROWN, for reserving this hour to discuss a very important issue, cuts in programs which serve our Nation's veterans. I feel very strongly about the issue and I am pleased to participate in this special order.

For a number of years, I have been privileged to serve on the House Appropriations Subcommittee which funds the Veterans' Administration and its programs. I am currently the ranking Democrat on that subcommittee. As it relates to veterans issues, this important panel oversees the $37 billion budget to provide medical care, compensation and pension payments, educational training and vocational assistance, and housing assistance for our Nation's veterans.

As a member of this subcommittee and as a veteran, I have been proud of our legislative efforts to provide and care for those brave men and women who have risked their lives in service to this country. It is for this reason and in their defense that I rise today.

This Nation has been fortunate to have been defended by many men who gave the last full measure of devotion for this country; namely their lives. Others were wounded, crippled, and disabled, all in the name of service to their country. Many who served are now in the twilight of their lives. This is why the recent vote by the full Appropriations Committee to drastically cut $206 million in funding for programs that serve our Nation's veterans is unacceptable and unconscionable. That these cuts come from funds earmarked for medical equipment and ambulatory care facilities is an even greater disservice to this Nation's veterans.

In hearings last week before the VA/HUD and Independent Agencies Appropriations Subcommittee on the fiscal year 1996 budget, the Secretary of Veterans Affairs, Jesse Brown, gave moving testimony about the proposed rescissions and the impact on our veterans. He told us that these rescissions would prevent the Veterans' Administration from providing quality care for our veterans. He told us that he was shocked at this unprecedented departure from providing care for veterans.

I think it important that everyone understand and know that quality health care for our veterans has always been a top priority in previous Congresses. These rescissions supported by our Republican colleagues are an unprecedented departure from this longstanding tradition of supporting this Nation's veterans.

Furthermore, these actions come at a time when the Secretary himself acknowledges the unacceptable conditions of many of the Nation's VA hospitals. In fact, the Veterans' Administration currently has an unmet need of necessary medical equipment exceeding three-quarters of a billion dollars. The rescissions bill passed by the Appropriations Committee would increase that unmet need by at least $50 million.

I would ask my colleagues how we can even consider such reductions when information we hear daily tells us of new and emerging medical conditions being experienced by veterans? At a time when veterans medical centers and medical teams are recognizing and attempting to address these problems, these cuts come from previously appropriated funds which were to be used to purchase such types of equipment as CAT scanners, x rays, EKG machines, and other vital items. Private hospitals have access to this equipment, and can replace and improve their inventory; so should the medical centers caring for our veterans.

Mr. Speaker, even more shocking is the $156 million reduction in construction projects. These funds are targeted for ambulatory care facilities. This represents a crucial aspect of the VA's medical care agenda at a time when our aging World War II veterans are requiring more medical assistance. Not only are they older, but these veterans require more long-term care. Clearly, this is not the time to cut back on ambulatory care facilities—especially in States such as Florida which has the fastest growing and aging veterans population.

Our Republican counterparts argue that these rescissions are necessary to offset the costs of the California earthquake and other natural disasters. I would respond that these cuts will create an even greater disaster for thousands of veterans. I would argue further that if these actions are intended to offset the cost of future tax cuts—including capital gains for middle-class families and affluent investors—it is unconscionable. I cannot support legislation which views tax cuts for the wealthy to be a higher priority than needed veterans medical equipment and facilities.

We must stand up for our Nation's veterans. These brave men and women have dutifully served this country. We owe them the same full measure of devotion they gave in protecting this Nation with their lives. I want to thank my distinguished colleague from Florida for the opportunity to address this important issue, and commend her for the fight she is waging to restore funds to these veterans projects.

□ 1530

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I cannot support legislation which views tax cuts for the wealthy to be a higher priority than needed veterans medical equipment and facilities. We must stand up for this Nation's veterans. These brave men and women have dutifully served this country. We owe them the same full measure of devotion they gave in protecting this Nation with their lives.

I want to thank my distinguished colleague for Florida for the opportunity to address this important issue and I commend her for the fight she is waging to restore funds for these veterans' projects.

Ms. BROWN of Florida. You served on the Committee on Appropriations. Can you give us a little insight as to the process, whether or not—how this decision to attack the veterans came about? I know I serve on the authorizing committee and we were not notified. I spoke with the administration. They were not contacted, nor was the Secretary.

Is this politics the old-time way, back room, pizza, discovery and decisions made in closed doors?

Mr. STOKES. I would be pleased to try to respond to the gentlewoman's question. I could say to the gentlewoman that this particular subcommittee took a greater hit than any other subcommittee on the Appropriations Committee. The total in rescissions was about $17.3 billion. Of that amount, the VA, HUD, and Independent Agencies Subcommittee contributed about $9.3 billion. That is about 54 percent of the total amount of those cuts. And of course veterans took a hit of about $206 million, which was substantial in terms of this.

There was no scientific way of arriving at these figures. These were the figures brought in in terms of the Chairman's mark, and of course the subcommittee approved that mark. There is nothing logical, nothing by way of formula. These were just figures that were reached up and arrived at.

Ms. BROWN of Florida. Not based on any need factor or——

Mr. STOKES. None that I am aware of and I participated fully in that markup and at which time I opposed these cuts to our veterans programs.

Ms. BROWN of Florida. Can you briefly just tell us about some of the other cuts? One in particular, in the area of housing, I have a series of town meetings, probably more than anyone else in Congress, and the two areas that always come up, one is crime and two, housing, affordable housing. There is a lot of concern as far as senior citizens. Can you discuss housing and some of the other cuts briefly?

Mr. STOKES. I would be pleased to respond to the gentlewoman that the Department of HUD, Housing and Urban Development, took about 42 percent of the total rescission cuts out of that $17.3 billion cut. The actual cuts from HUD alone were about $7.3 billion. Programs were hit, such as operating subsidies, the preservation funds, modernization funds, the assisted housing account. Then the lead-based paint program, which enables us to be able to try and repair some of the damage done to the Nation's youth, particularly in our inner cities where these young children are subjected to paint and, as a result of it, suffer and are impaired with brain damage, which is often irreversible. Along with it, the Community Development Block Grant Program also sustained a large hit in terms of the cuts, and of course that affects almost every local and urban community around the Nation.

So these are some of the major cuts that came out, and of course also tomorrow I am hoping to have an amendment on the floor when the bill comes up that would restore about $2 billion of the cuts from VA and also from these housing programs.

Ms. BROWN of Florida. What about weatherization? That program, who benefits from that program and was that program also targeted for cuts?

Mr. STOKES. I do not believe that the weatherization program was part of that program.

Ms. BROWN of Florida. What about jobs, the summer jobs program?

Mr. STOKES. Summer jobs program is in the rescission cuts, comes out of the Labor, Health, Human Services, and Education Subcommittee on Appropriations. All the summer jobs were cut. This is going to put an enormous amount of young people on our streets, particularly at a time when we are already encountering a great deal of unemployment in our inner cities and where, within the next 2 months, the mayors of these cities must get ready to provide these jobs for these young people during the summer months, and that is one of the programs that is just totally unconscionable to see that the youth of this Nation who depended upon summer jobs will not be provided them this summer if these rescissions prevail here in the House.

Ms. BROWN of Florida. Can you explain for us—some of us, who are not familiar with the process, tell us a little about the rescission? Because it is my understanding we are talking about projects that have gone through the House of Representatives hearings, gone through the Senate, passed, the President has signed it into law, so we are talking about breaking out of a contract that we have already signed in many cases?

Mr. STOKES. These are from appropriated funds. They were in the fiscal year 1995 bill and they were funds that were already appropriated and signed into law, and of course this is a Congress coming back again rescinding action that it had previously taken in the last Congress where both the House and the Senate had passed on this legislation, had sent it to the President for his signature.

Ms. BROWN of Florida. Does this include the school lunch program?

Mr. STOKES. The school lunch program is not in our rescissions. That is in some other legislation that will be coming to the floor and it will not be in the $17.3 billion rescission bill.

Ms. BROWN of Florida. Can you explain to us the difference between a block grant and a program—you know, we have had block grants before. In fact, I think when we had it, President

Ronald Reagan stopped it because the money was not going where it was intended.

Can you tell us a little bit about it? Because I am very supportive of the present school lunch program that started in 1946 under President Truman, and the reason why this program was started was because it was in the national interest of this country to take care of our young people and they couldn't pass the physical. So that is why we invested in our young people.

Mr. STOKES. The gentlelady is certainly correct. One of the problems in terms of block granting many of these types of programs is the fact that each State has different regulations and standards with reference to these programs.

Many of them adopt a different type of program and in the absence of Federal standards, Federal guidelines, and Federal guidance to those programs, you will find a diminution of many of the programs in many of the States and you will find varied and different types of programs and not those which have been directed under the Federal aegis.

Ms. BROWN of Florida. I have been in this House for 2 years, which is not a lot of time, but I spent 10 years in the Florida House of Representatives. We passed a lot of bills out of this House, but I have never seen the process so broken down. As a Member that has served in the House, I have always been proud of the work, the deliberation of the House. Now I thank God for the Senate.

Can you tell us or share your experience with us about the process and how it has been working over these past how many days? It is not 100. We passed one bill to my knowledge.

Mr. STOKES. I think certainly for those of us who consider ourselves as legislators and those of us who take pride in sponsoring legislation and being able to create programs that help people, not only our own constituency, but people throughout the Nation, and many of us have taken great pride in the fact that over the years we were able to not only craft those programs but able to put the proper amount of funding into those kinds of programs and we have seen people benefit from it.

We have seen those who fall in the category of being low-income people, the poor, the disadvantaged, minorities, those who are dependent upon government, be able to survive in our society at a time when they needed help in order to be able to move on to the next stage of their lives, and to now see what is happening in terms of the kind of cuts that are coming.

You earlier mentioned cuts in the food stamps, nutrition programs, the WIC, which is the Women, Infants, and Children Program, to see cuts now coming in programs such as summer jobs and Healthy Start, which is for mothers and little children, and when you see the type of rescissions that are in this bill that is coming out to the floor tomorrow, as one who is interested in people and trying to provide for the people in this country, you could just deem it totally unconscionable that we are doing this to people at a time in this country when all Americans are entitled to be represented by those who serve in this body in a way where they show some degree of compassion and understanding of our people's lives.

Ms. BROWN of Florida. The last question I must ask you, can you tell me who was left out of these cuts?

Mr. STOKES. Well, I can tell you this, that the defense bill was totally off the board. No cuts came in the defense program. Not a single item was cut from defense. That was just untouchable. And so I can tell you that, and the other thing I think everybody needs to understand is that the President's request in terms of disaster relief was in the amount of $6.7 billion.

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The subcommittee on which I serve actually cut it down to $5.3 billion. The difference between $5.3 and the $17.3 billion, which is substantial, somewhere in the neighborhood of $11 billion, we have to ask ourselves, what are these cuts for, since the total amount of the rescission package is $5.3 billion. So the difference between $5.3 and $17.3 then is what the Republicans call a savings. Of course, the savings we all know obviously is going to go for the tax cut for the rich, so the Republicans, as usual, are robbing from the poor to give to the rich.

Mr. Speaker, I thank the gentleman so much for his insight, his information, and for coming and taking the time to share with the American people what has been going on in the 104th Congress.

Mr. STOKES. I thank the gentlewoman.

Ms. BROWN of Florida. Mr. Speaker, I yield to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

As he is coming up, I would like to share with the House this picture. It says "Uncle Sam wants you." It is a commitment that we made to our veterans: If you will support us, if you will go and fight for us, we will be there for you.

I yield to the gentleman from Puerto Rico.

Mr. VOLKMER. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, that was a contract that the Congress, back when these veterans were coming home, had with our veterans that preserved the freedoms that we have. To me, that contract is just as important, if not more important, than the Contract With America.

Mr. Speaker, I think it is really important. I just returned from Haiti. I talked to the commander down there. He talked about the fact that we need to take care of our men and the missions will take care of themselves. We are talking about people who have committed themselves, have served this country, and now we are just tossing them out. They are not important.

I thank the gentlewoman for yielding to me.

Mr. ROMERO-BARCELÓ. Mr. Speaker, last week the House Committee on Appropriations voted to cut six Veterans' Administration ambulatory projects totaling $156 million, and $50 million in medical equipment purchases, which already face an $800 million backlog.

One of these projects happens to be the San Juan Veterans' Administration Medical Center outpatient clinic addition, a project designed to address a 15-year problem of severe overcrowding of the facility. The area currently used for ambulatory care in the San Juan VA Medical Center provides only 40 percent of the space required, according to VA standards, and that is cutting it short.

Therefore, temporary measures, such as converting storage space and corridors into clinical and office space, have been the mode of addressing these chronic space deficiencies for many years. Currently, some outpatient clinics and medical examinations are being performed in the hallways and nursing stations of the facility, and exit corridors have been converted into additional waiting areas, potentially compromising the health and safety of both patients and visitors.

The Secretary of Veterans' Affairs came down to Puerto Rico. We insisted he come down and see it for himself. He did not believe the conditions that he saw there in the outpatient clinics.

The ambulatory care addition would allow the medical center to relocate all outpatient functions into a one-story addition adjacent to the existing main hospital. This will correct all our patient safety, accreditation, functional and space deficiencies, and adapt space for handicapped accessibility and for women veterans.

A parking garage is also scheduled to be constructed to replace the parking lot, due to the siting of the ambulatory care addition. Land at home is very scarce and very expensive. This is why a new parking building is being built instead of buying additional land.

Further, San Juan is the only VA Medical Center for the entire veteran population within Puerto Rico and the U.S. Virgin Islands. Demand for care has consistently been much higher than on the mainland. Mr. Speaker, approximately 35 percent of veterans in Puerto Rico and the U.S. Virgin Islands use the VA facilities, compared

to the 12 percent national average. Let me explain why.

Because Puerto Rico and the Virgin Islands are Territories, they do not share or do not participate in the Medicaid Program. What does that mean? That means that the poor veterans, the veterans that do not have health insurance, the veterans that cannot afford to pay a doctor or pay the hospital, when they go to a private hospital they cannot afford it, so they have to go to the public hospital or the Veterans' Administration facilities.

The public hospitals in Puerto Rico and the Virgin Islands are not up to par with the private hospitals and the private facilities, so the veterans would be getting a second class type of health treatment, so they insist on going to the Veterans' Administration. That is logical and that is to be expected. That is where they can get the best treatment.

This is why here in the Nation, in the 50 States where they have a Medicaid Program, the poor veterans do not need to go necessarily to the VA hospitals. They can go to private hospitals, to a private clinic, to a private doctor, and Medicaid will pay for it, but in Puerto Rico there is no Medicaid Program, so their only choice is the Veterans' Administration facilities. This is why it is even more imperative that these facilities be expanded.

After a 15-year struggle by the Puerto Rican veterans and the Virgin Islands veterans, Congress has finally appropriated the necessary funding, $34.8 million, to finalize construction of the vitally needed outpatient clinics of the San Juan VA Medical Center last year. The project had been authorized and $4 million had been appropriated for its design a year earlier.

Puerto Rico's 145,000 veterans, particularly the sick and the disabled, celebrated this long-awaited achievement. Only now, when they were celebrating the achievement, waiting for the contract to be signed, for the construction to start, all of a sudden the House Committee on Appropriations decided to take away all of the funds a few months later.

However, the fact that strikes me the most is that these proposed cuts will be particularly devastating to the VA Medical system, because the targeted facilities are all ambulatory care facilities. The rescissions come at a time when the VA is involved in the effort of shifting from hospital inpatient care to outpatient and noninstitutional care settings, which is in keeping with the new general trend in providing medical care throughout the Nation.

The Veterans' Administration has been called by Congress over and over again to stop investing so much money in hospitals and to invest more money in outpatient clinics. Now, the Veterans' Administration has responded to the Congress, it is beginning to invest in outpatient clinics, and all of a sudden Congress takes the money away. The money spent on outpatient facilities to prevent a veteran from going into the hospital is a savings for the Federal Government. It is a savings for the Nation.

If you do not take care of the patient while he can still walk, is still ambulatory, can live at home, then what happens is eventually then he has to go into the hospital, and the medical and hospital care is much, much more expensive, so instead of saving money we are actually spending more money.

In the words of the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona, BOB STUMP, I will quote from his February 28 letter to the chairman of the Committee on Appropriations, the gentleman from Louisiana, BOB LIVINGSTON:

> The particular projects selected for rescission by the subcommittee are, unfortunately, the type of projects that the Veterans Affairs' Committee has been encouraging the VA to pursue. It is my strong belief, shared by veterans and their service organizations, that giving greater priority to ambulatory care projects is clearly the right approach to improve service to veterans.

Mr. STUMP went on to conclude: "In striking contrast to the needs the VA faces, these cuts move the VA in the wrong direction."

The Department of Veterans' Affairs has consistently ranked the six targeted ambulatory projects as one of its highest priorities. They are an integral part of the department's effort to move away from costly inpatient care and provide more accessible, cost-effective and efficient outpatient care.

However, by proposing the rescission of these six projects, the Republicans are sending a very clear message: The health of our Nation's veterans is not a priority to this Congress.

However, we owe a great debt to our veterans. A reduction in hard-earned medical services to deserving veterans is not the way to pay for a tax cut for the wealthy. Cutting high-priority veterans' projects is plain wrong.

I urge my colleagues from both sides of the aisle, but particularly the Republicans, to set their priorities straight and support the restoring of the vital funding when this ill-conceived rescissions package is brought to the floor next week.

Mr. VOLKMER. Will the gentlewoman yield, Mr. Speaker?

Ms. BROWN of Florida. I yield to the gentleman from Missouri.

Mr. VOLKMER. Would the gentleman also, as the gentlewoman from Florida, consider this a breach of the contract that Congress has with our veterans, especially our World War II veterans?

Mr. ROMERO-BARCELÓ. I definitely do, Mr. Speaker. I don't know if we can really call this a Contract With America. It looks more like a contract for the wealthy of America, and it is being performed on the backs of the poor, the children and the elderly and the veterans.

Mr. VOLKMER. This money that they are taking from these outpatient clinics, yours, mine, those of the gentlewoman from Florida [Ms. BROWN] and others, is going to go for tax cuts, and 75 percent of that money goes to the wealthy?

Mr. ROMERO-BARCELÓ. The gentleman is right. They quote the theory that the less taxes the wealthy pay, the more money there will be, but yet, they have to make cuts to meet those tax cuts. They have to cut another project.

Mr. VOLKMER. I want to give another problem with what I call the generational gap, Mr. Speaker. If you review and look at the age of the Members of the majority party, many of them are too young to have served, basically, in the armed services in time of war with Uncle Sam's Army, our Army, our Marines, our Air Force.

As a result, I think this generational gap has led to the point where they, perhaps, do not realize the importance of what those people that fought in those wars did for us in preserving our freedoms.

I am afraid that you may see another part of what I call the generational gap that is going to occur. I understand there may be an amendment to restore these funds when we get into the bill by someone from the majority side, but I have been told that the money is going to come from further rescissions in the Americorps Program.

In other words, it will do away completely with Americorps, which is a program for our youth, in order to help the veterans. Mr. Speaker, I do not think that is necessary.

I have an amendment that I will be offering, if I am given the opportunity, that does not perform that generational function and pit one generation against another, but it does restore the money by taking it out of funds under NAFTA for Mexico to do wastewater treatment, and also from NASA, from some of their operational programs, so it does not perform that generational problem that I see that the majority of amendments are going to do.

Mr. ROMERO-BARCELÓ. There are some of the programs in NASA, some of the projects, that have not even been authorized. I think those are very reasonable projects to take it away from.

Ms. BROWN of Florida. Could the gentleman tell me how long this project has been on the list, how long it has been authorized and been going through the process? I know for 2 years we have discussed it.

Mr. ROMERO-BARCELÓ. Our project was authorized in 1993. We got the funding for the planning and got the plans to get the construction project going. Then the authorization came last year.

Ms. BROWN of Florida. I remember in the testimony before our committee, you discussed the fact that there were no facilities for women, no waiting rooms. People were in the hall. It is just one mess.

Mr. ROMERO-BARCELÓ. That is correct. Not only that, but when the veterans ask for an appointment, because of the crowding of the facilities, instead of getting the appointment within a week, they will get the appointment sometimes 3 months, 4 months, 5 months later. Maybe before they get to the appointment their condition gets so much worse that they have to be hospitalized, even before they got to the appointment.

Ms. BROWN of Florida. That costs more money, Mr. Speaker.

I would ask the gentleman from Puerto Rico, what does he think about this reverse Robin Hood, robbing from the poor to give to the rich?

Mr. ROMERO-BARCELÓ. That is what I call it. I have used that phrase quite a bit, because Puerto Rico is like an Apartheid society. We are U.S. citizens, 3,700,000 U.S. citizens, and we are not treated the same, either economically or politically. We are still struggling for our equality, at the end of the 20th century.

Definitely, this is also part of that Apartheid mentality, treating people differently, and also taking away from the poor to keep the rich.

In Puerto Rico we have a program where they have a tax-exemption for the large corporations. Because those large corporations are tax-exempt, the Federal Government tells us there is no money to give to the U.S. citizens in Puerto Rico, the same way U.S. citizens are treated in the 50 States of the Union.

Ms. BROWN of Florida. Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I thank the gentlewoman from Florida for yielding to me.

Mr. Speaker, I, too, would like to bring the attention of the House to what I call the mean-spirited, hard-hearted manner in which the Committee on Appropriations and the subcommittee has refused to restore the funds that were authorized and appropriated to start outpatient clinics at six outpatient facilities, at six veterans' hospitals throughout this United States.

One of those is in my district. That hospital is named on behalf of the greatest President, in my opinion, that has ever served this country. It is the Harry S. Truman Veterans' Hospital in Columbia, MO.

□ 1600

That hospital was built in 1972 in order to take care of veterans' medical problems for not only the central and rural part of Missouri, since we also have hospitals in St. Louis and elsewhere, but also for acute care for heart transplants, et cetera, throughout the Midwest.

It may be of interest to the Members to know that the number of veterans, especially World War II veterans, have gotten along in years. They have aged like the rest of us. They are no longer the 18-, the 19-, the 20-year-old that fought in the beaches of Omaha and in the plains of North Africa and in the islands of the Pacific to preserve the freedoms of this country.

At the time that they were fighting, when they came home, there was this commitment that we are going to take care of your medical needs, because many of them continued at that time and to the present time to need that medical care.

When the Harry S. Truman Hospital—and, by the way, we have to remember it was through the work of Harry Truman, then President, that terminated the Second World War, through his actions and what he did, not only of our fighting men but he as President. So I think it is very appropriate that the hospital be in his name, and he of course is a veteran of World War I and a recognized outstanding veteran of that war.

When that hospital was constructed in 1972, it was anticipated at that time that there would be a need for 12,000 patients a year. It may be of interest to Members to know that in the year 1992, there were 82,000 patients that went through that hospital, most of them outpatients. But they do not have the facilities, do not have the room to handle that many outpatients, and it has continued at that rate since that time.

It was suggested, and the Veterans Administration agreed, that we really should have an outpatient clinic to take care of outpatients and use the hospital for the inpatients. Working with Senator KIP BOND of Missouri, our senior Senator, we were able to persuade the Veterans Administration and this Congress, along with others, that this is the way to handle these patients, these veterans, through an outpatient clinic, so they did not have to wait.

How long do some of my veterans from my district have to wait? First let's say you are from Bowling Green and you served in the Second World War and whether it was in the Pacific or European theater makes no difference, or let's say it was in Korea, whether it was at Seoul or wherever in Korea, or whether it was in Vietnam, and let's say you live in Bowling Green, MO. Well, Bowling Green is about a 75-mile trip and so you get in your car and if you are not capable of driving, you get a neighbor and they drive you over to Columbia, and it takes you about an hour and 20 minutes, maybe an hour-and-a-half to get there.

So you start out, because you want to be there early because you know there is going to be a whole line of people there. So you start out about 6:30 or 7 o'clock in the morning and you drive to the hospital, and you get to the outpatient clinic. Lo and behold, you already have maybe 100 or 150 people already there, veterans, waiting, because we have a lot of veterans within that distance a lot closer. So you sit and wait, and sometimes, folks, they sit and wait almost all day just to see a doctor or a nurse to maybe find out exactly what they need to have, and then to maybe get a prescription.

Is that right, to tell your veterans—then they have to get in the car and drive back home—all day just to go through an outpatient clinic? That is what we are presently requiring of veterans that served in a world war.

I wonder how many people would like to serve this country in the future? I wonder how many of our young people would be willing to go serve when they told them, "We are not going to take care of you if you get shot up or if you lose an arm, or if you get a little disability or a large disability, we are not going to take care of you; you take care of yourself." I don't think we will have too many that would like to serve, anyway, and I think that would not help us any at all.

I know that we have an obligation, not only a moral obligation but an obligation as a country. If we are to have the respect of the rest of the world, we should take care of our veterans, and we are not doing it with this rescission bill. In fact, you are giving a slap in the face. You are actually telling your veterans, "You just go do your own thing, we are not going to do anything more for you."

As a result of that, I have an amendment that if I am permitted by the Committee on Rules, by the chairman of the committee when we get in the Committee of the Whole, I am going to offer to restore those funds, and I am sure that when that amendment is offered that the majority of the Members here will recognize the responsibility.

When it comes down to the question, the question really is, should this money—we are not saving any money by doing this. There is no savings, folks. I think everybody should recognize, we are not putting this money on the deficit. We are not telling our veterans, "Make a little sacrifice so it can reduce the deficit and help this country out."

No, we are saying, "Veterans, we want to take this 100 and some million dollars and we want to give it away to people for tax cuts, especially for those who have over $125,000-a-year income. We want to help those people, because they, I guess, according to the majority, they are the ones that really need the help." The way I read this, the majority is saying the veterans don't need any help.

I am just anxiously waiting for the debate on this bill, because back when I was talking to the chairman of the Committee on Appropriations about this, the gentleman from Louisiana, about this problem, he also made a statement to me that makes me really concerned about where this majority is going as far as our veterans are concerned. I do not remember the exact words, but the gist of it basically was, "HAROLD, we have got a bigger problem. We need to do something about our veterans hospitals. We need to do away with the veterans hospitals. We need to put the veterans on a voucher plan."

Those are the words that I got, and the understanding I got from the gentleman from Louisiana, the chairman of the Committee on Appropriations, from my conversation with him.

I wonder how many veterans groups out there know that that is the way that the majority feels? That the majority feels that we should close all of our veterans hospitals, we should not provide care for our veterans. All we do is give them a voucher and tell them, You go find the medical care wherever you can. That is the way that this is going with our majority.

I think they have lost sight of what again this Congress said to our veterans when they were preserving the freedoms that we all cherish and that we all now enjoy.

I feel that everybody in this House should recognize, and you among the general public should recognize, that we are having an onslaught against our veterans here in this Congress right now. And as one of those who feels that it is a wrong thing to do, I want the Members of this House to know that I am going to do everything I can to make sure, along with the gentleman that is here in the well and the gentlewoman from Florida, to make sure this money is replaced, and I know from my own knowledge that when it gets to the Senate, they are going to keep it in there. I know my senior Senator, KIP BOND, is going to keep it in there because he is one of those who believes strongly that we should provide for our veterans.

I know that all we have to do is win this battle here and we have won the battle. In the first place, though, it should have never been necessary. They should not even have thought of doing this.

For that reason, I say this was one of the most mean-spirited, hard-hearted things that the Members of Congress do, to actually give a slap in the face to a person who was willing to give his life for this country, in battle, and yet to slap him in the face and say, You go about your way, we don't care whether you get medical care or not.

Ms. BROWN of Florida. If the gentleman will yield, before we close, can the gentleman repeat his exact words?

Mr. VOLKMER. I don't know if I can say the exact words, but to me it is strictly a slap in the face to veterans. And these are the people, as depicted in these pictures and elsewhere, that with bullets flying around them were willing to give their life, and some of them gave their limbs, some of them gave their ability to even function so that we could stand here and speak today.

Yet the majority is saying, "Too bad. We don't care about you. We are going to give you a good slap in the face and tell you, you go take care of yourself." They are telling my veterans that were willing to sacrifice their life for the good of this country, willing to do that, they are telling them it is all right for them to have to spend 8, 10, 12 hours a day just to see a doctor, and that the majority says they do not deserve good medical care.

I say the opposite. I say that our veterans, that is a priority. They need to have the medical care that not only we should give them but that we promised them.

Ms. BROWN of Florida. I thank the gentleman from Missouri.

I yield to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. I thank the gentlewoman from Florida for allowing me to participate in this special order. I am pleased to serve with the gentlewoman on the Committee on Veterans' Affairs, and I know of the gentlewoman's great commitment to the veterans of our Nation. And also to join with our friend from Missouri who too has displayed time and time again his concern for our veterans.

Mr. Speaker, I join the gentlewoman from Florida in her opposition to our Republican colleagues' plans to rescind funding for veterans programs. Our Republican colleagues have already displayed their callousness by proposing legislation that would harm our Nation's youth. Now they are going after our Nation's veterans, the men and women who have committed their lives to the defense of our country.

This so-called Contract With America has quickly revealed itself as a contract on Americans. The people who seem to be in the line of fire are the young and the helpless.

Is this how we want to honor our veterans, by rescinding $206.1 million in fiscal year 1995 VA appropriations? Is this how we are going to care for our aging veterans, by rescinding money intended to fund 6 ambulatory health care projects totaling $156 million, and $50 million in medical equipment purchases?

Mr. Speaker, these facilities are not Government frills. This medical equipment, these are not Government frills. They all represent an alternative to costly inpatient care by providing more accessible, cost-effective and efficient outpatient care.

Mr. Speaker, when this rescission bill comes to the floor, I am going to join the gentleman from Missouri and the gentlewoman from Florida in opposing the bill and I will urge all my colleagues to vote against what has got to be one of the most ill-conceived pieces of legislation to be proposed by the Republican-controlled Congress thus far.

Ms. BROWN of Florida. If the gentleman will yield, I just want to ask the gentleman one quick question.

In my opinion, this is old politics, because the committee did not discuss at all with the authorizers, did not talk with the Secretary, did not talk to the administration. It was just a group of good old boys from the bad old days getting together against the veterans. Would the gentleman agree?

Mr. CLYBURN. Absolutely. I think that most of our friends who have been looking at the Congress operate thus far have been surprised to wake up in the morning and all of a sudden see headlines indicating that such and such is about to happen.

□ 1615

We have always tended to take these kinds of decisions through a process of hearings; people would come before the committee to talk about the pros and the cons of all of these kinds of actions. But that is not what is happening here, not in this instance and in other instances as well. There are just two or three people, or whatever number, who have gotten together and decided what they need to do in order to make it work.

As our friend from Missouri said earlier, if this were being done in order to do something about the deficit, I am convinced that the veterans in my congressional district and the veterans all across America would be lining up to do their fair share, because they too want to see us take this deficit down even further. But that is not what is being done here. We are going through a process of deciding how much money can be moved to put over in a big pot that the friends and supporters of our Republican colleagues can dip into in order to see a tax break for themselves.

So that is what is happening here as a result of that. I hope that the American people will wake up and get in touch with their Congress people before we do our veterans what I consider to be irreparable harm.

Ms. BROWN of Florida. So we have here today coming up this afternoon and tomorrow reverse Robin Hood, robbing from the poor to give to the rich.

Mr. CLYBURN. That is exactly what we have got and I think it is being kind to call it that.

Ms. BROWN of Florida. I would also add that the Contract With America has turned out to be a contract on America.

Mr. CLYBURN. I think it is on Americans.

Ms. BROWN of Florida. On Americans. And this poster is a real example.

If you look at it this is a baby, and of course it does not vote. This is one of the targets of the Republican group. And who is the target now that they have added the veterans and elderly?

Everybody needs to take a close look because I think their pink slip is in the mail, too. If they are not careful they are next on the Republicans' hit list.

Mr. CLYBURN. I agree with the gentlewoman, and I think it is time for me to yield back so she may close this special order. I thank the gentlewoman so much for allowing me to be a part of this special order.

The CHAIRMAN. The time of the gentlewoman from Florida has expired.

Ms. BROWN of Florida. I want to thank my colleagues very much for coming and sharing with the American people the plight we are in here fighting for our veterans and for other groups that are not here in the House, represented here and given an opportunity to vote.

Mr. MONTGOMERY. Mr. Speaker, as the ranking member of the Committee on Veterans Affairs, I rise to urge all my colleagues to support an amendment to the rescission bill reported last Thursday by the Appropriations Committee. The amendment is modest in scope but vital to VA health care. It would restore the $206 million for veterans programs which the Committee on Appropriations proposes to rescind.

These rescissions don't make good sense. These funds were appropriated by Congress only a few months ago, primarily to help meet a critical need to improve veterans' access to outpatient care. The six VA projects which the committee now proposes to cancel would serve areas where more than 1.2 million veterans reside.

The budget for construction of veterans medical facilities has been pretty lean for the past 5 or 6 years. As a result, the VA says it now has almost 60 projects to improve outpatient services waiting to be funded. The VA could award construction contracts on these six projects in the next several months. We shouldn't put these projects off 1 day.

These are projects that can make VA health care delivery more cost-effective. This rescission bill would slam the door on veterans across this country. In some parts of the country, the VA doesn't have health facilities that meet veterans needs. In other places, the clinics are just too small. At one clinic, space is so tight that doctors are forced to perform eye examinations in the hallways. Veterans deserve better than this.

An increasing number of veterans are women; over 1.2 million. Many VA outpatient clinics still lack privacy for women veterans. In the face of such conditions, the rescission bill is a giant step backward.

Likewise, cutting funds for replacement equipment—as proposed by the rescission measure—forces VA to choose between obtaining a needed service at increased cost through contracting or continuing to use inefficient or even obsolete equipment. The VA's medical equipment backlog is more than $800 million. We must assure that VA care is care of high quality. Cutting back on VA funds to replace old equipment is putting out veterans at risk.

I want to commend all of the Members who are working hard to restore these funds—the gentlewomen from Florida, Ms. BROWN and Mrs. THURMAN, the gentlewoman from Connecticut, Ms. DELAURO, Mr. VOLKMER, Mr. SCOTT, Mr. ROMERO-BARCELÓ and the other Members who are gathered here tonight. They are all doing a good job looking out for our Nation's veterans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SHAYS] at 5 p.m.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The Journal was approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which those motions were entertained. Votes will be taken in the following order: H.R. 531, as amended; H.R. 694, as amended; H.R. 562, as amended; H.R. 536, as amended; and H.R. 517, all by the yeas and nays.

The Chair alerts Members of the House that the Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

DESIGNATING THE GREAT WESTERN SCENIC TRAIL AS A STUDY TRAIL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 531.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 531, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 15, not voting 19, as follows:

[Roll No. 230]

YEAS—400

Abercrombie	Dickey	Houghton
Ackerman	Dicks	Hoyer
Allard	Dingell	Hutchinson
Andrews	Dixon	Hyde
Archer	Doggett	Inglis
Armey	Doolittle	Istook
Bachus	Dornan	Jackson-Lee
Baesler	Doyle	Jacobs
Baker (CA)	Dreier	Jefferson
Baker (LA)	Duncan	Johnson (CT)
Baldacci	Dunn	Johnson (SD)
Ballenger	Durbin	Johnson, E. B.
Barcia	Edwards	Johnston
Barr	Ehlers	Jones
Barrett (NE)	Ehrlich	Kanjorski
Barrett (WI)	Emerson	Kaptur
Bartlett	Engel	Kasich
Barton	English	Kelly
Bass	Ensign	Kennedy (MA)
Bateman	Eshoo	Kennedy (RI)
Bellenson	Evans	Kennelly
Bentsen	Everett	Kildee
Bereuter	Ewing	Kim
Berman	Fattah	King
Bevill	Fawell	Kingston
Bilbray	Fazio	Kleczka
Bilirakis	Fields (TX)	Klink
Bishop	Filner	Klug
Blute	Flake	Knollenberg
Boehlert	Flanagan	Kolbe
Boehner	Foglietta	LaFalce
Bonilla	Foley	LaHood
Bonior	Forbes	Largent
Bono	Ford	Latham
Borski	Fowler	LaTourette
Boucher	Fox	Laughlin
Brewster	Frank (MA)	Lazio
Browder	Franks (CT)	Leach
Brown (CA)	Franks (NJ)	Levin
Brown (FL)	Frelinghuysen	Lewis (CA)
Brown (OH)	Frisa	Lewis (GA)
Bryant (TN)	Frost	Lewis (KY)
Bryant (TX)	Funderburk	Lightfoot
Bunn	Furse	Lincoln
Bunning	Gejdenson	Linder
Burr	Gekas	Lipinski
Burton	Gephardt	Livingston
Buyer	Geren	LoBiondo
Callahan	Gibbons	Lofgren
Calvert	Gilchrest	Longley
Camp	Gillmor	Lowey
Canady	Gilman	Lucas
Cardin	Gonzalez	Luther
Castle	Goodlatte	Maloney
Chabot	Goodling	Manton
Chambliss	Gordon	Markey
Chapman	Goss	Martinez
Chenoweth	Graham	Martini
Chrysler	Green	Mascara
Clay	Greenwood	Matsui
Clayton	Gunderson	McCarthy
Clement	Gutierrez	McCollum
Clinger	Gutknecht	McCrery
Clyburn	Hall (TX)	McDade
Coleman	Hamilton	McDermott
Collins (GA)	Hancock	McHale
Collins (IL)	Hansen	McHugh
Combest	Harman	McInnis
Condit	Hastert	McIntosh
Conyers	Hastings (FL)	McKeon
Costello	Hastings (WA)	McKinney
Cox	Hayes	McNulty
Coyne	Hayworth	Meehan
Cramer	Hefley	Meek
Crapo	Hefner	Menendez
Cremeans	Heineman	Metcalf
Cunningham	Herger	Meyers
Danner	Hilleary	Mica
Davis	Hilliard	Miller (CA)
Deal	Hinchey	Miller (FL)
DeFazio	Hobson	Mineta
DeLauro	Hoekstra	Minge
DeLay	Hoke	Mink
Dellums	Holden	Moakley
Deutsch	Horn	Molinari
Diaz-Balart	Hostettler	Mollohan

Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—15

Brownback
Christensen
Coble
Cooley
Crane
Ganske
Johnson, Sam
Manzullo
Roemer
Scarborough
Sensenbrenner
Stearns
Stockman
Taylor (MS)
Tiahrt

NOT VOTING—19

Becerra
Bliley
Coburn
Collins (MI)
Cubin
de la Garza
Dooley
Farr
Fields (LA)
Gallegly
Hall (OH)
Hunter
Lantos
Mfume
Rogers
Schiff
Smith (MI)
Thurman
Wolf

□ 1724

Messrs. BROWNBACK, COOLEY, SENSENBRENNER, TIAHRT, CHRISTENSEN, COBLE, and STOCKMAN changed their vote from "yea" to "nay."

Mr. THOMPSON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1995

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the bill H.R. 694, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 694, as amended, on which the yeas and nays are ordered.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—yeas 337, nays 83, not voting 14, as follows:

[Roll No. 231]

YEAS—337

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bateman
Bellenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Calvert
Canady
Cardin
Castle
Chabot
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
White
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—83

Archer
Barrett (NE)
Barrett (WI)
Barton
Brownback
Bryant (TN)
Burton
Callahan
Camp
Chambliss
Christensen
Coble
Collins (GA)
Combest
Cooley
Crane
Dreier
Duncan
Everett
Ewing
Foley
Funderburk
Ganske
Gekas
Geren
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hancock
Hastert
Heineman
Hilleary
Hostettler
Inglis
Johnson, Sam
Jones
Kingston
Klug
LaHood
Laughlin
Lewis (KY)
Longley
Manzullo
McHugh
Metcalf
Montgomery
Ney
Norwood
Nussle
Parker
Paxon
Peterson (MN)
Petri
Pickett
Poshard
Ramstad
Rohrabacher
Roth
Royce
Sanford
Scarborough
Schaefer
Sensenbrenner
Sisisky
Solomon
Souder
Stearns
Stockman
Stump
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Upton
Walker
Wamp
Watts (OK)
Weldon (FL)
Whitfield
Zimmer

NOT VOTING—14

Becerra
Bliley
Coburn
Collins (MI)
Cubin
de la Garza
Dooley
Farr
Gallegly
Hall (OH)
Lantos
Rogers
Smith (MI)
Thurman

□ 1736

Messrs. DUNCAN, LONGLEY, INGLIS of South Carolina, KLUG, EWING, BRYANT of Tennessee, HILLEARY, TAYLOR of North Carolina, WHITFIELD, NEY, and TATE changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 1995

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the bill, H.R. 562, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 562, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 49, not voting 14, as follows:

[Roll No. 232]

YEAS—371

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—49

Ballenger
Bartlett
Brownback
Burr
Burton
Christensen
Coble
Collins (GA)
Cooley
Crane
Dornan
Everett
Ewing
Foley
Ganske
Gekas
Graham
Hall (TX)
Hancock
Hastert
Heineman
Hoekstra
Hunter
Inglis
Johnson, Sam
Klug
LaHood
Largent
Lewis (KY)
Manzullo
McHugh
Nussle
Parker
Petri
Ramstad
Rohrabacher
Roth
Royce
Sanford
Scarborough
Schaefer
Sensenbrenner
Solomon
Stearns
Stockman
Tanner
Taylor (MS)
Tiahrt
Walker

NOT VOTING—14

Becerra
Bliley
Coburn
Collins (MI)
Cubin
Dooley
Farr
Gallegly
Hall (OH)
Lantos
Molinari
Reynolds
Thurman
Vucanovich

□ 1744

Mr. LIVINGSTON changed his vote from "nay" to "yea."

Mr. GRAHAM changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1745

COMMERCIAL VEHICLES IN THE DELAWARE WATER GAP NATIONAL RECREATION AREA

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the bill, H.R. 536, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 536, as amended, on which the yeas and nays are ordered.

This is, hopefully, a 5-minute vote. Members are advised there is one more vote to follow this vote.

The vote was taken by electronic device, and there were—yeas 401, nays 22, not voting 11, as follows:

[Roll No. 233]

YEAS—401

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht

Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—22

Callahan
Christensen
Coble
Collins (GA)
Cooley
Everett
Ewing
Hall (TX)
Hancock
Hunter
Johnson, Sam
Largent
Lewis (KY)
Myrick
Pastor
Pickett
Roukema
Scarborough
Stearns
Stockman
Stump
Zimmer

NOT VOTING—11

Becerra
Bliley
Coburn
Collins (MI)
Cubin
Dooley
Farr
Gallegly
Hall (OH)
Lantos
Thurman

□ 1756

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to prohibit the use of Highway 209 within the Delaware Gap National Recreation Area by certain commercial vehicles, and for other purposes."

A motion to reconsider was laid on the table.

CHACOAN OUTLIERS PROTECTION ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 517.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 517, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 7, not voting 18, as follows:

[Roll No. 234]

YEAS—409

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bellenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—7

Coble	Ewing	Stump
Cooley	Hutchinson	
Dickey	Scarborough	

NOT VOTING—18

Becerra	Farr	Maloney
Bliley	Flake	McDermott
Coburn	Gallegly	Neal
Collins (MI)	Hall (OH)	Rangel
Cubin	Hancock	Thurman
Dooley	Lantos	Waters

□ 1804

Mr. HASTERT changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Miss COLLINS of Michigan. Mr. Speaker, due to an illness requiring hospitalization, I was unavoidably detained in Detroit today while the House was in session. Had I been present, I would have voted "aye" on passage of H.R. 531, "aye" on passage of H.R. 694, "aye" on passage of H.R. 562, "aye" on passage of H.R. 536, and "aye" on passage of H.R. 517.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, on March 14, I was attending the funeral of my mother-in-law and was not present for roll call Nos. 230, 231, 232, 233, and 234. Had I been present, I would have voted "aye" on each vote.

PERSONAL EXPLANATION

Mr. COBURN. Mr. Speaker, due to travel delays on Tuesday, March 14, I unavoidably missed several votes. Had I been present, I would have voted "aye" on the passage of the following bills: H.R. 531, H.R. 694, H.R. 562, H.R. 536, and H.R. 517.

REQUEST FOR PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW DURING THE 5-MINUTE RULE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on House Oversight; Committee on International Relations; Committee on the Judiciary; Committee on National Security, and Committee on Resources.

Mr. Speaker, it is my understanding that the minority has been consulted, and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I am advised by the leadership that they have approved these committees meeting during legislative business, and so I withdraw my reservation of the right to object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOYER. Mr. Speaker, reserving the right to object, it is my understanding that this includes the Government Reform Committee?

Mr. GOODLING. If the gentleman will yield, it is the Committee on Government Reform and Oversight.

Mr. HOYER. Reserving the right to object, Mr. Speaker, let me make a comment.

I understand what the leadership has done. But I want to say that there is no doubt in my mind that were the roles reversed there would be an objection.

What the Government Reform Committee, and my good friend, the gentleman from Florida [Mr. MICA], and the gentleman from Pennsylvania [Mr. CLINGER] intend to do is, having had a hearing last Monday, 8 days ago, they intend to propose effectively increasing the taxes on 30,000 to 40,000 Federal employees by 12 percent by taking 2½ points off the pretax income of Federal employees as an additional contribution on their pension system. Now, that is with 8 days' notice and hearing.

Now, I hope the committee tomorrow does not take that action. I hope they give both Federal employees and the public an opportunity to look at that.

But the reason I reserve my right to object is I worked very hard with the Bush administration and OMB under President Bush for the purposes of trying to come up with an equitable system. The Hudson Institute, a conservative think-tank out of the Midwest, in 1987 gave to the Bush administration and to this Congress a recommendation that we not touch the pension plan, not touch the pension plan until such time as we had fully effected a locality-pay adjustment. The Bush administration signed legislation in 1990 to effect that over a 9-year period.

We have done 1 year of that. Notwithstanding that, we are asked for a unanimous-consent request so the committee tomorrow, after having a hearing last Monday on this issue, move ahead to make a drastic change in Federal employees' pensions.

Now, very frankly, they are going to include congressional pensions. If we cannot protect ourselves, that is tough, in my opinion. I do not care about that, I tell you, Mr. Speaker. The fact is we ought not be doing this with this short notice to Federal employees and, in effect, giving them a 12-percent, 10-percent to 12-percent, tax increase.

I reserve my right to object to make that point. Now, apparently the leadership on this side has agreed not to object, and, therefore, Mr. Speaker, I am not going to object, but I vigorously object to the actions that are being proposed to be taken tomorrow, and I will oppose those tomorrow. I will oppose them on the floor, and I will oppose them anywhere I can confront them. I hope to be joined by some of my friends on that side of the aisle.

Mr. MORAN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Further reserving the right to object, I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Speaker, I thank my friend from Maryland. I know that he recalls that when action of this magnitude was taken in 1986, it was the result of 2 years of bipartisan effort to study the Federal retirement system, and they came up with a plan that fixed the Federal retirement system and, in fact, we are now taking in $62.2 billion a year and paying out $36 billion.

What is being attempted tomorrow is not an attempt to fix the retirement system. It is an attempt to accumulate $12 billion in cuts in order to finance a tax cut for other Members on the backs of Federal employees who, in effect, would have to pay an increase, 12-percent increase, in their tax.

Mr. GOODLING. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GOODLING] withdraws his request.

TECHNICAL AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 RELATING TO INDIAN EDUCATION

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 377) to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CLAY. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the gentleman from Pennsylvania so he may explain his unanimous-consent request.

Mr. GOODLING. Mr. Speaker, I have asked unanimous consent to bring to the floor for consideration S. 377, legislation providing for a technical amendment to the Indian title of the Improving America's Schools Act. This legislation passed the Senate on a voice vote on February 16, 1995.

This bill, S. 377, would correct a drafting error to section 9112(a)(1)(A) of the Elementary and Secondary Education Act relating to Indian education.

The intent of the House and Senate conferees was to require that a school would be eligible for an Indian Education Act formula grant if it had 20 eligible students or 25 percent of its student population eligible for the program. The provision was inadvertently drafted to replace the word "or" with "and."

The Department of Education is currently drafting regulations to implement the new provisions of the Indian Education Act. Unless this technical amendment is enacted by Congress, the existing language will result in disqualification of many schools serving American Indians and Alaska Natives, and I urge my colleagues to pass S. 377.

Mr. CLAY. Mr. Speaker, further reserving the right to object, I rise in support of the unanimous-consent request and in support of this technical correction.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOYER. Mr. Speaker, reserving the right to object, I object to being summarily sat down by the withdrawal. There are all sorts of things you can object to, I say to my good friend, the chairman of the committee, and he is my good friend.

I ask, under my reservation, does the gentleman intend to renew, and I would ask for a notice and the comity if you are going to renew the motion; you are not going to renew it because I happen to walk off the floor. We are not going to play that way, ladies and gentlemen.

Mr. GOODLING. If the gentleman will yield, that is not my responsibility to bring that to the floor nor is it my responsibility to remove it, nor is it my responsibility to bring it back again.

Mr. HOYER. Further reserving the right to object, I say to my good friend, he notices I was not looking at him at the time I said that.

Mr. GOODLING. I was merely going to say the gentlewoman from Maryland [Mrs. MORELLA] seconds whatever it was you were saying in your reservation.

Mr. HOYER. I am sure the gentlewoman from Maryland [Mrs. MORELLA] would join me and the gentleman from Virginia [Mr. DAVIS] would join me and others would join me as well.

□ 1815

Mr. GOODLING. It was the gentleman's leadership that had signed off. That is why it was given to me to present.

Mr. HOYER. I understand that. So we will have some further discussions before it is moved ahead?

Mr. GOODLING. The gentleman is correct.

Mr. HOYER. Will my friend give me the assurance that this unanimous-consent request will not be renewed until such time as I have signed off on it?

Mr. GOODLING. If your leadership comes to us, I suppose we can give you some assurance.

Mr. HOYER. I take it that is a no.

Mr. GOODLING. I am not in a position to respond to the gentleman's request.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT.

Section 9112(a)(1)(A) of the Elementary and Secondary Education Act of 1965 (as added by section 101 of the Improving America's Schools Act of 1994 (Public Law 103-382)) is amended by striking "and" and inserting "or".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 377, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENSE OF CONGRESS REGARDING FEDERAL DISASTER RELIEF

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 39) expressing the sense of the Congress regarding Federal disaster relief, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. MINETA. Mr. Speaker, reserving the right to object, I would like to yield to the gentleman from Missouri to explain the request that is now before us.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as Members know, we will soon consider fiscal year 1995 budget rescissions to pay for $5.36 billion in emergency supplemental appropriations for last year's Northridge, CA, earthquake. Combined with the $8.6 billion we appropriated last year, the cost to the Federal Government alone from this tragic disaster will be almost $14 billion. It has now been reported as of yesterday that an additional $2 billion in damages have occurred, with that number growing daily.

I rise today, Mr. Speaker, to offer this resolution expressing the sense of the Congress to address the serious issue of reforming our Federal disaster policy, and I outline a number of measures that should be taken to reform our Federal disaster policy.

Mr. MINETA. Mr. Speaker, further reserving the right to object, I thank the gentleman for his fine explanation and I comment him for bringing this important issue before the House.

Everyone is familiar with our recent legacy of natural disasters. Hugo, Andrew, Iniki, Loma Prieta, Northridge. The names alone are sufficient to conjure images of death and destruction. But experts tell us that these are but a prelude to future events which could be even more catastrophic. Whether it be Missouri or Tennessee or Washington State or California, the point is that natural disasters are going to happen and it is our responsibility as homeowners, Government leaders, and as businessmen and women, to prepare for them.

To do that, a new partnership is urgently needed, so that more of the disaster relief burden can be borne by insurance and less by the Federal Government. That is what this resolution urges us to do, and that is the cornerstone of H.R. 2873, the Natural Disaster Protection Partnership Act, which I proposed in the last Congress.

That bill was the subject of hearings and wide-ranging discussions among homeowners, consumer groups, the insurance industry, realtors, labor unions, firefighters, and countless others.

What began as a modest proposal became, in the eyes of more than 160 of our colleagues, the nexus for solving the crisis facing millions of Americans affected by the likelihood of a natural disaster touching their lives.

Last September, the Public Works and Transportation Committee—which I had the privilege to chair—approved H.R. 2873 without opposition. We knew we couldn't get the bill enacted into law so close to the end of that Congress, but we also knew that we had to begin to force the issue and chip away at the apathy which says that we can worry about this crisis some other time. We can't.

This country simply must begin to stop the fear of what may come tomorrow, and we do that by forging a consensus where none has been possible in the past. That consensus is becoming possible because of the nature of the partnership proposed in H.R. 2873.

The partnership would lower the cost of coverage for natural disasters such as earthquakes, volcanic eruptions, and windstorms by spreading the financial

risks and requiring that coverage in all policies.

We would enable homeowners to continue to rely on private insurance by creating two new funding backstops to cover the cost of claims which a State insurance pool or private insurance company could not cover on its own.

The first backstop would be a private, nongovernmental corporation. The corporation would become a reinsurance pool to be tapped into when either an insurance company or a State has reached the limits of its financial resources.

The second backstop would be a new Federal Disaster Trust Fund. This trust fund would provide short-term loans if the reinsurance pool is temporarily depleted.

And since we are talking about Federal loans, it is important to remember that this partnership would not increase the Federal deficit; the bill requires that the Treasury be reimbursed, with interest, after the crisis ends.

But more than these backstops, we would take actions up front, such as requiring States to adopt one of several model building codes, and the enforcement to go with it. What we all saw in Florida after Hurricane Andrew, for example, was a code which had not been enforced—and roofs that flew around the citrus State like flies in an orange grove. In other words, there must be a partnership in preventive medicine before disaster strikes as well as in financial surgery after the fact.

A bipartisan House Task Force on Natural Disasters—cochaired by the gentleman from Missouri whom, again, I want to commend for bringing vision and leadership to that effort—endorsed many of the principles embodied in H.R. 2873 when it issued its report last year.

Mr. Speaker, obviously, what was a Democratic leadership agenda in the 103d Congress is now Republican in the 104th. Legislation dealing with the Contract With America has preoccupied the House in these first 100 days.

Given this, the task force report in December, the reality of scores of new Members, the legislative schedule, and my own desire to tackle as many disaster insurance-related problems as possible in my legislation, I decided not to simply reintroduce the same bill that my committee approved last fall.

Working with the gentleman from Missouri, we are now looking at issues ranging from unfunded mandates to commercial losses.

Our goal is to get the legislation as right and as complete as possible so that we can do even better than the 162 cosponsors from last year, and quicken the pace from the time the bill is introduced to the time the House approves it.

I expect that the new legislation will be about 90 percent or more of what we reported last year, and that the bill will be ready in a few weeks.

House Concurrent Resolution 39, which I cosponsor, supports that effort. If it is the most we can do at this time to address the issue of preparing for natural disasters; it is the very least we must do.

As the resolution states, "* * * a fundamental overhaul of Federal disaster policies should be undertaken to reduce costs to taxpayers and encourage more effective partnerships between private sector and government at all levels in anticipation of future catastrophes."

Mr. Speaker, I urge adoption of the resolution.

Mr. EMERSON. Mr. Speaker, if the gentleman will yield further, I just wish to take this time to thank the very distinguished gentleman from California [Mr. MINETA] for his leadership in this subject area, both in the last Congress as the chairman of the then Public Works and Transportation Committee and for his leadership in this Congress as the ranking member of the Committee on Transportation and Infrastructure, and also the role that he played, most constructively, in the Bipartisan Task Force on Natural Disasters, which rendered, I think, a very fine bipartisan set of recommendations that will be transformed into legislative language using the gentleman's bill from the last Congress as a base. I hope, together with the gentleman, to move forward very expeditiously in this Congress with passage of this much needed legislation.

Mr. MINETA. Mr. Speaker, I thank the gentleman from Missouri, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 39

Whereas catastrophic natural disasters are occurring with greater frequency, a trend that is likely to continue for several decades according to prominent scientists;

Whereas the Federal Government has responded to disasters by appropriating relief funds, which provide only short-term assistance to victims but long-term burdens to tax-payers; and

Whereas the increasing reliance on Federal disaster relief has overshadowed the need to perform more comprehensive disaster planning and rely on private insurance for protection against disaster risks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) persons who live in areas at high risk to natural disasters should assume more responsibility for their actions by insuring against such risks in order to minimize the rising cost of Federal disaster relief;

(2) sensible, cost-effective disaster mitigation programs should be encouraged and enhanced at the State and local level;

(3) insurers should create a privately funded pooling mechanism for the spreading of disaster risk in order to encourage the continued availability and affordability of private insurance in all parts of the Nation; and

(4) a fundamental overhaul of Federal disaster policies should be undertaken to reduce costs to tax-payers and encourage more effective partnerships between the private sector and government at all levels in anticipation of future catastrophes.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 39; the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR CIRCUS ANNIVERSARY COMMEMORATION

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the current resolution—House Concurrent Resolution 34—authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus anniversary commemoration, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mrs. SEASTRAND. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Maryland, the chairman of the Subcommittee on Public Buildings and Economic Development, for an explanation of his request.

Mr. GILCHREST. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this resolution merely authorizes the use of the Capitol Grounds for a brief performance of the Ringling Brothers and Barnum & Bailey Circus on or about April 3, 1995. This event is intended to be a salute to the 104th Congress and a celebration of

the 125th anniversary of the Ringling Brothers Circus. This event promises to be a welcomed diversion for Members, their families, staff, and the general public, and will be free of charge. It will feature traditional circus entertainment, complete with recorded music.

Ringling Brothers will assume all expenses and liabilities in connection with this event, which will be presented under conditions prescribed by the Architect of the Capitol and the Capitol Police Board. These officials are currently meeting to discuss the details of this event.

Mrs. SEASTRAND. Mr. Speaker, I appreciate the gentleman's explanation, and I too support this resolution. The circus provides family entertainment for millions of Americans and families, and we are pleased to be able to be a part of this annual event and bring it to the Capitol Grounds for this salute to the 104th Congress.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 34

Whereas Ringling Bros. and Barnum & Bailey Circus celebrates its 125th year on April 10, 1995, during its engagement in our Nation's Capital;

Whereas Ringling Bros. and Barnum & Bailey Circus represents a 200-year tradition of circus in America;

Whereas Ringling Bros. and Barnum & Bailey Circus demonstrates to children of all ages that humans and animals can work together in harmony and cooperation; and

Whereas Ringling Bros. and Barnum & Bailey Circus is committed to its goal of educating the people of the United States as to the need to conserve endangered species: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR RINGLING BROS. AND BARNUM & BAILEY CIRCUS ANNIVERSARY COMMEMORATION.

Ringling Bros. and Barnum & Bailey Circus (hereinafter in this resolution referred to as "Ringling Bros.") shall be permitted to sponsor a public event, with circus elephants and performers, on the Capitol Grounds on April 3, 1995, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that Ringling Bros. shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, Ringling Bros. is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. LIMITATION ON REPRESENTATIONS.

Ringling Bros. shall not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of Ringling Bros. or any product or service offered by Ringling Bros.

The concurrent resolution was agreed to.

A motion to consider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, it is my understanding that the minority side will still yet have a unanimous-consent request to make, and if we go into the special orders, will that be too late for them to do so? I think the gentleman from Pennsylvania [Mr. GOODLING] is checking on that now.

The SPEAKER pro tempore. The Chair would state that normally business requests are not entertained once special orders have begun.

□ 1830

RENEWAL OF REQUEST FOR PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the following committees and subcommittees be able to sit during the 5-minute rule tomorrow: Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on House Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, and Committee on Resources.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOYER. Mr. Speaker, I reserve the right to object.

Mr. Speaker, as I was saying when this matter was previously brought up, I am not going to object, but I do want to make the point, and I think it is a point that bears consideration.

This is a very serious matter that is going to be considered by the Committee on Government Reform and Oversight tomorrow. It is a matter of great controversy. Now we have considered a lot of matters of great controversy when we have been under the 5-minute rule. My side has agreed to this, and I am not going to object because of that. The leadership on my side has consulted with their leadership and has agreed.

However, Mr. Speaker, I want to make the point under my reservation that this is a change of great magnitude for middle-income workers, that we expect to carry out our policies. The proposal is approximately a 10-percent tax increase. Now, if it were on any other people in America, the committee would not only not meet, they would be vigorously opposed to such an action. I am told that the proposal will be changed somewhat and that, in fact, the money will not be a savings, but will be applied to the retirement itself of Federal employees. But it has been projected at an $11 to $12 billion cut out of the pension benefits of some 2 million civilian Federal employees. That is a big hit on Federal employees. I am opposing that proposal, and will oppose it tomorrow, and am hopeful that it will not be approved.

Now the ranking member of the subcommittee from which that came is the gentleman from Virginia [Mr. MORAN]. He has raised many reasons why it should not be approved, and at this time, under my reservation of objection, I will be glad to yield to the gentleman from Virginia.

Mr. MORAN. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER].

The reason why we have reserved the right to object is that we are marking up a bill that has been given very little consideration. The minority had been notified only days in advance of a markup and, in fact, of hearings. We are rushing to judgment on a retirement system that, in fact, does not need tampering with, that, in fact, was

fixed in 1986 after 2 full years of deliberation, and now we are going to change that within a matter of days with very little reflection.

Most of the Members of this House have no idea what we will be marking up tomorrow and bringing to the floor very shortly. What we did in a bipartisan way, after 2 years of study in 1986, was to institute a new retirement system. That retirement system is working perfectly. It is fully funded. The old retirement system is not fully funded, but in fact it is being phased out. So there is no reason to mess with that, and, when we passed legislation in 1986, we told Federal employees, we told our colleagues, we told the American public, we were not going to change this system, and now we are asking for unanimous consent to mark up a bill that completely changes it in a radical and punitive manner.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, we did this in 1986. Was the gentleman here in 1986?

Mr. MORAN. Mr. Speaker, I was not here, and the gentleman from California [Mr. CUNNINGHAM] was not here.

I would tell the gentleman from San Diego and I would emphasize that we have a responsibility to maintain the contracts that we make with the American people, that this Congress does. We are standing in the seat and assuming the responsibilities of our predecessors, and, when the U.S. Congress makes contractual obligations, it is our responsibility to fulfill those obligations. I am glad that the gentleman from California made that point, made the point that we have a responsibility to fulfill our commitments, and we are going to abdicate that responsibility and violate that commitment in the markup tomorrow. At least that is the intent of getting unanimous consent to be able to meet during the legislative session. That is why we have brought up this reservation.

Granted, it applies to Members of Congress; that is not the reason for the objection. Members of Congress will pay more into their retirement, and they will get much less back out of their retirement. But the people that are taking the biggest hit are Federal employees who will pay almost a 12-percent tax increase in the CSRS plan. It will go from 7 to 9½ percent and, in the new plan, from 0.8 to 3.3 percent after we assured them this would not happen.

That is why this should be objected to, and I yield back to the gentleman who yielded to me, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Reclaiming my time, Mr. Speaker, the gentleman from California [Mr. CUNNINGHAM] asked the gentleman from Virginia [Mr. MORAN] whether he was here. He, of course, perhaps knew, or at least may have known, that the gentleman from Virginia was not here.

As the gentleman well knows, I was here, and I would tell my friend from California that this was a bill that was passed by the Democrat House, by the Republican Senate, and signed by President Reagan. This was an attempt to put, as my friend from Virginia has said, the pension system on a sound basis. As the gentleman from California clearly knows, President Reagan, his OPM director, OMB and the Republicans in the U.S. Senate, then headed by Mr. DOLE, as he is now heading that Senate, as the gentleman knows, made a determination that it needed to be changed, so we created the FERS system, which is for new employees and new Members of Congress, and we kept in place the Civil Service Retirement System. As the gentleman from Virginia has pointed out, that was a bipartisan fix of a pension system.

It created two systems, a new system, and left in place the old system. It did not deal, as I know my friend knows, with the military retirement system, and I would presume that my friend would not want us to arbitrarily and capriciously, with very short consideration, change the military retirement system, and the reason we should not do that is we have a moral obligation to our friends who served in the military, who served their country, and under one consideration, they did not do it for this reason, but we told our friends in the military, "This is the deal, this is the pension system that we're going to give you," and I am going to yield to the gentleman in just a second, but I was intrigued with my friend's question, so I wanted to fully respond.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. CUNNINGHAM. I agree, and I do not disagree totally with what the gentleman is doing. My only intent was the gentleman was sounding like he helped create the bill. He, nor I, was there, and that is the only issue I brought.

Mr. HOYER. The gentleman makes a point, neither of them were there.

The point I want to make in all seriousness, and we are almost ready, but, further reserving my right to object, the point I want to make is that this is a very serious proposal which will adversely affect middle-class working Americans, and I have a lot of good friends on their side of the aisle with whom I agree some of the time, but very frankly this is not a partisan issue in terms of those who are being focused on it. The gentleman from Virginia [Mr. DAVIS], the gentlewoman from Maryland [Mrs. MORELLA], and, as the gentleman mentioned, others share our concerns that we not in a short term, without serious consideration, without extended debate in the subcommittee or in full committee, without an opportunity for persons to be heard who will be adversely affected, impose on middle-class working Americans in effect a 10- to 12-percent tax increase.

Now we do it by increasing their pension from 7 to 9½ points. That is a 2½ point—about $750—$750 on the average Federal worker, and that is akin to about a 10-percent tax increase. That is something we ought not to do in the fashion that we are doing it. That is the purpose of us rising.

Mr. Speaker, we are not going to object because there has been an agreement, and very frankly we understand, even if we objected, they could make a motion tomorrow to do the same thing, and I am convinced they would prevail, but I hope we look at this matter very closely. My friend from California said he may agree with me if we affected military retirement in this fashion. We would not want to do that. I say to my colleagues, don't do it to civil service employees any more than you would do it to military personnel in this fashion.

Mr. MORAN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Speaker, just as the gentleman from Pennsylvania who asked unanimous consent request, I ask that the Members of Congress realize what this means to them or, more importantly, to their staffs, in fact to all the committees' staffs, all the people who work up here on the Hill. They will see their retirement contribution requirement increased by about 12 percent, from 8 to 9½ percent. On the base that is about a 12-percent increase. They will see their accumulated retirement reduced by 2 percent. So we hit them on the front end in terms of what they contribute and on the back end in terms of what they are able to accumulate toward their retirement, but when we compare that to Federal employees, there was actually a 35-percent increase. That is 2½ percent over the current base of 7 percent, a 35-percent increase over what they are currently paying, plus there will be a reduction in what they are able to receive.

And in the Thrift Savings Plan, which was designed to fix this, which we were committed to sustaining and to not changing, there will be a reduction in the employer contribution, the Federal Government's contribution, from 5 down to 3 percent. This will affect the quality of life of everyone in the Federal Government who is dependent upon a Federal retirement, whether it is in the legislative branch, or the executive branch, or the judiciary branch.

This is a profound change in the assumptions that people have made when

they seek and obtain Federal employment and when they plan their retirement years, and yet we get unanimous consent to mark up a bill with a few days' notice, and bring it to the floor and make such a profound change with very little consideration.

Mr. HOYER. Mr. Speaker, I thank the gentleman, and just in closing:

We ought to remember approximately 90 percent of private sector employees in America make no contribution to their retirement systems, none. Federal employees are now making a 7-percent contribution. Now, the Federal employee pension system is a better system than most private sector pension systems. I mentioned that Ronald Reagan signed the bill in which we formed this working with a Republican Senate and a Democrat House.

□ 1845

In 1990, A Democratic Senate and a Democratic House, working with a Republican President, George Bush, tried to reform and did reform the pay system. And the reason President Bush and his administration agreed to that was because they believed, correctly, that pay was not comparable, and they further believed that you ought not to modify in any way the pension system until you got pay comparable.

President Bush then signed the locality bill, the Federal Comparability Pay Act, and said in signing that that he hoped to put the pay and retirement system on a solid base. That is our point. We ought to retain what we have. We ought not to change it and we ought not to do it in this way.

But, again, as I said, Mr. Speaker, I will not object because of the fact that my leadership has agreed to this process.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE EFFECTIVENESS OF OUR WELFARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, next week the House will take up an historic piece of legislation, the welfare reform bill. There has been a lot of discussion about spending on welfare in the context of that bill and there is going to be a special order later this evening which will discuss that further.

I want to talk just for a few minutes not about spending as such, but about the relationship between spending on welfare and the effectiveness of our welfare system. And I am going to do that first by looking at this graph, which is very informative. It shows us how welfare spending has grown since the Great Society programs were announced in the mid-1960's.

What you can see from that, Mr. Speaker, is that in approximately 1965 we were spending about $30 billion in Federal and State spending on welfare. And that by 1992, we were spending close to $300 billion on welfare, or a tenfold increase in how much we were spending on welfare. So we had an explosion in welfare spending on the Federal and State level in the last 30 years.

But look, Mr. Speaker, at what has happened to the poverty rate during that period of time. In 1948, it began a steep decline, down to about 15 percent in approximately 1965, at the same time as welfare spending has exploded and it has stayed the same. It has gone up slightly since 1965.

This vast explosion of welfare spending has brought us not a decrease in poverty but, in fact, a slight increase in poverty and we are entitled to say, why? Why at the same time as we have increased, exponentially, spending on antipoverty programs has poverty stayed the same when it was declining beforehand?

The reason is because of the incentives in the welfare system. The welfare system pays this money only on the condition that people have a child without being married, earlier than they probably otherwise would, and without having a job.

So what the welfare system is doing is destroying work and marriage and family and responsibility. And if you destroy that, it does not matter how much money the Government gives somebody, you are not going to get people out of poverty. It is like bailing water out of a boat with one hand while you are pouring water in with the other.

I want to go to the other chart. I only have a few minutes. This is a projection of what is going to happen with welfare spending in the future.

Now, this is a baseline before the welfare reform bill that we are working with that we will be debating next week. You will see that welfare spending is projected to go up from $300 billion in 1992 to close to $520 billion by 1998. By that time, it will be almost twice what we spend on defense.

Now, the CBO numbers are not out, Mr. Speaker, so I did not put it on here. The Republican welfare bill we are going to debate allows welfare spending to go up about half that much by the rate of inflation.

And I want to close with a couple of comments. In the first place, nobody in Washington is talking about cuts in welfare. The bill we will debate next week will allow welfare to grow at approximately the rate of inflation. If you hear anybody talking about cuts in welfare, they are either very much mistaken or they are simply uttering something that is not true.

The second point that these two graphs graphically show is how much we are spending on welfare is a lot less important than how we spend it, because values are more important than money. What we have been doing in the past is spending money on welfare in a way that has destroyed families and destroyed work. And so we have gotten not only not less poverty, but more poverty.

What is exciting about our bill is that for the first time we begin spending money on welfare in a way that reinforces family and work and personal responsibility, and that will make a difference for the people caught up in the system.

We take a step for the first time toward ending cash benefits at least for teen moms. We are going to give that money to the States and localities so they can take care of those moms in a way that reinforces family and work instead of destroying it.

And not only are we going to stop punishing people for working, which is what the current system does, we are going to start requiring work so that by the end of the decade about 50 percent of the people on the welfare caseload, and that is an honest number, will have to work in order to get their welfare benefits.

I am going to close, Mr. Speaker, with an observation that my friend Mr. WATTS, our distinguished colleague from Oklahoma, often makes. Under the current system we have always measured the success of welfare by how many people we could get on food stamps and AFDC and medicaid and the 70-odd other Federal welfare programs. We measured success by how many people we could get on welfare; by how much money we could spend on welfare. We need to stop doing that because welfare is not a life of dignity and hope for anybody.

We need to start measuring success, and we are going to start measuring success, by how many people we get off of welfare, off the AFDC, off of food stamps, off of medicaid, and into a life of dignity and hope and self-sufficiency which is the American dream. That is what we are offering to people.

Mr. Speaker, that is what we are going to be debating next week.

WE OWE THE AMERICAN PEOPLE REAL WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, the 104th Congress has been keeping its promises. From real crime legislation to giving much-needed reform to Federal regulations, we are indeed keeping our promises.

One of our promises to America has been to reform the welfare system. We are going to have the opportunity to change the welfare system within the next few weeks. I would like to share my thoughts with you on where welfare has been and where I would like to see it go.

For over two years, the current administration has promised to end welfare as we know it. For over two years, hard-working taxpayers have been waiting and waiting and waiting. Now, this Congress is going to begin that much-needed reform.

The current welfare system has been a tragic failure. It has encouraged dependency upon government, discouraged responsibility, and cost taxpayers hundreds of billions of dollars.

Part of the welfare reform process involves the food stamp reform. That the food stamp delivery system must be reformed, there can be no question. Currently there is an estimated $2 billion of fraud and abuse involved in the food stamp program annually.

The people of the 7th district of Tennessee who I represent are sick and tired of hearing about such widespread misuse of the food stamp program. They are demanding change and they deserve it.

The Food Stamp Program and Commodity Distribution Act will fight this abuse. It contains stricter penalties for food stamp trafficking, tough fines and forfeiture of ill-gotten gains. It is time we crack down harder on those who abuse food stamps and H.R. 1135 will do just that.

I have always believed that the States are better able to operate the food stamp program. After all, the States are on the frontline, much more so than we here in Washington. Pending legislation will give the States the option and the opportunity to take their food stamp funding in the form of a block grant. It is my hope that the States choose this option. It is the most effective and efficient way of reform.

Another important part of this legislation involves work requirements. It is neither right nor fair for those of us who choose to be responsible, taxpaying citizens to pay the way for someone who chooses to make no effort to be productive. So I don't think it is unreasonable to require someone to work for their benefits. H.R. 1135 does that.

Mr. Speaker, we owe the American people real welfare reform. The pending legislation will begin to provide that reform. I urge my colleagues to support H.R. 1135 as we begin considering it in the near future.

THE EMPLOYEE COMMUTE OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, the issue I want to speak about tonight involves a mandate imposed by Congress which must be enforced by the EPA. It is a plan that affects many of my constituents in the 16th congressional district of Illinois and many businesses in several cities across the country.

Many governors have called this the most unreasonable, least thought-out, least effective but very, very costly program ever proposed by the U.S. Congress. The plan, employer trip reduction, was mandated under the Clean Air Act amendments of 1990.

Let me explain what this mandate is all about. Section 182(d)(1)(B) of the Clean Air Act requires employers of 100 or more employees in severe and extreme ozone nonattainment areas to increase passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 percent. The idea is to have people find some other mode of transportation to and from work other than using their car.

The misnomer applied to this mandate is the Employee Commute Option. Some option. If the State elects not to implement this mandate, it stands to lose some of its transportation funds. In Illinois that is $700 million. In Pennsylvania, it is $900 million. In some States, fines levied against businesses that do not participate may range into the thousands of dollars.

Areas across the country that face this mandate include Baltimore, New York, Philadelphia, Chicago, Houston, Milwaukee, Los Angeles, San Diego, Ventura County and Orange County in California. Other affected States include Connecticut, Delaware, New Jersey, and Indiana.

The EPA, in implementing guidelines for this Employee Commute Option, suggests other options for getting to work including mass transit, jogging, bicycle riding, car pooling, and walking.

Well, in the 16th congressional district of Illinois there is a rural county, McHenry County, which is included in the Chicago consolidated statistical metropolitan area. That means residents in and around McHenry County who work in this rural area without sidewalks or mass transit system must car pool. This is a federally mandated car pooling and it is an outrage.

When the amendments of the Clean Air Act were passed in 1990, I was not a Member of this body, and to the best of my knowledge there was never any formal debate on this issue in the House; never any specific hearings on the issue before it was simply slipped in to the Clean Air Act amendments.

This past Sunday, Illinois Governor Edgar and I took the bold and courageous step of announcing a moratorium on the federally mandated employee commute option. He has directed the Illinois Department of Transportation not to enforce this measure. Why? An assistant administrator for the EPA admitted that air emissions reductions are, quote, "minuscule," and her agency has stated it simply does not intend to enforce the mandate.

This moratorium now puts Illinois in the same situation as Pennsylvania and Texas which have announced that they will not participate in enforcing the mandate. There is only one catch, Mr. Speaker: the employee trip reduction mandate is the law. The EPA may choose to not enforce it. The States may not enforce it. However, there is nothing to keep a Federal judge from enforcing it.

No, the mandate is clear. It is law. It says that businesses with over 100 employees shall participate and decrease the number of cars going to and from work. This will cost up to $210 million per year to enforce this unfunded mandate and that applies not only to the private business business but to the public sector.

This law is so ridiculous that it says to a high school that has more than 100 teachers and administrators, that those teachers have to car pool. But the students do not have to car pool, so we would have the incredible result of teachers walking to work, having to hitchhike there to be picked up by their students. And students would rather go to school without their teachers so that they will not have to be taught the subject for the first hour. It is crazy. It is insane. But that is how ridiculous this mandate is.

Data from Southern California indicates that forced car pooling costs companies over $100 per employee and $3,000 per vehicle taken off the road. And the EPA itself has estimated the tremendous cost into the billions of dollars annually to address a solution which itself calls minuscule.

□ 1900

I have introduced H.R. 325 to return the true meaning to the word "option." It makes the employer trip reduction mandate optional to the affected states. H.R. 325 is dedicated solely to correcting this single provision in the Clean Air Act. Nothing else. It does not decrease the quality of the air. This bill simply makes car pooling an option to reach the goal of clean air. This is not an environmental or anti-environmental bill. It simply makes car pooling voluntary in the menu of options available to achieve clean air standards.

This is why this bill has such wide support. It is bipartisan, has more than 152 cosponsors, and I would encourage my colleagues to become cosponsors with us.

SCHOOL NUTRITION AND FAMILY PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, my colleagues on the other side insist upon trying to tell the country that a cut is not a cut. But the problem with their calculations are as we talk to more and more local school districts, they clearly realize that these are cuts. The School districts and school nutrition programs will have less money over the next 5 years to feed children than they have under the current services budget by CBO that will allow them to continue to serve the number of children that they are serving now.

Monroe County schools up near Rochester, NY, they are talking about serving 7,800 fewer children than they would otherwise be able to serve in the coming year. The point is this, that when you look at the cuts in school lunch programs, you see that the Republican proposal is off by some $2.3 billion. They can say this is not a cut, but the fact is it is a cut, because those children who would otherwise be served in this program over the next 5 years, many of them simply are not going to be able to be served.

If they choose to serve every child, they have to decide to cut back on the meal and nutrition component of that meal, and as we know from many of these children, this is where they get a good portion of their nutrition in the entire day. They can decide to raise the price to those who are now paying a reduced price meal. The fact is when we have seen that, a good portion of the reduced price young people are forced to drop out of the program because they simply do not have in their family income sufficient money to increase that price. They can choose to throw all of the paying children out of the program who pay full price for the meal, but as we know, when you do that, you start to lose the economics of the program and programs close down as a result of that.

So what we have here is a mismatch of about $7 billion in nutrition programs over what we should be spending to serve this population as opposed to what the Republicans are offering in the welfare reform bill under the child nutrition components. They say that they are offering $4.5 billion every year, and that is supposed to make everybody here believe that that in fact takes care of the problem. But the problem is that the 4.5 percent they are offering every year is not based upon the total cost of what it costs to deliver school lunches and pay for them under the current program, because it does not include the cost of the commodities, so that is excluded from the 4.5 percent. The cost of education is excluded from the 4.5 percent, and in fact they omit almost 20 percent of the funds currently used to provide nutrition programs for our young people, and that is why the 4.5 percent then, even though they add it every year, falls further and further behind, until by the 5th year, we see there is a gap in the nutrition component of my Republican colleagues of a little over $7 billion. That is roughly in the school lunch component because of 2 million children over the next 5 years that otherwise would be served under the current services budget as opposed to those who will not be served.

Now, the Republicans also want to convince everybody in America that they are not cutting meals, they are only cutting the bureaucracy. The bureaucracy at the Federal level for all nutrition programs is $140 million a year. $140 million a year. If you do it over the 5 years, it is roughly $700 million. They are cutting $7 billion out of the program. So obviously it is not just the bureaucracy.

The cuts go far beyond the bureaucracy at the Federal level. Where do the cuts go? They go right to the school lunches, to the participation in the WIC program, to the school breakfast programs, to the nutrition education programs that are sponsored by this program.

What does that mean? That means a good many of our poor and our near-poor, the working poor in this country who rely on this program for nutrition, simply will no longer be able to do so to the same extent that they are today.

They are not talking about waste, fraud, and abuse. We had those problems many years ago when the private sector thought it was open season on the school lunch program and they could deliver substandard meals and poorly packaged meals and stale meals and charge us. We are not talking about that in the WIC program, when we had the problems of being ripped off by some of the largest food companies in this country that thought they could sell us substandard formula or sell it to us at rates that far exceed the going rate.

Unfortunately, in the Republicans' proposal, they no longer include the competitive bid process, which would save us a billion dollars, and we were using that money to plow back into providing the services for pregnant women and newborn infants. So the bottom line is that a cut is a cut. There is a $7 billion gap between this and whatever.

I ask my colleagues, and Mr. CUNNINGHAM is on the Armed Services Committee, if someone said they were only reducing the growth of the defense budget, I suspect they would call it a cut. That is what they have been calling it over the last several years whenever it is suggested is that a cut take place or a reduction in the growth. But if you are a hungry child, the $7 billion gap that you create means that lunches will not be delivered, and that is the simple fact. The numbers cannot be denied. I assume that is why they are so frantically trying to convince people all is well in the school lunch program. It is not, and it is not well for the children.

FAMILY AND SCHOOL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennylvania. Mr. Speaker, my Republican colleagues and I are here tonight to set the record straight about family and school nutrition programs. We care about women, infants and children, and are committed to compassionate solutions to assist our children.

I believe that the whole debate on this issue was best summarized in an editorial which appeared recently in the Cincinnati Enquirer. The author poses the following question to us: If you had a dollar to spend on lunch, would you rather, A, give it to Uncle Sam, who will order your lunch for a cut of the money, or, B, choose your own lunch, or, C, skip lunch and stay hungry?

We have a program that chooses A, give your money to Uncle Sam, who will order your lunch for a cut of the money. President Clinton and his Congressional allies would have you believe that any change in the current system would mean choice C, that kids would go hungry.

Nothing could be further from the truth. My colleagues and I believe we should choose B, to give block grants to the States and allow decisions to be made closer to our children, which empowers families and our local communities.

We are growing kids, not the Government. Our plan will increase funding for Women, Infants and Children programs and school nutrition programs by 4.5% each year. As you see from this chart in each year from 1995 to the year 2000, the red chart shows a yearly increase of the food programs for school nutrition of 4.5 percent and an even larger increase for WIC programs.

The GOP growth in school meals is very clear, the huge increase. You see the increases, 3.6 percent, 4.5 percent, and 4.5 percent. The same is true with WIC programs. I wish to point that out. The GOP also grows the WIC programs. In this case we see that a line goes up, the CBO baseline WIC funding and the GOP WIC funding, which is even higher.

By eliminating the Federal middleman and the 15-percent administrative costs that were used to run the current

program, our plan will make more resources available to feed more children.

Our proposal creates two separate block grants—one to address family nutrition needs and one to address school nutrition needs, which preserves the family and rewards work.

The family nutrition block grant will allow States to promote the good nutrition, health and development of women, infants and children and to provide healthy meals in child care, head start, summer camp, and homeless shelters.

Under the block grant, funding for family programs, including vital programs to help women, infants, and children, will be $588 million greater over the next 5 years than in the current programs. With increased funding and less bureaucracy and paperwork, States can assist more of our children.

The school nutrition block grant allows our schools to provide breakfast, lunch, before and after school meals and low-cost milk to our children. We know that hungry children cannot learn—that is why we propose to increase funding for school meals 4.5 percent each year for 5 years. We are sensitive to the needs of our children. We are committed to providing healthy meals and thus creating a proper learning environment.

Furthermore, the school nutrition block grant will enable more meals to be served to more children.

We are proud to be part of a caring solution that helps our children grown, not our Government bureaucracy.

SCHOOL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, last week President Clinton visited Patrick Henry Elementary School in Alexandria, VA, to have a bite to eat. He dined on federally subsidized beef tacos and coleslaw and corn and fruit. The point of his visit was to try to convince the American people that the Personal Responsibility Act would slash the money that funds the current school lunch programs. Frankly, that is a lot of suckatash.

The President and those who oppose welfare reform are not telling the truth to the American people. The Personal Responsibility Act would direct that money to go where it is most needed, away from the Washington bureaucrats and toward low income children. The idea is to help those who have the greatest need.

I apologize for injecting real facts into this otherwise lively debate, but let us look at the numbers. In 1994, the Federal appropriation for the school lunch program was $4.3 billion. The Personal Responsibility Act would allocate block grants to the States of $6.7 billion next year, rising to $7.8 billion in the year 2000.

So funding for school lunch programs will increase by 4.5 percent each year over the next 5 years. Let me repeat that again. School lunch programs will increase by 4.5 percent each year. Now, people can argue about whether that is good or bad public policy, but, please, do not mislead the public by calling it a cut.

There has never been a time during this debate when those of us who favor welfare reform have voted for decreasing spending for school lunch programs. Our intent is to better serve children, not the Washington bureaucrats.

How does this bill work? We will transfer power away from the Federal food bureaucrats in Washington and give more authority to the States where it belongs. At the same time, we will focus the program more efficiently to ensure that at least 80 percent of the money goes to children from low income families.

States will have the flexibility to use the grant funds to support what they find to be the best programs for their individual school districts. They can decide how to meet the needs of children and families in their areas. This plan makes school nutrition programs easier to operate and more cost-effective by reducing paperwork. It caps administrative costs at 2 percent, and it helps ensure that meals are appealing to children by allowing greater choice at the regional and local level. We are not cutting funds for our children; we are eliminating the Federal bureaucrat as the middleman.

Federally funded beef tacos may be what we have become accustomed to, but the diet we have become accustomed to here in Washington is not necessarily healthy for the American people. The States should have the opportunity to see if they can feed more children more efficiently with more money. That is what we propose to do.

Frankly, as a parent myself, it makes a lot more sense to me for someone to be able to talk directly with his or her local school board about school lunches than it does to have to speak to the Agriculture Department or Committee on Agriculture here in Washington. It is not as though Federal overmanagement makes beef tacos, coleslaw, corn and fruit taste better.

I hope that those who are so wedded to the present system finally will begin to tell the truth to the American people. The debate becomes clearer when it is understood all the distortions and false accusations are coming from people who understand that we are not proposing state school lunch cuts, but they want to avoid the real cuts other unrelated programs later on.

But opponents want to preserve the country's huge welfare state, so they launch this fear attack now as a preemptive strike. Well, my view is while we need nutritious lunches in our schools, we need a whole lot less baloney here in Washington.

□ 1915

REFORMING THE WELFARE SYSTEM AND FEDERAL NUTRITION PROGRAMS

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, one of my favorite Presidents was Ronald Reagan, and two of my favorite expressions that he used, and some Members will remember in some of the debates, he would use the phrase, "Well, there you go again."

He used that expression when people would attempt to distort the facts. We have heard it again tonight. "Well, there you go again."

One of my other favorite expressions from President Reagan was one that I use often around my office, and, that is, "Facts are stubborn things." I almost wish we could bring those charts back here so people could continue to look at them because I think facts are stubborn things, and I think the more the American people get a chance to see the real facts about what we are talking about relative to welfare reform and reform of our nutrition programs, the more that they will see that the facts are on our side and that this is not a plan designed to cut the nutrition program. As a matter of fact, some of my more conservative constituents back in the district are saying, "Why are you allowing these programs to grow the way you are? We'd like to see you freeze these programs."

We are being accused by some of our Democratic colleagues of being mean-spirited and we are hurting children. But I was reminded of a quote the other day from Ralph Waldo Emerson. He said, "There is always a certain meanness in the argument of conservatism, joined with a certain superiority in its facts."

As we show the facts and as the American people get to know the facts, I think they will recognize that when we are talking about meanness and particularly as it relates to our children, I think the meanest thing we can do to our kids is leave them a debt which they will not be able to pay off. That is exactly what we are doing, ladies and gentleman.

Last year the President's own budget officers backed up by the General Accounting Office said that unless we make some changes, by the time today's kids reach our age, they may be confronted with an 82-percent tax rate. In fact, we are stealing from their future. I think the American people are

way out in front of us. I think they expect some real cuts. As a matter of fact, all of my town meetings have centered around cut spending first. Frankly, I think some of my constituents are upset because we have taken so many things off the table. As I said earlier, I think they want real cuts in welfare, they want real cuts in some of these programs, and in fact as you look at the charts, whether you are looking at welfare, the Nutrition Program, the WIC Program, all of the other programs, we are actually seeing significant increases.

We have only been here about 9 weeks but it is interesting to me to learn the vocabulary of Washington. Here an increase can be called a cut. But we look at the numbers, and the numbers speak for themselves.

If we look at the Family Nutrition Block Grant Program. According to the current programs, we would be spending in fiscal year 1996, $3.585 billion this year. Fiscal year 1996. Under the Republican plan, we are going to spend for the Family Nutrition Block Grant Programs $3.684 billion. That is not a cut. The American people know that is not a cut, and I think the American people want cuts.

I want to close, Mr. Speaker, if I could with a quote, and I will not tell who said this because I think it is such an important message, but I would like to share this with the body:

> The government has extremely limited resources to address the many and urgent needs of our people. We are very keen that this real situation should be communicated to the people as a whole. All of us, especially the leadership of political organizations in civil society, must rid ourselves of the wrong notion that government has a big bag full of money. The government does not have such riches.

The speaker went on to say:

> It is important that we rid ourselves of the culture of entitlement which leads to the expectation that the government must promptly deliver whatever it is that we demand and results in some people refusing to meet their obligations.

That was not NEWT GINGRICH who said that, it was not even Thomas Jefferson who said that. That was said less than a month ago by Nelson Mandela, addressing some people in the Democratic Parliament in Cape Town, South Africa.

Let me just repeat that last sentence because I think it is so important and I think that is what this debate is all about. Are we willing to finally ride ourselves of this entitlement attitude that we have?

He said:

> It is important that we ride ourselves of the culture of entitlement which leads to the expectation that the government must promptly deliver whatever it is we demand and result in some people refusing to meet their obligations.

Mr. Speaker, this exercise that we are going through, whether we are talking about the nutrition programs or welfare reform, is really about changing the attitude not only of Washington but of the American people. We cannot go on under this principle that people are not responsible for themselves. Our welfare reform is really about reinforcing some of those principles, some of those values, if you will, that we know work. We need to reemphasize work, we need to reemphasize personal responsibility. That is what this exercise is about. The facts, the numbers are on our side. Frankly I think, Mr. Speaker, the American people are on our side.

FEDERAL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Republicans say that really they are not cutting nutrition programs, and I do not intend to suggest that they mean to cut and suggest they are not cutting.

We are probably looking at this in different ways. I would think that the emphasis ought to be placed on will they serve more children in the long run or will they serve less? Is the current policy being enforced or will they indeed have a new policy which may yield more money but serve less people?

Let me say, Mr. Speaker, that wedding oneself to entitlement certainly is not wedding oneself to invest in our future. Wedding oneself to entitlement is not the same as saying children are our most precious commodity. And entitlements as to some of the basic necessities as food and shelter and health seems to be consistent with what democracy is all about, not necessarily wedding them to be on the dole. I would argue for consistency in terms of America and reaching out to help those least among us as reaching out to help those who are most affluent. It was indeed President Kennedy who said, and I agree, that if this Nation cannot respond to the many who are poor, certainly this Nation cannot defend the few who are rich. That is true, Mr. Speaker.

What are those myths they are saying? They are saying, well, there is going to be more food indeed for school lunches.

I would submit, indeed they are cutting. In fact, the chart we have here indicates surely that they are cutting as a whole.

They say indeed that what we are doing, we are increasing the School Lunch Program 4.5 percent. Indeed, that may be so, but consider this, Mr. Speaker. In that 4.5 percent, you are not taking into consideration inflation, you are not taking into consideration the increase of students who will be there, but yet that same approach was not led to the defense. Indeed, you did take into consideration when you were looking at the budget for defense that in order to maintain that level of service, we have to make an adjustment for inflation. But indeed you did not do that.

When you take all of the nutrition programs together, this chart clearly shows that over that 5-year period, there would be cuts of at least $7 billion. You see, when you take all the many nutrition programs together and begin to block grant them into two, something else happens to that, particularly the ones that you have the nutrition where you have WIC and other programs. You begin to have the programs who are in need competing among themselves. How does that affect the American people?

I will tell you, it certainly affects the day care people and those who are working because they are going to find that their day care is going to go up and beyond, to make work affordable, they are going to have to increase their outlay for day care because now the choices will be how much money we spend on WIC, how much money we spend on day care.

You say, well, 80 percent of those funds are designed for WIC. Well, WIC does not want to help people get over the first 2 or 3 years and find that the mother is now working and all of a sudden her day care is going up because you are pulling away the support that you had there before day care.

Block grant in itself may not be an evil concept but block grant under the guise of efficiency and better service and local control, it needs to be examined. I submit to Members that in the block grants, in cutting, we may indeed be offering an unfunded mandate because those people who are closest to their citizens will be going to their county commissions, be going to their State general assembly, because they have come to understand that these programs are there and they no longer will be there. You will say, we have given the block grant and we have capped them.

The other issue about block grants is that it does not indeed take into consideration the downturn of the economy. It makes no adjustment for that whatsoever.

Given these factors, it cannot be made substantial when we go beyond the rhetoric that more children will be served. The truth is, more children will not be served. Why? Food is going up, and the school and population is growing.

Which of us would rather tell the last 5 kids of the 25 that are there that they are not going to be able to be served? You must begin to understand why people are so outraged is they cannot believe that you understand this and will still go forward. It is not that we think

anyone has more of a disregard for young people than we are, but apparently we do not share the same vision for the future to allow this to happen.

Mr. Speaker, I would urge all of us to begin to think not in terms of entitlement when we think of our children but think of our children as our future. To the extent we fail to invest in our future, we fail to invest in our society.

MORE ON FEDERAL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I thank the preceding speaker joining us in the well, the gentlewoman from North Carolina. I appreciate her point of view and especially her last couple of comments. However, I thought for a time tonight we had made real progress because it seemed the preceding speaker, Mr. Speaker, had decided to back away from the terminology "cut."

Let us again state for the record, the proposal offered by your new majority in the Congress of the United States, a proposal that for child nutritional programs adds $200 million over what President Clinton outlines in his budget, a plan that calls for annual increases over the next 5 years of 4.5 percent every single year, friends, those are increases.

The numbers, with all due respect, offered by the opposition are phantom numbers because they speak of $7 billion in cuts, $7 billion that don't even exist.

The problem, Mr. Speaker, is this: We do confront a deficit of stark proportions for us all. In fact, by some estimates since in essence the national debt is compounded every nanosecond, it continues to grow, by some estimates we confront a national debt that affects every man, woman, and child in this country to the tune of their share in the national debt, for you and me and for everyone else, fast approaching $20,000.

We have a simple choice: Either we can continue to play the tired old politics of the past which are akin to a schoolyard game of am-not-are-too, am-not-are-too, or we can face this serious problem and take a look and decide to rein in the growth of spending to what is reasonable, to what is rational, and, yes, taking into account the inflation rate, what is most effective, and that is behind our notion of changing these grants to block grants, to let those on the frontline fight the battle.

It is true there is a very real difference in philosophy here, because those in the new majority, Mr. Speaker, believe that people on the frontlines can best fight this battle and believe it is not incumbent upon a bureaucracy run amok in Washington, DC, to decide how best to spend money.

□ 1930

Your new majority in this Congress realizes that what might work in Philadelphia might not work in Phoenix and that people on the frontlines in the States of Pennsylvania and Arizona and North Carolina and across this Union can best decide how to fight the battle.

But again, the programs are not being cut. Really, this begs a larger question, and one I think of stark importance to our Republic. Do we face the challenge now and deal with it responsibly, or do we remain wedded to the politics of the past?

We heard with great fanfare my friend on the other side from California just repeat all the arguments and all the incendiary rhetoric. Let me submit to you that if we fail to deal with this problem, if we continue with the same old name calling, the false numbers, in essence those who are wedded to the past, those who are the guardians of the past have become, in essence, the enemies of the future. For in maintaining a tired old broken-down welfare state, they have, in essence, declared war on the next generation of Americans.

All we ask is this, Mr. Speaker: That we in this body in which it is a great honor to serve, that we do what every American family at one time or another has to do, Mr. Speaker, to gather around the kitchen table and make some hard choices.

Can good people disagree? Yes. Good people can disagree. And certainly there is a difference in philosophy that I delineated.

But I would challenge the other side to come forward with positive programs to tell us where the cuts will come, to tell us where the changes will come, instead of trotting out the tired old rhetoric of the past.

The stakes are too high. The future beckons us.

IN THE FRONTLINES WITH THE WIC PROGRAM

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the gentleman who preceded me in the well talked about the frontlines. I do not know where he was yesterday, but I was at the frontlines. I went and visited a WIC program in Springfield, my hometown in Springfield, OR.

Apparently the gentleman is quite unfamiliar with the programs. They are run by local boards. In fact, the chairman of the board of our local WIC program is a Republican lawyer who a couple of years ago thought about running against me. So there is an incredible amount of discretion and weight given to local control.

What did I not see at the WIC program yesterday? I did not see this: I did not see a low-birthweight baby who was suffering tremendously and who was going to be an extraordinary expense all paid for out of the other pocket of the taxpayers, by Medicaid. I did not see one of these yesterday.

But what I did see were a bunch of healthy kids and some parents coming from a whole bunch of different circumstances. I want to talk just a little bit about that.

I saw a teen mom yesterday, a category of recipient who would be cut off from benefits in the Ozzie and Harriet world of the other side of the aisle. We should not have teenage pregnancies, and, by God, if they have them, they are not going to get any benefits.

What is going to happen to the baby in that world? You want to punish the teenager. What about the baby? I do not even think you should be punishing the teenager. A little counseling is a little more in order. I met a teen mom, and she had gotten some of that counseling at that WIC program. Counseling is one of the things cut off under the Republican block-grant proposal. You will give them the food vouchers still, but you will not get the nutrition counseling. They taught her how to breast feed her little baby, and they were there yesterday, and they were a testimony to how well this program works.

I saw a working mom with two kids. She is working, a single parent, but she qualified for the WIC program, and you know what, her kids had nutritional problems. They both had a problem with dairy. They had dairy sensitivity. She did not know how to deal with it. She did not have the wherewithal to deal with it. She went to the WIC program, and got nutrition counseling. She got a diet. I saw those two kids yesterday. They are beautiful kids. They are thriving now through the WIC program.

They talk a lot about fraud and abuse. There are no allegations of fraud and abuse in the WIC program. People get vouchers for a healthy diet.

You know, there are allegations, substantial allegations, in the food stamp program. What is very interesting is the Republicans originally proposed to block grant the food stamp program. But you know what, they backed off, not because they did not want to get at the $3 billion of fraud and abuse. I believe they want to get at that as much as I do and the organized crime. But because Safeway and A&P and Stop and Shop and all the farm lobby came in and said, "You can't do that to us."

Now, WIC unfortunately, the Women, Infants, and Children's Program, low-birthweight babies, the nursing moms, they do not have those kinds of lobbyists, the same kind of lobbyists

Safeway has or the agriculture groups have.

So food stamps is back on with ineffective measures to deal with the $3 billion of fraud and abuse, but WIC is on the chopping block. It is going into a block grant program about 80 percent of the funding it gets now, and 20 percent of that money can be diverted by the Governor of any State to any other purpose they want. And they tell me, "Don't worry, the WIC program won't be hurt." Well, there is an unmet need in my hometown of Springfield, OR, and I know there are unmet needs in many other towns across America, and the WIC program is one of the most cost-effective ways of meeting that need.

I met another gentleman, a man, who was there with his baby. He and his wife, both college graduates, both employed, but in the current job market they are not making a lot of money; they are having a little trouble making ends meet. They are new parents. They qualified for the WIC program. They are getting nutritional supplements for their baby, and they have learned a lot about parenting through this program.

I met another woman there whose child had had a routine pinprick blood test. They do that to the kids who come into the program to see if they have any deficiencies. They discovered that that child had childhood leukemia, and the child is now in treatment.

But this program in their world will not be required to exist anymore because of all of the Federal bureaucrats mandating so many things. I was there yesterday. I did not see any Federal bureaucrats. I saw a bunch of healthy, happy kids. I saw a bunch of parents who were doing better and getting just a little bit of help, and most everybody there was working. Funny thing, given the current minimum wage; and how well do you think you can provide for a family of four? That is why we have the Women, Infants, Children Program.

What does one low-birthweight baby cost, both in terms of trauma to the parents, both in terms of developmental disabilities for that child, both in terms of cost to the Medicaid program? Is it too much to ask that we continue the Women, Infants, Children's feeding program and prevent those low-birthweight babies? I do not think so. And I think America can afford that.

CHILD NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. NEY] is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, once again, I think we have to make the facts known, especially in light of the last speaker. We are not cutting this program. We are increasing this program.

Here are the charts. Now, that chart is a hypothetical, what if, and I guess I could say that in an expenditure where we would hypothetically have $20 billion or $30 billion to care for some type of children's program, I could say we should have $60 billion to care for it, so we have really shortened and short-changed that program. That is what this chart is. That is exactly what this chart is.

The fact remains we are increasing it. Something I am going to agree about with the last speaker about a successful program. Yesterday I was in Zanesville, OH, Muskingum County, Mr. Speaker, and the people that run the WIC program were in, and it is a successful program, and it is a good program, and I believe that we have recognized that time and time again. We are recognizing it again and again and again by saying we believe in it and we are going to increase it, and here is the chart that tells we are going to do it.

So we have not said it is a bad program. We have no question of the effectiveness of the program. We have no question how it has helped people.

But I have got to tell you, they call this the well. They ought to rename it the swamp, because I think we get to a low point when we come in and bring a picture in and try to say that by increasing this we are going to do harm to children. I think that is absolutely ridiculous.

Let us state the facts as they are, and the fact is that it has been a good program. The fact is that the new way to do the WIC program does not take away counseling, as the last speaker told you, Mr. Speaker. It does not, because nothing changes in this program.

The question of where are we going to live up to the food standards, we do, Mr. Speaker, live up to the food standards, because that is also taken care of through this program.

But it is a bigger picture, and the bottom line in this country, Mr. Speaker, is that tomorrow morning everyone in this country looks into the mirror and sees the face of the human being that is morally responsible as to whether our children live in a country that is safe, prosperous, and secure.

So we all have to ask ourselves, Mr. Speaker, as we look into our faces in the mirror, Members of Congress and people throughout this country, are we doing the best job to make sure that this country is safe, prosperous, and secure for our children? And I answer we are. But not just in how we revise this program to take the Federal bureaucratic end of it out, but in the overall picture of what we are also doing is stepping up to the plate and balancing this Nation's budget, of trying to reempower families to help them by reempowering them to make decisions, and this is what it is all about. It is a bigger picture.

Because what we have done in this country by letting Washington remain the same old, same old, time after time, is we have let a bureaucracy build up, and as I told people from the WIC organization yesterday, we have let it build up to the point if we do not take control now of this deficit, if we do not take back control and reempower families out in the heartland, Mr. Speaker, in this country, we are not going to have to worry about charts on either side of this aisle, because there is not going to be anything left. We will have nothing to leave our children. When we look in the mirror, we are going to know we did not leave our children with a safe country. We did not leave our children in prosperity. And we did not leave, Mr. Speaker, our children with peace.

So not only are we doing the right thing, not only are we increasing this, we are also looking at a bigger overall picture to restabilize this government, to reempower where it counts, in the hands of the citizenry, Mr. Speaker.

And with that, I think we have just got to stay to the facts and quit using scare tactics from this side of the swamp, not the well, to use this type of scare tactic. We should speak to the reality of what we are trying to do, to make a better America, and that is what we are. We are sending our message, Mr. Speaker, to you tonight and to our colleagues, and we know that if we work together in the bigger picture, we are going to give back to families their dignity and give back to families their ability to help empower themselves for a better future.

CAN THE FEDERAL GOVERNMENT SOLVE THE PROBLEMS OF AMERICA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. WAMP] is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, I rise tonight to ask a series of questions and to make some statements, and the first question is: Can the Federal Government solve the problems of America? You know, I asked that question as I campaigned for the last 4 years.

I really believe the average person out there is this country does not think for a minute that the Federal Government is going to solve the problems that we have in this country, and there is a tremendous amount of misinformation and disinformation.

I returned to Washington today from Chattanooga, TN, my home, and I can tell you from being there this weekend that this issue has outraged so many people who know better and know that there is some untruth being told. The words "cutting" and "eliminating" are being used over and over again on editorial pages all across this country. It has gotten so out of hand that small children are writing letters to Members of Congress, I am sure at the instruction of their teachers or maybe even

their parents, saying, "Mr. Congressman, please, don't cut my lunches. Please, don't eliminate the food from my table."

□ 1945

And another question I have tonight is, who is actually taking advantage of children here? When you ask small children who don't know any better to write a letter to their Congressman with the threat that you are going to take food off of their plate in front of them and they are not explaining to these children what the truth is.

You know block grants is what we are talking about. Decentralization is what we are talking about. It is a recognition that things are not working, things have not been working. Federal Government got too big, too powerful, out of control. It is outrageous, and we are trying to block grant these dollars back to the State and the local governments.

You know, Al Harris runs the Chattanooga housing authority in my home city, and does an outstanding job there. They are concerned. Let me tell you what he says about block grants. He says block grants work. He says, "Send the money down, unleash the shackles. We got too many rules, too many regulations, too much bureaucracy. Send us the money. We can produce." He looks at this as a good thing, as decentralizing the Federal Government and sending the money on down.

I heard in church Sunday morning a teacher in Hamilton County, Tennessee, said, We have got problems with school lunch programs. Those people who are in need are not getting the services because people who do not qualify are abusing the system. People are applying for and receiving free lunches in our schools and they drive up in about BMW's to let their kids off in the morning. You know why that happens? Because this is a big Federal bureaucracy micromanaged out of Washington, DC, and every time we have turned these programs over to the Federal Government they have got out of hand. Fraud sets in and money is wasted and people do without.

In about 2 weeks, this House, I believe this majority, will vote to put $500 in the pocket of every child in this country whose parents are working and paying taxes. That is the kind of child relief—that is the kind of child support that we need to be engaged in, and there is more help on the way. We are sending this money back to the States. We are not cutting or eliminating anything, and my colleagues have said that over and over again.

What I think this really boils down to is whether or not we trust our State and our local governments, because I do not believe the liberals in this country will acknowledge that our States and our local governments have done a better job than we have done up here in Congress for the last 30 years.

You know, they are balancing their budgets at home. They are responsible. They have got their priorities in order. They are not about to go out and borrow money with a credit card like these voting cards here. The worst and most expensive credit card in the history of the world here is the credit card that Members of Congress use to vote in this Chamber, moneys that they do not have, and it is out of hand. We have got to do something about it.

So let us send the money back to the responsible governments, the State and the local governments. I know in my home State that our governor and our State legislature is going to do the right thing with these moneys when we block grant them back there, and if your program is good, you will get more money, not less money, through block grants and then you won't have the Federal Government breathing down your throat on everything.

I want to close with a statement I know you have heard before but we need to remember it right now, 1995, while this country is at risk. A government big enough to give you everything you want is a government big enough to take from you everything you have.

Patriotic, freedom-loving Americans need to recognize that our Federal Government is out of control. We have got more government than our Founding Fathers ever wanted. We have got more government on a Federal level, more micromanagement, more bureaucrats, more waste, fraud and abuse than I ever wanted to deal with, and we are up here trying to do something about it and they are not telling the truth.

Now, if we are going to have a legitimate dialog in this country about what is best for our children and our future, let us at least be honest. We are not running campaigns anymore. That comes up next year. You know, we knew when we got into it you would not tell the truth about us in our campaigns. That is part of campaigning. This is lawmaking. This is serious business.

Let us at least tell the country the truth on this issue of block grants because this is the beginning of downsizing the Federal Government, returning the power and the money to the States that have acted responsibly.

THE SCHOOL LUNCH PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WHITFIELD] is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, when the school lunch program was started back in 1946, the research that I have done indicates that the program cost about $70 million that year, and the projections indicate that by the year 2000 the food programs in the United States will be approaching $7 billion.

Now, when you talk about hunger in America, I want to emphasize this evening that those of us on this side of the aisle are just as concerned about the welfare of children throughout America as those people on the other side of the aisle. They certainly do not have any sole discretion about and concern for the needs of children around this country.

But when you have a program, and I might also add that in addition to this school lunch program, there are thousands of programs out there to provide help to American citizens, and that is part of the problem, because you cannot solve a $4.7 trillion deficit problem in America without coming up with new approaches and new solutions to very difficult problems.

Now, all of us would like to do everything that we can do to eliminate hunger in this country. We would like to eliminate disease in this country. We would like to eliminate child abuse completely in this country. All of us agree to that. But we have a significant problem. How do we continue to provide the money for all of the thousands of programs out there, whether they are child care programs, breakfast programs, lunch programs, after school programs, child abuse programs, or whatever they may be?

So the challenge that we have is to come up with innovative solutions to provide the maximum benefit for children throughout America at the lowest cost, and that is what this block grant does that we are now proposing.

We are trying to send this money back to the State and say, bureaucrats in Washington are not close to the problem. The people in the State may be more innovative. Some governors around this State have shown in the last 10 years that they can come up with innovative programs to make a real difference in saving dollars and providing more benefits for the recipients, and that is what we are looking for in this block grant on this school lunch program.

Now, many speakers have already indicated today that our program provides 4.5 percent more nationally for this program each year over the next few years. But I want to, as we have talked about this program in very general ways, we have not been specific enough on how the program really works. And I want to take a moment this afternoon to talk about that.

First of all, in a school lunch program in America today, there are three basic programs. First of all, there are those children who receive free lunches, free breakfast and free snacks, and they receive it because they are somewhere between 135 percent and 185 percent of the poverty level, and they should receive free food because they

are not going to get a nutritious meal anywhere else and our program is going to see to it that they continue to receive it.

Then the second group of students, in my home State of Kentucky, the average meal at lunch time on the school lunch program costs $1.60 approximately. And this second group, they pay 40 cents for that lunch.

Now, the Federal Government each month writes the local school board or school nutrition program a check. For those students who paid zero for their lunch, the Federal Government writes a check for $1.60 for every meal served, and by the way, 25 million meals are served around this country everyday. And for those students who paid 40 cents, the government writes a check each month for $1.20 to the local school program.

Now, there is another group of students and those are students who belong to their parents, may be doctors, may be lawyers, may be businessmen, coal operators, coal miners, but they can afford to pay for their lunch and they pay $1.20, still 40 cents below the cost of the lunch. And then on top of this—the Federal Government writing a check for the balance between 40 cents and $1.20, we also sent an additional 17 cents for all meals served.

So all I am saying is that we can provide a program where the wealthy children in this country pay their full share and we can benefit more poorer children, provide better nourishment, more nutrition, and I think that the entire country will benefit from this innovative approach to the school lunch program.

BLOCK GRANTING THE SCHOOL-BASED NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I had to participate in this particular debate because it has grated on me, quite honestly, as a member of the House Appropriations Committee and a member of the Economic and Educational Opportunities Committee. I see a couple of my colleagues here, Mr. GOODLING, the chairman of the full committee, and Mr. CUNNINGHAM, one of the subcommittee chairmen, and it has grated on me to hear these repeated falsehoods and exaggerated claims coming from the other side of the aisle.

It has also reminded me of that wonderful statement that there are really three kinds of lies. There is lies, there is more lies, and there is damn lies, and we have been hearing an awful lot of damn lies and out and out falsehoods propagated by our friends on the Democratic side of the aisle regarding our plans with respect to block granting the school-based nutrition programs back to State and local education agencies and our plans to dramatically overhaul and reform the American welfare system.

Now, I am a former school board member. In a sense, that is how I cut my political teeth, because believe me, school boards remind one of the old saying of I think the late Speaker Tip O'Neill, that all politics are local, and I have a great deal of confidence and faith in those men and women who come forward, purely in a volunteer capacity, to serve on the school boards of their local communities.

I am fully confident that they will provide for the nutritional needs of our school kids at the local level and that is obviously the best way for government to function.

Now, we believe that block granting the school lunch and breakfast programs, obviously, as this chart indicates that my colleagues have made repeated reference to tonight during special orders, we believe that our block grant programs to State and local education agencies obviously does not mean the end of nutrition assistance to needy children. Instead, what it means is the end of funding to Federal bureaucrats.

Some facts to go with the chart as we have attempted to reinforce tonight with our colleagues, and also to the American citizens who might be viewing these proceedings, some facts. Number one, funding in the nutrition block grant will increase 4.5 percent per year, as the chart indicates.

Number two, at least 80 percent of the funds must be spent on low-income children, that is to say, the neediest of children in local schools around the country.

And number three, not more than 2 percent of the block grant funds can be spent on administrative expenses at the State government level, ensuring that more funds are spent on nutrition services for children.

And, ladies and gentlemen, let me just stress that this is part of an overall approach by Republicans in reinventing and downsizing the Federal Government. We are attempting to respond to this patchwork that we have today of over 600 separate Federal categorical programs that have been authorized by past Congresses over a period of many years, and as a consequence, we are putting forward proposals to radically reform this current maze of congressionally mandated government human service programs.

We are considering proposals that we will be bringing to the House floor in coming weeks to consolidate block grant programs in the areas of education, job training, nutrition, child care, and welfare.

And why the block grant approach? Well, the obvious reason. This is a fundamental and long overdue reform necessary back in Washington because these Federal categorical programs are too proscriptive. They are overregulated. They are incredibly fragmented. As my colleagues on the Committee on Economic and Educational Opportunities will attest, when you are talking about 153 federally mandated job training programs for adult and youth, we are obviously talking about government gone amuck and creating far too many programs that can be reasonably administered for productive results and actual benefits to recipients.

So these programs are fragmented and many times often duplicative with the programs at the State and even local government level. We think block granting will actually encourage flexibility, local control, innovation, and ultimately greater accountability.

And why are we taking this approach? Because we want, by cutting down on Federal bureaucracy here in Washington, to apply those cost savings to reducing the deficit and ultimately balancing the Federal budget, as we have promised our fellow Americans we will do by the year 2002.

The only way we can do that is to decentralize authority and responsibility, and, yes, funding and revenues back to the States. In turn, we will be dispersing power to our fellow citizens and will be empowering those Americans who are most in need of government services and encouraging them to take greater responsibility for their own lives and their own destinies.

I have to tell you, Mr. Speaker and colleagues, I wish the President and my colleagues on the other side of the aisle here cared enough about our children to balance the budget. I want to say that one more time. I wish our Democratic colleagues cared enough about our children to balance the budget. That is simply not the case.

In conclusion, we believe that we have a moral imperative to balance the budget, and that is exactly what we intend to do by taking these innovative approaches here despite the opposition.

□ 2000

THE SCHOOL LUNCH PROGRAM AND BASIC MATHEMATICS

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Texas [Mr. ARMEY] has got a Ph.D. in economics, and the Dick Armey formula for basic math says, "If you increase spending by more dollars the following year than you have spent on it in the current year, that's an increase. If you spend less dollars the next year, that's a decrease." That is Dick Armey basic math. I would offer a book called "Basic Mathematics" for my colleagues on the other side because I am the subcommittee chairman

that went through the process, and we sat and figured out what is the best way to improve programs that work good, but yet we can still improve them.

Mr. Speaker, I had a Democratic page come up to me and say, "Mr. CUNNINGHAM, we see the rhetoric on this issue. I'm a Democrat, but why are my own Representatives lying about the facts over and over again?"

We are adding dollars to the children's nutrition programs. What we are cutting is Federal bureaucracy, and the Clinton Democrats will do anything they can to protect those bureaucracies.

Is the school based program, the children based program and family based program; are they fairly effective? Yes, they have been worked on with bipartisanship by my chairman, the gentleman from Pennsylvania [Mr. GOODLING] and Mr. FORD who was his predecessor. And have they worked in the past? and do they work presently? Yes, but, if we can remove the mounds and mounds of paperwork, the Federal reporting that we have to go through every day. And back here in Washington we have got those Federal bureaucrats that have got to receive all those reports and justify their existence with those reports.

Mr. Speaker, that is what the Democrats will fight to do, anything they can in their power to spend and be reelected.

Let us take a look at what President Clinton projected in the 1995 budget. He projected a 3.1 percent increase. We are increasing it by 4.5. If I was a Democrat, I would say, "Well, President Clinton is cutting children's nutrition." He did not cut it; he increased it by 3.1 percent, and in the budget that he just spoke right up here, Mr. Speaker, in your chair, and announced to the American public, he justified a 3.6 percent increase, not a 4.5 like we did, but a 3.6 percent increase.

And again we could say, "Well, the President is cutting children's nutrition." He did not. But what we are doing is taking a look at how we can make it more effective. Republicans believe that government works best that is closest to the people.

I spoke yesterday to seven of probably the most liberal school superintendents in existence from Los Angeles, from San Francisco, from San Diego, and Oakland, and Fresno, and do my colleagues know what they said? "DUKE, we not only want you to block grant it, we want you to get the money to us directly in the LEAs so we can use it in the local school district, so we can disburse it and cut out the State bureaucracies, let alone the Federal rules and regulations. We want to get it to our kids, and, when we've got only 23 cents out of every buck that gets down to the local school district, something is wrong. There is too many bureaucracies, too many regulations, too many reports."

Mr. Speaker, that is what my colleagues on the other side will protest, and let me tell you something we did do in this committee.

In California we have 400,000 illegal immigrants, children, K through 12, 400,000. That is 800,000 meals per day to illegal kids. That is over a billion dollars a day. At $5,000 each to educate those children, that is $2 billion a year, and they want to feed kids.

Do we want to feed all the kids of the world? Yes. But do we want to do it at the expense of American citizens and American kids? The answer is no on our side of the aisle. We cannot afford to feed the world. We want to feed American kids and make sure that the dollars get down to the people, and we are increasing those funds, not decreasing those funds. We are eliminating bureaucracies, not increasing bureaucracies and making it much more effective to do that.

Now in practicality are schools going to go in and eliminate those kids? No, they are not.

TIMBER SALVAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, this week the House will take up consideration of the emergency timber salvage sales amendment. This is an amendment designed to make use of timber that would otherwise be left to rot in the forest. The Forest Service estimates that over 20 billion board feet of dead, dying, and downed timber is now in the forests of America.

I am going to tell my colleagues the story of just one tree, one of thousands in western Washington alone. This tree, and many others like it, blew down on the Olympic Peninsula. This is not an uncommon occurrence on the Washington State coast. While this tree grew in a region that is perfect for its growth, the unique combination of heavy rainfall, wet soils, and frequent high winds cause trees like this giant 500 year old Douglas fir to blow down. Thousands of these blown down trees are rotting on the forest floor right now. This tree had the chance to be different. Mr. Jim Carlson can be seen in this picture. He tried to purchase this tree from the Forest Service to be cut up in his sawmill, which used to employ about 100 people. The Quinault Ranger District refused to sell this tree to him. Mr. Carlson then came back to the Forest Service and asked that he be sold this tree and two other downed trees for use in construction of an interpretive building that he wished to construct at his ranch as part of an economic diversification project. This would have allowed Mr. Carlson to get into the tourism business, which, if we had put him out of the sawmill business, is the least we could do for him. The request was denied in spite of the fact that a provision for this type of sale was contained in the Grays Harbor Federal Sustained Yield Unit Agreement.

The taxpayers are the big losers in this story, though. This tree would have produced approximately 21,000 board feet of lumber. To put this in a better perspective, 800 board feet equals one cord. The sale of this tree by the Federal Government to Mr. Carlson would have brought the taxpayer between $10,000 and $20,000 for that one tree. Mr. Carlson would have been able to sell lumber from this tree for approximately $60,000 at retail rates. Conservatively this would be enough lumber to build two modest homes.

The sad end to this tree came in a perfectly legal, though terribly wasteful, manner. An out-of-work timber worker, armed with a firewood permit, cut up this grand old giant for $5 per cord. This amounts to about $120 to the taxpayers of this Nation instead of $10,000 to $20,000.

The rest of the story, as Paul Harvey likes to say, is that this past year, this timber worker had his home sold on the steps of the county courthouse for $931.91 in back taxes. At the same time, while the Quinault Ranger District would not sell this tree for lumber, they did not have enough money to purchase the diesel fuel to run their road grader.

Now environmentalists claim that these trees are necessary for the nutrients they provide for forest floor. Yet forestry scientists say that 90 percent of the nutrient value is found in the crown of the tree, while 80 percent of the fiber is found in the trunk. The 80 percent that we need and can be put to good use contains less than 10 percent of the nutrient value. It is possible to have the majority of the fiber we seek from these trees, and at the same time leave the majority of the nutrients behind. This is a case where you can have your cake and eat it, too.

Mr. Speaker, there are thousands of trees just like this one in the Pacific Northwest. When in full operation, Mr. Carlson could run his mill with only 150 trees like this one each year. He would employ 60 direct, full time workers, with a payroll of over $1 million from a yearly sales total of $7.5 to $9 million. He would pay $200,000 to $400,000 per year in corporate income tax, and would pay $1 to $2 million to the Forest Service in stumpage fees. His employees would pay personal income tax on the over $1 million. In addition, Mr. Carlson would employ up to 40 other people in subcontractor positions. These would be the timber cutters and haulers that would get these logs out of the forest. Sadly, If these

giants are not harvested within 2 years of being blown down, they are of no value as timber, and thus, no value to us as taxpayers. This is part of the emergency situation that we face in our forests. Unless we pass this important legislation, these giant trees will rot back into the forest floor from which they sprang. We must use common sense to make the best use of our forest resources.

THE IMPORTANCE OF THE SUMMER JOBS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I am pleased to rise this evening to help try to have a reasonable discussion to set the record straight here. Tomorrow and Thursday this House will have a major debate on actions to balance the budget of this country, starting with the goal of $17.3 billion, trying to find money to cut across the government, and I think that the goal of trying to balance the budget is absolutely worthy; and each of us in our capacities, as chairs of committees and as Members, has to be a part of this very serious task. I think that, however, as we try to plug the dike, the holes in the dike of our increasing debt, this $17.3 billion action is really going to be somewhat fruitless because at the same time there are billions flowing out the other side of the dike that we are not even taking a look at, and I want to talk about that tonight.

But let me say I am very proud to rise as a Democrat this evening and say that this will not be one Member who will vote to eliminate the summer jobs program, and I would love to be the opponent of any Republicans who votes to eliminate the summer jobs program—on that basis alone. In my district there are over a thousand young people; in fact there are 4,000 in line, for the summer jobs program. We want to provide the best opportunities for our young people, and yet the first place they look is the summer jobs program for our young teenagers; probably for most of them, if not all, the first opportunity they have to have any kind of gainful employment.

□ 2015

As a Democrat, on the second program, I will not vote to eliminate the Low-Income Heating Assistance Program. Twenty-five thousand senior citizens in my district benefit every year from that program. And for anybody who comes from the north and you know how cold the winters get and you know how tight those senior dollars are, I would love to be the opponent of any Republican who votes against the Low-Income Heating Assistance Program.

Let me also say as a Democrat, I will not vote to hurt seniors who are forced to buy these medigap policies when they really cannot afford supplemental insurance. And that is hidden in this rescission bill. I am proud to be a democrat and stand at the side of every poor senior citizen in our country who depends on that medigap insurance.

Now, what is interesting about this discussion is what the Republican Party will fail to go after and this is where my challenge lies with them.

Why do you not do anything about plugging the tax breaks that are there for corporate welfare? We hear a lot about welfare for ordinary citizens. What about corporate welfare? How about getting rid of the $5 billion that is there to let these pharmaceutical companies leave the United States and manufacture offshore? There is $5 billion of the $17 billion right there.

How about $30 billion worth of transfer pricing? All these foreign corporations that operate in the United States do not pay a dime of taxes. That is twice as much as you need right now to deal with the 15.3 billion.

How about all the multinational corporations that have got their hands out to the taxpayers of the United States like the market promotion program at the U.S. Department of Agriculture? We are subsidizing Pet Milk. We are subsidizing Mars Corporation. We are subsidizing Archer Daniel Midland & Company to the tune of millions of dollars a year.

But who do you go to to try to cut when you want to balance the budget? You go to the kids in my district who don't have work this summer. You go to my senior citizens who cannot pay their heating bills.

You know, I heard the Speaker say something really interesting. He is interested in privatizing NASA. Well, I do not know if I want to privatize all of NASA, but I would be happy to be a Democrat that supports privatization of the space station. That would be $40 billion. That is three times as much as you need this first time out of the box before we start taking all of the nicks out of the weakest and most vulnerable people in this country.

And I just want to say to my good friend, the gentleman from Pennsylvania [Mr. GOODLING], who I know labors under great pressures of that particular committee in trying to find these spending cuts, you know, Mr. GOODLING, I do not really think—and you cannot say this and you would not say this, because you are a very loyal servant of the people—but I do not think the Speaker of this House should go to the weakest people in this society and try to balance the budget on their backs.

I would have more respect if he followed through with some of the suggestions he had, for example, with NASA, in trying to get the money we need by cutting off some of the biggest leeches we have in this country who have their hands out and can pay for the lobbyists in this town to take out people's money and then they get kicked in the gut back in districts like mine.

I am proud to be a Democrat who is going to vote against this particular rescission bill.

BLOCK GRANTING CHILD NUTRITION PROGRAMS IS A BAD IDEA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, block granting child nutrition programs is a bad idea, but it is not a new idea. In 1982, members of this body felt it necessary to pass a bipartisan resolution opposing nutrition block grants and one of the signers of that resolution was House Speaker NEWT GINGRICH.

And in the resolution it said, "Whereas the nutrition benefits provided to our Nation's schoolchildren contribute significantly to the development of their learning potential, the Federal Government should retain primary responsibility for the child nutrition programs and such programs should not be included in any block grant." And that is a quote.

These statements, Mr. Speaker, are as true today as they were in 1982. Our Federal child nutrition programs work. They help to fight hunger. They keep our kids healthy, alert, and ready to learn every single day. Block granting child nutrition programs was a bad idea in 1982 and it is a bad idea in 1995.

Mr. Speaker, it has been said that sunshine is the best disinfectant, so I rise today to join my colleagues in shedding some light on the Republicans' plan and its devastating impact on Federal child nutrition programs and specifically the school lunch program.

The Republicans are at it again, insisting that their proposal actually preserves and strengthens the school lunch program. The very opposite is true.

As these charts behind me show, each year that the Republican block grant is in place, school meal programs will be cut. Over 5 years, funding for school meals programs will be cut resulting in a total loss of $2.3 billion in the year 2000.

And when you combine these cuts with cuts in the funding for the child nutrition programs under the family-based block grant program, which amounts to $4.6 billion, child nutrition programs will be cut by $7 billion over the next 5 years.

What the American School Food Service Association—don't take my word—the American School Food Service Association says, and what our Republican colleagues do not tell us, is

that inflation with regard to this program rises 3.5 percent every year and school enrollment rises 3 percent every year. That is 6.5 percent.

My Republican colleagues tell you that they are going to increase the program 4.5 percent. And it does not take a rocket scientist to figure out that 4.5 from 6.5 is a 2-percent cut in this program. What they do not do is to include increased school enrollment, the increased cost of food prices, and a downturn in our economy.

Also, according to the American School Food Service Association, the bill cuts funding for school meal programs and places our children at risk in the following ways: First, the Republican plan means an end to free meals for the poorest children in America.

Currently children from the lowest income families receive their meals free. In my State of Connecticut, more than 13 million free meals were served last year. I went to the Simon Lake School in Milford, Connecticut, yesterday. In that very small community they served 96,000 free meals last year.

The Republican bill states that these children in the future may or may not receive free or reduced priced meals. And then it requires the States to spend only 80 percent of the money that they receive under this block grant toward providing free and reduced meals. They cut back the cost, then they say to the State: If you want you can spend only 80 percent; 20 percent of that money you can spend on anything else that you would like to.

The bill also eliminates current requirements that low-income children pay no more than 40 cents for a reduced price meal. Schools would be able to charge these kids any price they choose, 50 cents, 75 cents or even $1 per meal. This is a hardship that many working families simply could not afford.

Second, in addition to cutting $2.34 billion from the program, the school nutrition block grant would allow Governors to transfer up to 20 percent of the funds they receive to another block grant program. Further, Governors would no longer be required to make a State matching contribution to the program.

I will give you my own State. If the Governor of my home State of Connecticut had this kind of discretion and he chose to exercise it, the School meals program in Connecticut could lose $2 million this year.

Let me conclude. As my colleagues have said, school lunches are an essential part of every child's day and benefit every American child in the public school. We should not be tampering with a program that works. I say, leave the school lunch program alone and protect the children of America.

NATIONAL SCHOOL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, since the death of Chairman Carl Perkins, I have proudly accepted my role as the son of school lunch and child nutrition. He was the father.

I am really disappointed with the press accounts of the last several weeks, with the accounts of some of my colleagues, with those who are inside the Beltway as nutrition lobbyists. I do not take exception to the fact that perhaps their philosophy is different and they want to defend their philosophy against mine. But I do object to the fact that if they had read what is in H.R. 999, I do object to the fact that they are being Herman Goebbels, who was Hitler's propaganda expert. And he basically said that if you tell a lie enough times and big enough and long enough, you will get a lot of people to believe it.

And that is very discouraging to me because, as I said, if it is a philosophical difference, I do not have any problem with that. But if you will not read what is in H.R. 999, I do have a problem with that. Or if you have read it and you mischaracterize what is in it, I really have a problem with that.

Since the death of Chairman Perkins, I have shepherded, protected, and guided these programs in Congress. I heard someone say this evening that they have a vision of the future for children. I have a vision for the future of our children. And that vision is to have the healthiest children in the world.

But my vision goes beyond that. Because my vision is I want them to have a guaranteed hope that they can grab a piece of the American dream.

You cannot have it both ways. You cannot grow a debt by millions and trillions of dollars every couple years and expect that these children will ever have an opportunity to grab a piece of the American dream.

I heard someone else say, terrible, no counseling in H.R. 999. I do not know what bill he was referring to. He was not referring to H.R. 999. That I am sure of. But he said there was no counseling for WIC. The very first goal they have to meet in WIC is that of counseling.

The last speaker changed her tune a little bit later, but initially said, And then they can use the 20 percent for anything they want to use it for. Obviously, she either had not read H.R. 999 or is not interested in knowing what is said in H.R. 999.

I would like to do a couple things this evening. First of all, I would like to talk a little bit about the program that we now have. Because I have a feeling that there are not too many people out there that really even understand the present national school lunch program and that is what we are talking about.

If you do not participate in a national school lunch program, you do not have to feed free and reduced-priced meals except in three States, and that is why I have worked so hard to protect the national school lunch program.

□ 2030

But the existing program, you get reimbursed from the Federal Government for free meals. Children of families below 130 percent of poverty, $19,240 for a family of four, they receive $1.76, plus 14 cents in commodities, $1.90 subsidized by the Federal Government.

In the present program, if you receive a reduced price meal, you come from children of families between 130 and 185 percent of poverty, which is up to $27,380 for a family of four, and you receive $1.36 in cash and 14 cents in commodities.

If you are a full-program participant, your parents believe they are spending the full price for your meal. These are children of families over 185 percent of poverty, over $27,380 for a family of four. The Federal Government subsidizes, the taxpayers subsidize, 18 cents cash, 14 cents commodities. You are not sending the full amount to school for your children who are participating in a paying meal program.

We did that for many reasons when we were able to afford it. We did it, as I said earlier, to try to keep the school lunch program going, the national school lunch program going, so free and reduced price meals would be available.

We do not have the luxury to say that we will continue to do everything the way we have done it in the past, because as I mentioned, if you are growing trillions of dollars of debt in a few years' time, you are denying these same children any hope for a decent future in this country.

Now, at the present time the Clinton budget called in 1995 for $4,712,000,000. Our proposal for 1996 is $4,712,000,000.

In the President's budget, he proposes $656 million in commodities. We have $638 million in commodities.

The President proposes for State administration $92 million. We propose $98 million. That is the school lunch program as it is today.

Now, let us take a look at what we have done in committee. The first thing I want to talk about is the difference between H.R. 4 and H.R. 999, because I am giving some people who are standing up here saying incorrect things and I am giving the press the benefit of the doubt, the fact that they did not read H.R. 999, and are only talking about H.R. 4. Let me point out the differences.

H.R. 4 is one block grant to the States and combines all the programs. H.R. 999, because we in committee did not accept what was in H.R. 4, the one block grant proposal, created in nutrition alone two separate block grants, and then we created two additional block grants for child care and other programs.

H.R. 4 distributes funds to the States based on the lower living standard, and does not take into consideration current participation rates. On the other hand, H.R. 999 provides States the first year funding based on participation this year, a hold-harmless. However, in the next several years, it is based on participation, which is exactly the way it should be based. And that is what we do in H.R. 999.

H.R. 4 eliminated the entitlement status of all programs included in the block grant. H.R. 999, the program we are talking about, makes the school nutrition block grant a cap entitlement to the States, thereby ensuring a level of funding for each fiscal year.

H.R. 4 eliminated support payments for children in the school lunch program with incomes above 185 percent of poverty. H.R. 999 does not limit a State's ability to support meals for the paying child. It provides that 80 percent, and that figure was chosen because that is the figure at the present time for those who are receiving free and reduced price meals, it provides that 80 percent must go to those who are receiving free and reduced price meals.

The other 20 percent can be used for those who are below the 185 percent level of poverty, if that is what they need it for, or it can be used for the infrastructure of the school lunch program, if that is what they need to keep the school lunch program going, or they can transfer it, not to anything they want, as some people have said; they can transfer it to one of the other block grants only, only after the person who runs the program certifies that they have met all of our goals.

This is the difference between revenue sharing and block granting. We have set the goals. We have told them what the outcome has to be, and we have a way to assess that.

H.R. 4 set aside 12 percent of available funds for the WIC program. H.R. 999 creates a family nutrition block grant and reserves 80 percent of available funds for WIC. H.R. 4 contained no guidance to the States regarding the use of funds. H.R. 999 establishes program goals, specifies the uses of funds in each block grant, and contains reporting requirements which allow us to determine whether or not States are meeting such goals.

H.R. 4 did not require States to establish nutritional standards for assistance offered under the block grant. H.R. 999 requires States to develop their own nutritional standards based on the most recent tested nutritional research, or to adopt the nutritional standards developed for each block grant by the Food and Nutrition Board of the National Academy of Sciences.

A big difference, folks. If you have not read H.R. 999, I would suggest you do it, and perhaps you would not come and make statements on the floor that are positively incorrect in relationship to H.R. 999.

It was mentioned by my colleague who is the chairman of the subcommittee that these programs have been good programs. There is no question about it. Are there any programs that cannot be better programs? Well, I will guarantee you, every program that the Federal Government runs can be a better program if Federal Government is not running the program.

What program do you know that is totally outstanding because the Federal Government has run it? I do not know of any.

What are the concerns of the existing program? There are several. The complaint that we have heard over and over and over again by the people who are on the front line, the people who are serving these meals, the people who are preparing these meals, the people who are administering the program back on the local level, is the complaint that there is so much Federal bureaucracy, so much red tape, so much paperwork, that they spend hours and much, much money doing this paperwork, meeting the bureaucratic requirements, rather than feeding needy children.

Let me tell you what the American School Food Service Association just recently stated. This is the American School Food Service Association. Somebody in one of the previous speeches referred to them.

"School nutrition programs have become increasingly complex and more costly, due to overly prescriptive, intrusive and restrictive Federal regulations." BILL GOODLING is not saying this. I am quoting this from the lobbyists who are the most active when you talk about school lunch programs.

I quote again, and complete the quote:

> School nutrition programs have become increasingly complex and more costly, due to overly prescriptive, intrusive, and restrictive Federal regulations. Although there has been extensive communication with USDA, little progress has been made in simplifying regulations and limiting regulations to those specifically required by law.

The second concern we have with the existing program is there is some abuse. Unfortunately, there is some fraud. A program that is as big as this, I suppose one can expect that to happen. But let me tell you what I heard on a talk show the other day. A gentleman called in. He said he was a superintendent of schools in Texas. He asked to remain anonymous, and he asked that his school district remain anonymous, for good reason, because the auditors would just love to catch up with the gentleman.

What he said was that it is to our advantage, as I pointed out before, not to look too closely at who should get free or reduced price meals, because we get much more money for free and reduced price meals. You can understand why he and his district want to remain anonymous. The auditors would have a field day, and hopefully they will catch up with whomever it was that was speaking.

The third concern we have and why we think there needs to be change, only 46 percent of those students who would be paying customers participate in the program. Only 46 percent of those eligible to be paying customers participate in the program. Part of the problem is that one size does not fit all. You do not feed Pennsylvania Dutch what you may feed an Italian community or an Irish community. They determine, going by nutritious guidelines, what it is that these young people will eat, what will cause them to participate. But only 46 percent at the present time do.

We have to do better. You cannot support the program if you have a district that has 65, 75 percent free and reduced price. You have to get the paying customers participating. And we believe by giving the kind of flexibility that we do in this legislation, that that local district will have an opportunity to meet the nutrition standards, and, at the same time, cause an influx of the paying customer coming through that line because she will eat the meal that will be served.

Let me talk a little bit more about H.R. 999. Often times you get people who have not read it who are telling us, this is what is wrong with your program.

First of all, they say it is less money. Now, you know, I wish that chart were still there, because I would like them on that chart to put the 3.1 percent that the President recommended for 1995's budget, and then see how it comes out. I would like them to put the 3.6 percent that the President suggested for an increase for next year on that chart, and then show me a little bit about who is saving and who is paying and who is cutting and who is giving more. I think they would have to turn to this side to look at the charts on this side.

Do not talk about what your dreams may be or what you think should be. That is not what your Commander in Chief, that is not what the leader of your party has recommended 1995 budget, or the 1996 budget.

We grow children, and I think it is important that we understand that. We are growing children at a greater rate than the President does in his 1995 budget, than the President does in his 1996 budget.

Let me talk about a couple other most frequently mentioned untruths. They say how about an economic downturn? Well, do you know any time this Congress has walked away from those in need? What do we do when there is a flood that we have not budgeted for? What do we do when there is an earthquake that we did not budget for? We come back for supplementals.

But we built into H.R. 999 help for this same situation, because we say you do not have to return your money at the end of the year if you have a surplus, because you had a good year. You have a 2-year carryover. You had a good year in 1996, you saved money; you have a downturn in 1995, you have that extra money.

Now, let me tell you what we do beyond 4.5 percent. We probably get to the 5.2 CBO that they like to put over there. We may even go above it, I am not sure. Because when you think of the cost of the bureaucracy, when you think of the cost of the redtape, when you think of the cost to the local school district to meet all of these nutrition paperwork programs coming from the Federal level, there is a great deal of money to be saved, to be used not to feed bureaucrats, but to be used to feed children.

□ 2045

That is what we are in the business to do.

We heard a couple of people be awfully cute. I mean, they wanted to be cute. Unfortunately, they were not too cute, because they did not read what this administration is doing.

You had the President of the United States hold up a bottle of ketchup. You had the minority leader hold up a bottle of ketchup. And they were trying to bring up this old game they played back in 1982 or 1983, which was overplayed, which had nothing to do with reality, saying that somehow or other if you had those nutritious standards, the people back there who run these programs would feed a child a half cup of ketchup.

First of all, let me say, they could not afford to feed every child a half cup of ketchup. It is much easier and cheaper to feed the child a half cup of vegetables than it is to feed them a half cup of ketchup. So it had nothing to do with reality.

But how did they get ketchup on their face? They did not check what the nutrition standards are now in their own administration, because would you believe it, they can count ketchup in their calorie count?

This administration, who was second-guessing the people back home saying that you are feeding too much fat, what the people back home were doing was following their rules and regulations, their nutrition standards.

Now, why should we trust them to continue to tell the people back home what is the best nutrition that children should have when the very standards that they set out, then criticized the people who met their standards and said too much fat.

Again, I am afraid the two got ketchup on their face.

Let me just move on to one or two other areas. We build into our program a reward for participation. That is the way it should be. As I indicated, you have to attract the paying customer in there. You have to attract them to keep the program going.

What we say is the first year, you are held harmless and you will get, your State, the same amount of money. After that, however, it is all on participation. It goes down slightly each year, where you will get 95 percent based on your previous year, but you get 5 percent if you have an increased participation. The next year it is 10 percent. That is an encouragement to get them to do a better job. That is an encouragement to get more children participating in the program.

I have spent too much time, and I always have to laugh when people say, people who wrote this ought to get into the schools and see what is going on in the schools. For 22 years, I participated in school lunch every day, every day, sitting with the students, eating a school lunch, and for the 20 years here, I have tried to improve on that program year after year. Then I become most upset. Even a good friend sends out a "Dear Colleague" totally distorting what happened in 1982–83.

In 1982 and 1983, it was not that side of the aisle that stopped some of those revenue-sharing block grants. It was this side of the aisle, those of us who were on this committee, because they were revenue-sharing. They were not block grants. It was revenue-sharing.

I have always said if you are trillions of dollars in debt, it is pretty tough to go back home and say, "We're revenue sharing." The only thing we had to share is debt.

These block grants set the goals, say specifically what has to happen, and then give enough flexibility so the local district can make them work even better than they presently do.

Let's not mix apples and oranges. There is no comparison to what is in H.R. 999 and a revenue-sharing, massive block grant. That is why we designed H.R. 999, rather then go on with H.R. 4.

I would hope that those of you who were listening this evening are beginning to understand exactly what we have done, and what we have done is given an opportunity to grow more children than the President has requested, more children than would have been appropriated, and make sure that that increase is there year after year.

I am proud of our end product, very proud of that product. I know that people are fearful of change. Nobody likes change. You fear change. Folks, change is inevitable. Not only is it inevitable, it is positively necessary if we are going to give these children, as I have said several times, an opportunity as adults to grab a part of that American dream.

Is there anyone out there who really believes that in the last 35 or 40 years we have helped these people grab a part of that American dream? We have done just the opposite. What we have done is enslave them. We have put them in shackles, Federal shackles, to make sure that they never have an opportunity to get a piece of that American dream.

We are going to change things so they do have that opportunity, so that they too can be participants giving to this Nation, participants who can grow independently and not depend on the Federal Government.

I yield to my colleague the gentleman from California [Mr. CUNNINGHAM], the subcommittee chairman.

Mr. CUNNINGHAM. I thank the gentleman from Pennsylvania.

Mr. Speaker, you will not hear of a Republican or at least even very many Democrats that will say that the chairman, the gentleman from Pennsylvania [Mr. GOODLING], has ever attempted to hurt kids. He has spent his life protecting them, Mr. Speaker.

I would ask the honorable chairman, how many children can we feed on a bankrupt country? And today we are looking, where every child over their life, lifelong interest and account on the national debt, will be saddled with a $180,000 debt. Yes, it will be indexed. You will have to pay the increases with inflation. That is before you buy a car or a home or everything else.

We are also looking at a Medicare system that is going bankrupt and will be in the near future. If we do not attack waste in government by bigger bureaucracies, then it is going to affect that.

I would just like to make two quick statements and I have a lot of my colleagues that want to speak, and I would yield back to the gentleman.

One, when the other side of the aisle talks about cuts, I have been here for 4 years. The rhetoric was confusing to the American people, where Democrats were saying, Well, look what we have done, we have cut this budget, but yet the American people could not figure out how we keep spending more.

I have an example, Mr. Speaker, that if my mom in San Diego, CA, Escondido, said, "Son, we have a turkey this Thanksgiving and next Thanksgiving, your brother and family is coming over. I am going to project that I need 10 turkeys for next year."

Well, a few months before Thanksgiving, Mom calls up and says, "Son, your brother can't come, he's got to

work, but the family's coming. I'm only going to need seven turkeys instead of 10 turkeys."

Under the Democratic accounting principles, I have just cut 30 percent of the turkeys, when in essence I have increased it by 60 percent. I have gone from 1 to 7. I have not cut 30 percent. That is what they are trying to confuse the issue with, with the other chart.

The second point is that I would like to finish a statement on what the committee did on illegal immigration. Would American citizens like to feed the world? Probably the answer is yes. If you asked them the question, Would they like to do it on the backs of our children, the answer would be most definitely no.

We have eliminated illegal immigrants from all 23 programs that they previously held. We have 400,000 illegal children in California, just in California schools, K through 12, at over $1.33 a meal. That is over $1 million a day, 800,000 meals a day, just for illegals.

Mr. GOODLING. I would imagine they are receiving $1.90 a day.

Mr. CUNNINGHAM. No, I am trying to do it on a conservative basis. Then if you look at an average in California, it takes a kindergartner through high school, 12th grade, $5,000 a year to educate that child. That is $2 billion a year. Yet we are decrying that we do not have enough money for nutrition.

We have added money for nutrition. We have cut the bureaucracies. But what we also did is said, our priority in this country with limited resources, with the national debt getting out of shape, with the national deficit, and the President's budget increasing the national deficit by $300 billion, our priorities are American children, and we want to feed those children. We want to make sure that no child under any circumstances goes hungry.

Should a high-income parent be subsidized by the Federal Government? Absolutely not. But the chairman has provided for those children 185 percent below the poverty level that we are going to make sure that they are fed. Again, the priority of disestablishing big government and who should receive the support are the kids that most need it.

Mr. GOODLING. I yield to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I thank the chairman of the Committee on Economic and Educational Opportunities for yielding. I especially want to thank him not just for his leadership this year but for a countless number of years.

The gentleman from Pennsylvania has lived the life that many of us do not have or did not have the opportunity to do in terms of looking over the lunch programs from a perspective of a couple of feet. Most of us get most of our information from a book, a newspaper, from a pamphlet, from charts, information such as this.

I want to talk with my colleagues for a moment about the school-based child care block grant contained in the House Republican welfare bill. It has been subjected to vicious attacks by the White House and other defenders of the status quo, and I say defenders of government bureaucracy, of Federal bureaucracy.

I appreciate this opportunity to take just a moment and, with my colleagues, tell the truth about the House Republican welfare bill. I believe for the last few weeks, the American people have been deceived. Some would say maybe more strongly they have been lied to. But the Democratic Party, some of those who preceded us here this evening, have distorted the facts and attempted to use children to promote the political agenda, and one by one they have paraded out on the House floor to tell the story, make the claims that House Republicans are taking food out of the mouths of children. I have to say that nothing could be further from the truth.

The House Republican welfare bill actually expands the Federal commitment to child nutrition.

I will admit, maybe our block grants are a bad deal for Washington bureaucrats.

□ 2100

But they are a great deal for the local administrators of school lunches who no longer will have to wade through tons of redtape to provide nutritious meals to schoolchildren.

I would like to reaffirm what has already been brought out this evening that I would like to inform the American people and reaffirm that our proposal, the Republican proposal, increases funding for school lunches, as has been said, by 4.5 percent each year.

The other thing that is important, I think, to remember is that the total Federal funding for the school-based nutrition block grant over 5 years is real money. It is $36 billion, and despite this strong commitment to school-based food programs, Democrats are trying to convince the American people that the Republican Party has turned its back on the poor, and I think it is time the American people know the truth.

The school-based nutrition block grant proposed by the party, by the Republican Party, will greatly improve the way we provide school meals to needy children. It returns decisionmaking back home and removes the one-size-fits-all mandates that will allow States to provide nutritious meals to kids.

Now, one of the things that I really do not understand is why the Democratic Party, certain members, are so distrustful of the States. The Federal Government does not have a monopoly on compassion and, contrary to popular belief in this body by some, Congress does not have all the answers, not all of the answers to our Nation's problems. Governors and State lawmakers also have concerns about the well-being of children, and they live closer to the fact, to those children. They have a direct interest in promoting the health and development of the children in their States. They are not going to walk away from those responsibilities.

Just yesterday I had a chance to talk to the Governor of my State, Governor Engler, from Michigan. He is excited about this new majority in the House of Representatives. He is excited because they are willing to give him the flexibility that he wants and needs to design and craft some of the innovative solutions that will make a big difference, a positive difference, in the lives of those persons that are trapped in the current welfare system. He understands, and he assured me that he and the other Governors understand, that there is importance in providing nutritious school meals, and they do not want to shortchange the kids.

I truly believe that the States can do a better job with welfare reform, that welfare reform over and above what the Federal Government has done, and the House Republican welfare bill will encourage creativity at the State level instead of stifling it, and as a result, I am confident that we have offered a positive alternative to the current wasteful welfare system.

I urge the American people to search out the truth, listen to both sides. I believe that you will find there is no reason that you have to be lied to, to be deceived.

In closing, I just would like to reaffirm, restate, and it has been stated several times, but I do not think it hurts to drum it a few more times, the Republican bill increases funding for school lunches by 4.5 percent per year. By the year 2000, we will be spending $1 billion more on school lunches than we spend today.

We are not taking the food from the mouths of hungry children. We are streamlining the administrative costs and allowing more money to be spent on lunches instead of paper, paper-shuffling.

So I think it is time, and I am delighted, Mr. Chairman, that you have taken the leadership again to promote the facts that should be aired so that the American people can sort through the rhetoric and look at truly what is in this welfare bill, this child block grant bill and, frankly, I say again it is shameful that individuals would use children as political props.

I thank you for yielding, I say to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for participating, a member of our committee, and I yield to another

gentleman from our committee, the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. I thank the gentleman.

Before I get into my remarks, I want to congratulate you on an excellent presentation of the true facts about the Republican proposal to reform our school lunch program, our child nutrition programs, in ways that put more food in the mouths of kids and helps more people in this country, and you clearly, in your presentation, dispelled the falsehoods and the untruths that are being stated not only by people in the opposition but as well by people in the media who do not understand what we are trying to do here.

When I won my election, and this is my first time in Congress, I am one of the new freshman Congressmen, I had a lot of people tell me, "DAVE, you have got a tough job ahead of you. You face some real serious challenges up there in Washington, and the biggest one of them all, the budget deficit."

How do we rein in this budget monster? Clearly there was no other issue that Republicans and Democrats came together on more clearly than that issue. They all recognized it as being a serious problem, and how do we deal with it, particularly when we look at so much of the money that is spent up here in Washington is going to so many very, very good causes.

When I first was delighted to find that I was going to be on the Education and Economic Opportunities Committee with Chairman GOODLING, I was very challenged to see what we could do to make the system better and help us move our Nation towards a balanced budget so that we could have our children, instead of inheriting bankruptcy and debt, inheriting prosperity, so that our children would be able to have the opportunities that I had as a young man growing up in our Nation.

And there was probably no program that I saw a bigger challenge than our school nutrition and our childhood nutrition programs, because I have been able to see firsthand the benefits of so many of these programs. And I was very, very intrigued to see in the hearings that we held in our committee that many of the people directly involved in these programs were able to recognize that there were some very, very clear inefficiencies. We had witnesses come before us telling us how they were just burdened with too much bureaucracy and too much redtape and how there is a separate application program for the breakfast program, and a separate application for the lunch program, and a separate accounting process for the summer nutrition program, and how much better it would be if we would block grant these programs and eliminate bureaucracy.

After we held those hearings, I was so delighted to see you, Chairman GOODLING, come forward with a program, a solution to this problem, that would allow us to eliminate bureaucracy, eliminate redtape, and put more resources in the hands of State officials that would allow them to feed more kids, feed more of the hungry, and at the same time help us move towards that desired goal of reining in this deficit monster and moving towards a balanced budget. And we were able to do all of this in the framework of actually modestly increasing the funding for these programs at 4.5 percent per year.

We had Governors come before us and tell us that in that type of an environment they could feed many more children than what we were able to do with the current system.

I think what we have seen coming from the opposition for the past 2 weeks, the past 3 weeks, as well as liberal members of the media, in my opinion, is just fear of change. The American people are the people who are asking for change. They voted in change on November 8, and we are coming up with innovative ways to change the system for the better and, yes, there are people who are stuck in the past, stuck in the old ways of doing business who are making claims that are not true.

But I am very proud to be on the committee with you, Mr. Chairman, and to be able to support you in this effort, and I can say that the other freshman members of the committee, the Republican members of the committee, stand with you and are ready to help you get this program through and make sure it does what we desire it to do.

Mr. GOODLING. I thank the gentleman for participating.

I now yield to the gentleman from South Carolina [Mr. GRAHAM], who is also a member of the committee.

Mr. GRAHAM. Thank you, Mr. Chairman.

I, too, have enjoyed the committee. We are dealing with tough issues, but I think in a responsible fashion.

The frustrating thing is to be on that committee at 2 o'clock in the morning sometimes to deal with this legislation and get up and read the paper the next day and wonder, "Is that the committee that I was on?" It has been very difficult back home to get the truth out. So I had a news conference at the statehouse with my Governor and superintendent of education where we got together and kind of held hands and said we can handle this at the local level if you give us a chance, and I think our new Governor, Governor Beasley, and the superintendent of education, Mrs. Nelson, we can handle it if we give them a chance.

The thing that struck me the most about this debate, there have been a lot of charts put up. There are, I guess, two or three sides to every story. I am willing to concede something. I am willing to concede the people on the other side of the aisle care about children. I think people on our committee care about children. I think people on our committee care about children, the Democrats. They just have a different view of how government should interact in taking care of real problems. It is OK to differ. That is what makes this country great.

I just wish certain people on the other side of the aisle would admit that LINDSEY GRAHAM cares about children, because I do, and that David Beasley, my Governor, cares about children.

When it comes time to figure out how to change things, I would like people to think of concepts. Block-granting is a concept that is not that hard to understand. If you believe in a basic principle that everybody cares about children, that the people in South Carolina maybe care more about the children in South Carolina than the people in the Department of Agriculture, and I am willing to concede the bureaucrats in the Department of Agriculture care about people in South Carolina, but when you come up to Washington, drive by the Department of Agriculture building and ask yourself this, do the people in that building know more about the children in my district than I do? Do they care more about the children in my district than I do? Do they care more about the children in my State than my Governor? I think if you are honest with yourself that the answer would be no.

I live in an area that in the recent past in my lifetime, we have had abusive policies toward our fellow citizens. There has been discrimination in my State and other States in the South and throughout this country just not based on region where people did not get a fair break because of the color of their skin. That was wrong.

I have experienced change, and change is good. States' rights is something we talk about a lot. We have got to remember in the past the States have been irresponsible at times in treating their citizens fairly.

I can tell you this, that LINDSEY GRAHAM is not one of those politicians. My Governor is not one of those politicians. We have matured as a society.

The biggest fear and threat I think minority citizens have today is a Federal Government that does not allow them to get off welfare and get a job. The whole idea about caring has been talked about a lot tonight. I just wish people would admit that I care about the people in my district as much as anybody in Washington, DC, that my Governor cares about the children more than anybody in Washington, DC, in South Carolina, and block granting has a basic premise that that is the truth. If you believe that, you support block granting.

Cost, we talked a lot about cost. Right now, 25 percent of the money in the WIC Program goes to administer

the program. We are trying to reduce the administration of these programs to get more money into the hands of the State people with less cost to feed and take care of more children and more new mothers, and one way you can do that is cut out the Federal middleman. Every business in America works on that concept of trying to reduce costs by streamlining the efficiency of delivery. That is all we are doing here.

And one thing I would like people at home to realize, why would Bill Clinton propose a 3.1 percent growth in this program, get on television, have his picture made in a school lunch setting, and accuse the Republicans of cutting the program when we have added more to the program than he has? I think the answer is pretty obvious. He has no agenda. He has abandoned welfare. The Clinton welfare reform proposal is nothing.

We are doing something, and the only way he can get out of this box is to criticize others who are taking an active role.

AL GORE's Reinventing Government, in my opinion, is a joke. Nobody has come to my office and said, "Congressman GRAHAM, AL GORE is going too far." I have not had one bureaucrat complain about AL GORE's Reinventing Government.

□ 2115

I have had everybody and their brother in Washington complain about what we are trying to do to reform welfare, and to me it is working because the right people are complaining. If you want to change something, somebody is going to complain and the people that are complaining are the right people. That is the bureaucrats in this town.

The people in my district, when they are told the truth, are not complaining. They do not want somebody making $100,000 a year to get a subsidized school lunch program. They do not want someone going to day care getting a subsidized school lunch program if they can afford to pay for it because we are broke up here.

The reason I am optimistic, Mr. Chairman, that we are on the right track is because the right people are complaining, those people that believe in big government, those people that care about children, but believe the only way you can care is spend from Washington, DC. I believe you can care and allow people to take care of their own at home and save money at the same time. I believe that very deeply and that is why I am supporting what you are doing and I will compliment you on that very reasonable approach to a real serious problem.

Mr. GOODLING. I would yield again to the gentleman from Florida.

Mr. WELDON of Florida. I thank the chairman and I would like the chairman, if he would, from his years of experience here, perhaps he could comment on why the President would do such a thing as accuse us of cutting these programs excessively when we, in reality, increased the funding for these programs over and above what the President had requested?

He requested, as my colleague from South Carolina very, very eloquently and appropriately pointed out, he requested a 3.1 percent increase and we on our committee, under your leadership, came in with a 4.5-percent increase, which is a 1.4-percent increase over and above what he himself had requested, and then he engages in the shameful act of appearing in school lunch lines claiming that we are cutting these programs too much.

I do not understand that, Mr. Chairman, and maybe you can explain that to me, and I took the liberty of putting up that chart there that I think shows our growth, and maybe you could explain that to us here and let us know what those numbers mean. That is a little complicated, but perhaps you could.

Mr. GUTKNECHT. If the gentleman will yield, I say to the gentleman from Florida [Mr. WELDON], I am not a member of the committee and I want to make—I am really glad that I came down here tonight because this is the most honest and healthy debate I have heard so far about this bill, because what I read in the newspaper and what I have heard on the news and what I have heard from some of the special interest groups does not match what we are seeing on these charts and what I have heard tonight.

Let me ask anybody here, and Mr. Chairman or Mr. WELDON or Mr. GRAHAM, if you want to respond to this, we are actually going to be spending 4.5 percent more in each of the years and the President only recommended what percentage increase?

Mr. GOODLING. He recommended 3.1 this year and 3.6 next year.

Mr. GUTKNECHT. Three point one, 4.5. In other words, we are going to be spending about 30 percent more than the President recommended?

Mr. GOODLING. That is why I said I would like to see them put their chart up there and put his 3.1 and 3.6 over there rather than talk about what a CBO baseline is.

Mr. GUTKNECHT. It is interesting, because when we first came here, we are all freshmen, we were not part of accumulating this huge national debt, and I think we all made the pledge to our voters last year that we want to do something about that, and we need some change around Washington.

We came here to change the way Washington does business and yet what we have heard from many leaders on the other side, including the person down at 1600 Pennsylvania Avenue, is that they want to fiercely defend the status quo, and I think the American people do want change.

In fact, it was less than a month ago that the President stood right up there and he said in his speech that we were not giving the American people enough change and now he had heard the message from the November elections.

I did not know until tonight though that we are actually going to be spending 30 percent more than the President requested. As somebody said when we first got here, people around here sometimes give the word "hypocrisy" a bad name.

Thank you, Mr. Chairman.

Mr. GOODLING. And I yield back to the gentleman from Florida.

Mr. WELDON of Florida. I just want to thank the gentleman from Minnesota, and I just also would like to share with the chairman that as a physician who practiced medicine up until I came here, that I had the opportunity firsthand to see the effects of malnutrition and the medical consequences of that and how it really is in our Nation's best interest to make sure our children are properly fed.

However, I do feel that it is the primary responsibility of parents to make sure that their children are properly fed and that we have had an erosion of responsibility in our Nation over the many years that the minority was in control because of an excessive tendency of the Government to take responsibility where parents should have been having responsibility.

And if I may go on a little further, Mr. Chairman, into this, I have seen the consequences of malnutrition and I expressed some of those concerns to you and to other members of the committee and I was very alarmed and shocked to learn that a substantial percentage of the program as it was devised up here actually was going to feed the children of people who really did not need this kind of financial support, that there were lots of middle class and actually children from affluent families who were getting subsidized meals in schools, and this is one of the very reasons why the Governors came to us and said that they wanted to take over managing these programs, because they, in their States at the local level, like the gentleman from South Carolina was describing, can better determine where the areas of poverty are, who would benefit the most from these programs, and I thought that was wonderful that you could design this program through this block grant to go make sure that the people who really needed it were getting it and the people who did not need it were no longer getting it.

I commend you and I commend the other members of the committee and the staff who were able to come up with this Child Nutrition Block Grant Program, and I think it is going to be a tremendous success.

Mr. GOODLING. One of the other tragedies, as I mentioned, that we had poor participation as far as paying customers are concerned in the School Lunch Program, but there is an even greater tragedy. We have about 46 percent of free and reduced priced people who do not participate in the program. So I am saying, just because someone says it is a good program, it has to be a better program because that 46 percent are in need of the program and are not participating.

Mr. WELDON of Florida. If I may interrupt the chairman, could you explain why so many of those people who need it are not participating in the program?

Mr. GOODLING. I think I said part of that in my opening statement in that the one size fits all from Washington, DC, we know best what is best for this town or this city or this State, does not sell back home, and those people back home know what nutritious food they can serve the children will eat and then you get the participation.

Did the gentleman from Minnesota have any—I wanted to summarize.

Mr. GUTKNECHT. On that point, I want to say and it has been said tonight, it is very important. People do resist change and there is no institution that resists change more than a monopolistic bureaucracy, and what you are really trying to do is decentralize this program and that is what we have to do. It has to be consumer driven.

The people out in the districts and the Governors are not heartless people. They want their kids to get nutritious meals as well. I think this is a good plan. I think it is a first step. I think once we get more of these facts out here—as I say, if I did not know that we were spending 30 percent more than the President requested, if I did not know that as a Member of Congress until tonight, I will guarantee you that an awful lot of American people did not know that but they are going to know it sooner or later.

Thomas Jefferson perhaps said it best. "Give the American people the truth and the Republic will be saved." All we really have to do is get the facts out about this program. I think the American people will see the wisdom of it. I think it is a good plan. We ought to pass it.

I hope colleagues will join us in this because if the American people get the facts about this, they will buy into this idea.

Mr. GOODLING. Let me quickly say that I again do not argue with somebody's philosophy. If they have a philosophical difference, that is fine. If they believe one size fits all, that is fine. I do not happen to have that philosophy. If they believe that the Federal Government has all the answers to all the problems, I do not have any problem with their philosophy. I do not agree with it, but I do not have any problem with it. That is their philosophy.

If they believe that we have helped those on welfare in the last 35 years, go on dreaming. I do not happen to believe that. The only thing I request is, please read the legislation and then discuss the legislation.

Mr. President, we are not cutting and gutting school lunch and child nutrition programs. We are cutting bureaucracy. We want to grow healthy children. We are not trying to grow healthy or unhealthy bureaucracies. And so I hope that everyone from the Commander in Chief on down will read what is in H.R. 999 so that they actually can participate in a debate intelligently and talk about the facts. And again, as you pointed out over and over again, we are doing better to grow healthy children than the President has recommended.

I appreciate all of your participation this evening and I hope that the public has been listening and I hope that they will now better understand what the existing program is and what we are doing in the future to try to change to make sure that more children have an opportunity and more pregnant women have an opportunity to participate in nutritious meals programs.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS, FISCAL YEAR 1995

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104-78) on the resolution (H. Res. 115) providing for consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PEACE, JUSTICE, AND OPPORTUNITY FOR ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, no discussion is more important than the one that is now under way here in Washington concerning the budget and all matters related to fiscal appropriations policies. The discussion that we have just heard is a very vital one. It relates to one small facet of the total budget and one small portion of the Contract With America.

The question of school lunches and whether they have been cut or not has been thoroughly discussed and we will have some more discussion on it. It is very important because in the process of trying to save money on school lunches, there has been some trickery. We are moving under the cover of a block grant and we are talking about giving additional money to take care of inflation. We are not discussing the fact that an entitlement is being taken away, an entitlement.

Every hungry child who has a certain income level is entitled now to a free lunch, which means that no matter how large that number increases and how great it becomes, the free lunch will always be there for the hungry child. In the block grant process, there is a finite number of children who can be fed. The Federal Government has only provided a finite amount of money. There is no supplementary budget at the Federal level that you can fall back on. You cannot go to the treasury of the Federal Government. They have washed their hands of the process once they give the block grant. So it is up to the States. It is up to the local government to pick up at that point and that is a part of the discussion. We can talk more and more about that but it is only a small part of the total picture.

Let us not talk so much about what has been cut so far, although that is important, the fact that school lunches are on the block and they are being squeezed in devious ways to save money. The fact that the summer youth employment programs, one of the most basic, practical, and concrete programs ever devised by the Federal Government where teenagers are employed during the summer, that also is on the chopping block.

In the rescission process, they have put zero in the budget for the remainder of this year, reached into the current budget, money that has already been authorized, programs that have already been authorized, money that has already been appropriated is now being taken out of the current budget for the year which ends on September 30, 1995. That is called a rescission process. It is a cruel process of having people who anticipate that they are going to get certain kinds of programs and funding suddenly wake up and discover that it has been snatched away in this budget year, before we get to the process of the next budget year, 1996 budget year, which begins October 1, 1995.

So we are cutting programs which have relatively small amounts of money attached to them when you look at the total budget and benefit large numbers of people, programs that have been demonstrated to be workable, programs which go straight to the heart of the matter and serve the poorest people in the country. We are cutting them, and one of the questions is, why are we cutting these programs and not cutting other programs? And I will get to that later.

I think it is important to understand that the budget-making process is a vital part of a bigger process whereby we are defining our vision for America as we see it, as we go forward the year 2000 and beyond.

□ 2130

What happens this year will determine what is going to be happening in the next 10 to 20 years. This is a pivotal year. It is a pivotal year because the majority in the Congress that has just taken over has made it a pivotal year, and we should not back away from the challenge of making a lot of very basic decisions which will set the course of America for the next 10 to 20 years. We will not back away from it. Let us just understand that everything that is being done; those things that have dollars attached to them, and many of them that do not have dollars attached to them, are a part of a process to prepare America for a future that is going to be a future basically to serve a small elite group of people or a future America that belongs to everybody. I say it is a conflict, a battle, between the oppressive elite minority and the caring majority. I think there is definitely a cleavage here, unlike any we have seen before.

There is a group, which I call the oppressive elite minority, who have a great deal of education, a great deal of understanding about now to use power. They have a great knowledge of how to use information. They know how to control and make very good use of media. But the oppressive elite minority is lacking in compassion. The oppressive elite minority has a distorted vision of what America should be all about. This oppressive elite minority, in charge of Congress now, has a vision which seeks to throw certain groups of people overboard. It has a mentality of triage. It is basically saying that there are some things that are not in the American dream for all people. In fact only a small group should benefit.

This kind of philosophy is a distortion, in my opinion, of where we ought to go. It is the wrong vision. They are clear on where they want to go. They are forceful about where they want to go. But I say that they are very wrong. It is a mean-spirited approach.

In fact, you can go further and say it is a dangerous and deadly approach because of its basic assumption that we cannot build an America that serves all people, we cannot have an America which provides freedom, peace, justice, and opportunity for everybody. The patterns that they are laying out is a pattern which says we can only do it for an elite oppressive minority.

The budget cuts are the center of this whole process of redefining what America is all about. The budget cuts are at the center of the vision that is being laid out by both groups. I think we should accept the challenge that is being laid down by the majority party in the House of Representatives.

A challenge that they are laying down is that they have a vision for the new world order, they have a vision as to where America should be going, and we would like to offer an alternative vision. I am the chairman of a Congressional Black Caucus alternative budget committee, and we are going to accept the challenge of offering an alternative budget, and that budget will be very much a vision of where we think America should be going between now and the year 2000 or 2002.

Certain rules are being made about how this budget is going to be handled. The rumor is that we cannot bring any alternative or substitute budget to the floor of the House unless that budget shows where we are going to balance the budget by the year 2002. If we cannot balance the budget by the year 2002, we will not be allowed to put it on the floor is the rumor. It has not been finalized yet.

Well, we accept that challenge. If we have to prepare a balanced budget by the year 2002, that is the only way we can present the Congressional Black Caucus budget alternative, then we will bring to the floor a budget which will be balanced by the year 2002, but in the process of balancing the budget we are going to demonstrate what the vision of a caring majority is. We are going to show how a budget can be balanced by making cuts of programs that are really not in the best interests of the great majority of Americans. The budget that we will bring forward will have the support of the great majority of the American people because there is a caring majority.

The people who came out to vote on November 8 do not represent a mandate, did not offer a mandate, they do not represent a body on which a revolution can be based. We had about 38 to 39 percent of the people who were eligible to vote in America who came out, and half of those people voted for the party that won the majority. The half of 39 percent, 38 percent, is certainly not a majority of Americans. The Americans who did not come out to vote, in a large number who came out to vote and did not vote for the winners, they constitute the caring majority.

The caring majority is made up of people who are not wise enough to come out to vote and who did not protect their own interests in the proper way, but the caring majority also includes a lot of enlightened people who do vote and who do not identify with the policies of the elite oppressive minority who won the majority of the seats in the House. The caring majority is made up with people who are not necessarily homeless or do not even have the problem in getting shelter or buying homes, but they recognize that there are homeless people in America, and they want to see the America which provides the opportunity for everybody to have a decent home. They may not want to live next to homeless people, and that should not be the test of their compassion. The test of their compassion and their membership in the caring majority is do they believe that every American ought to have a decent home, an opportunity to have a decent home? A caring majority is made up of people who are not hungry, people who have plenty to eat and have good jobs, but the caring majority includes people who have good jobs, plenty to eat, who are willing to look at people who do not have jobs and do not have enough to eat, and they are willing to support public policies which are going to provide employment for all people. They are willing to support public policies which will allow everybody to earn an income and be able to provide the basic necessities of food, clothing, and shelter. The caring majority is made up of people like that who are voting and who will be on the side of those who are in need and who are being affected by the safety nets which are being removed by this oppressive elite minority.

We have a vision of America that is very different from the vision of the oppressive elite minority. We are not afraid to offer that vision.

On the other hand, we recognize that shortcomings of a vision of the elite minority, it is a vision of America for the few. It is a vision of America for the privileged. It is a vision of America for a new computer class. The cutoff is whether you can own a computer or not, I suppose from the kinds of language used by this oppressive elite minority. Traditional working class people are not included in the vision of this elite minority as to who America should exist for.

They do not include construction workers, for example, who always are a part of the middle class. They made good salaries in the past, and they have been supported in the past by both parties. In fact, most construction workers a few years ago we would say would definitely fall in the Republican Party. They had that kind of outlook on life. They were part of the establishment, making very good salaries, and we are surprised and shocked that the new oppressive elite minority in control of this Congress is moving rapidly to take away basic benefits from construction workers. The repeal of the Davis-Bacon Act is high on the list, high on the agenda, of the oppressive elite minority/majority now in control of Congress. They do not want to see construction workers paid decent wages. They want to take out the Davis-Bacon Act which controls the situation which can easily be exploited if it is not there. They do not want to have much to do with organized labor in general.

Our great middle class, the greatest portion of the American middle class,

have been working people traditionally. We created a phenomenon that never existed in the history of the world when we began to pay millions of workers decent wages. We created the great American market, the great American consumer market, which sustained this country and built our capitalism into the strongest system of democratic capitalism in the world. Everybody wanted to get into the American consumer market, and we have allowed in many cases too generously—we have been too generous in allowing the Japanese to get into the American consumer market, the Germans to get into the American consumer market, everybody comes along with products, rushers to the great American consumer market to sell products and to benefit greatly. Japanese riches have been built on that openness of our consumer market.

That consumer market would not exist if we had not had the American labor movement, if we had not had a situation where the forces combine, the workers themselves, and enlightened Government starting with FDR, and an acceptance by the Republican Party, acceptance by the corporations, that it was good to have labor peace, it was good to pay decent wages, and we went forward all together under that system.

But, no, we want to turn the clock back and stop that in this present Congress controlled by the oppressive elite minority. The oppressive elite minority's leadership right away took the Education and Labor Committee and changed the name. They wanted to immediately insult labor by taking labor out of the name of a major committee on Congress so we no longer have any committee of Congress that has the word "labor" in it. They proceeded to move to repeal certain portions of the National Labor Relations Act. All kinds of things are moving forward to oppress and to squeeze the traditional middle class of working Americans, working Americans who do belong to the middle class. They want to redefine the middle class and push down those who before, who heretofore, have belonged to the great middle class.

Public education is now under attack by this oppressive elite minority. The leadership of this Congress, majority of this Congress, the leadership now wants to eliminate the Department of Education. They have gone after education programs with a large number of rescissions already before we get into the process of making the budget for next year. They want to pull back funds for large numbers of programs in this year. They propose first to cut Head Start, and then when they were forced to back away from that, they have cut title I programs. The most basic Federal aid to education is funneled through title I, formerly called chapter 1 programs. Public education is under attack, and after many years under Ronald Reagan and under President Bush, after years of recognizing that America had a problem with education, and after every President starting with President Reagan, attempted to move forward in some way to establish a Federal presence in education. We are now ready to recklessly retreat, recklessly eradicate all the work that has been done by Reagan, Bush, and Clinton and tear down the Federal involvement in education, just wipe out the Department of Education. We will be the only industrialized nation which does not have a centralized Department of Education to provide some guidance and some direction for the education function. We will rapidly begin to decline in our ability to compete once the Department of Education is gone.

But the oppressive elite minority is blinded by their own ideological biases, and they want to wipe out the effectiveness of public education. They are going to look to other ways to provide education, those that they think should be educated. The rest they will throw overboard, the billions of dollars. The riches of America will not be used for one of the most fundamental functions of society, the education of the populace. Nothing is more important to our national security than the education of the populace. The education of the American people will keep them competitive. The education of the American people will maintain civility and lessen friction, lessen crime, lessen disorder. The education of the American people is the most important function of Government as we go toward the new world order. Far more important in our national defense and our national security is education than new weapon systems.

But we define what we are all about, as I said before, by the steps we take in our policies and especially in our fiscal policies, budget policies, and other monetary policies. The steps that are being taken now are clearly defining what I call a high tech, a group of high technology barbarians, well educated people who understand how to use information, but who lack compassion, and in the final analysis, because they lack compassion, they lack the vision necessary to carry us forward and build on the greatness that already exists in America. The vision of a caring majority is very different from the vision of the oppressive elite minority.

□ 2145

The vision of the caring majority sees the possibility of peace, justice and opportunity for all of the people. We do not see America going bankrupt. We do not want to preach scarcity. We are not Bangladesh. We have the resources necessary to provide for a society and an economy that can support peace, justice and opportunity for all of the people.

We can provide health care for all of the people. We can provide housing for all of the people. We can provide employment for all of the people. The resources are there.

The caring majority is there. And given the opportunity, we are going to find a rejection of the kind of policies and programs being put forward by this elite, oppressive elite minority.

Democratic capitalism allows us to do the kinds of things that are needed to produce a society with opportunity for all and with justice and peace. Democratic capitalism is a good umbrella, an umbrella under which we may construct the most successful social order ever created. The skeleton of Democratic capitalism has the ability. It is able to adapt.

The system is responsive to innovations. We are not stuck in a situation where we can look forward to going to a bankrupt treasury in the year 2000, because Social Security is there, if we do not take radical steps now to end spending for programs that benefit people.

The responsiveness is there. We can do a great deal of things under our present setup. We are the greatest system that has yet been devised by man. And we must use it with imagination and creativity. And most of all, we must have the compassion to understand that we do not need to throw any group of people overboard.

This is the first and the most vital step. Make the assumption that the richest Nation in the history of the world can create, it can generate a society which provides peace, justice and opportunity for all.

Now, am I running away from the hard job of discussing the budget? I have not mentioned very many numbers at this point. Let's talk about numbers, the problem of funding. The problem of money, of taxes, is a monumental problem today. It will be a monumental problem in the future. It is a permanent challenge. We will always have to struggle to produce the revenues necessary to finance the activities and the functions of government and society that we deem are necessary. It is an ongoing problem. We will have to rise to the occasion.

We will always have to raise revenue. We will have to eliminate waste. We have to set the right priorities. We will always have to be improving efficiency and increasing effectiveness.

Any organization or any activity that has ever been devised by human kind has a problem with efficiency and effectiveness. It has a problem with waste. The species Homo sapiens, human kind, is not an administering animal. We are not naturally good administrators. Administration and management is something that human beings have to work at all of the time. It is a permanent, ongoing activity.

I am not going to say that there is not waste in the welfare program. I am

not going to say there is no waste in the school lunch program. I am not going to say there is no waste in any function that is operated by government, just as there is tremendous amount of waste in the private sector. In fact, the private sector has shown us it can be the most wasteful and the most inefficient and the most corrupt sector of our society.

The savings and loans collapse, the savings and loan swindle, showed us how monumental waste and corruption and inefficiency can exist within the private sector. So mankind, homo sapiens, are no more effective in the private sector in administration and management than they are in the public sector. It is a problem that we have to confront.

Let us go forward and deal with new ways and deal with the problem of money. First, budget cuts. Am I afraid to talk about budget cuts? Do I think we should not cut the budget? There is no room in the budget for a downsizing and a decrease in expenditures? No, I would not take that position. There is a tremendous amount of waste in the budget. But we define ourselves and we show where our souls are when we make the choices as to what to cut.

Why are we going on and on, day in and day out, about the cutting of the school lunch program and there is no discussion of some cuts of the CIA and the intelligence budget? The CIA and the intelligence agencies have a secret budget. They will not even tell the American people what the budget is, yet estimates by all sources have placed it at no less than $28 billion. The intelligence budget is no less than $28 billion; probably more.

At a time like this in our history when there is no evil empire anymore and the Soviet Union is struggling just to exist, it cannot be an aggressor or threaten us in any way, why do we need a CIA budget of $28 billion?

If the people who want to downsize government and want to streamline government, if they want to do it in order to give a tax cut, if they want to do it in order to make sure that our children and our grandchildren do not have to pay all of these bills in the future, if they want to seriously and sincerely deal with those problems, then why are they not discussing a cut in the CIA and the intelligence budget? Why not cut it just in half?

You put zero in the budget for the summer youth employment program. That is bold and daring. They consider that bold and daring. I think it is an act of cowardice to cut the summer youth program for teenagers overnight, pull out the money and say it is zero this year and next year it will also be zero. I do not think that is an act of courage.

It would be an act of courage to say let's gut the CIA budget and the intelligence budget in half to $14 billion. We will have 14 billion to distribute for these other programs or to go to the deficit or to give a contribution toward the tax cut.

CIA, who don't we cut it? Why are we discussing the school lunch program and not discussing the CIA and the intelligence agency?

Why are we discussing the school lunch program endlessly and not the *Seawolf* submarine; 2.1 plus billion dollars, $2.1 billion to build a submarine that everybody admits we don't need at all? We don't need it to fight a war. It is only there to maintain the profits for the manufacturer at a certain level; to provide some jobs.

And if you want to take $2.1 billion, you could provide twice as many jobs if the object is just to provide jobs. The object is to provide profits also for people who certainly do not need to be milking the American taxpayers for more profits.

So why not cut the *Seawolf* submarine? We are talking some heavy dollars when you talk about the CIA and the *Seawolf* submarine.

Why not cut the cheap electricity that that the people in the Northwest and the Midwest have from dams that are built by all of the taxpayers with all the taxpayers' money? There are some people who are paying one-half the price for electricity as my constituents are paying in New York. Do they deserve the bargain of one half the cost for their electricity? They are Americans just like everybody else. Why not market rates for everybody?

If you raise the payments of the people who are getting the bargain in electric use and raise it to market rates, and let the Federal Government take back that money that it invested in the dams and the water projects and distribute throughout all America and let us all benefit from it, let's all get a benefit of the efforts of our Federal Government. Why are we not discussing a cut or a retrieving of the bounty that the people of the Northwest and the Midwest have enjoyed all these years? People say they want government off of their backs and yet they are the beneficiaries of some of our biggest government programs for the longest number of years.

And how about the Department of Agriculture? We are not discussing the biggest welfare program in America. The longest-running and the most lucrative welfare program in America is the farm price supports.

The Department of Agriculture handed out $16 billion plus just for farm price supports last year. Sixteen billion is about the same size as the program that feeds millions of children on welfare. But in our population, gentlewomen and gentlemen, we only have a farm family population of 2 percent. Only 2 percent of the total American population is still in the classification of farmers.

Most of the billions of dollars that we are handing to the farmers or to the agribusinesses goes to corporate agricultural business. Most of it goes to rich farmers. Tremendous amounts of money could be saved if we would take the rich farmers off of welfare.

In the State of Kansas, for example, in most of the rural counties, according to the New York Times, farm families that are there and farmers who are part of the program have averaged between $20,000 and $40,000 a year that is being handed to them every year for doing nothing. A $20,000 to $40,000 check that comes on top of all of the other money that they make.

And there is no means test. When you are trying to get aid for dependent children on welfare, you have to meet a means test. You have to show you do not own anything and you have no bank account. In the Department of Agriculture programs and the farm price support programs and the Farmer's Home Loan mortgages and all of these benefits that have been heaped on our agriculture sector for the last hundred years, you do not have to show any means test.

Now, I do not want to be misunderstood. I think that the American agricultural industry is the greatest industry in America. I think it is probably one of the most effective industries in the world. There is no other nation that begins to come close to the American farmers, the American agricultural industry, in feeding its population, the population of America.

It probably could feed a large sector of the total world if the economics were different. We have the capacity. Our Department of Agriculture has done a magnificent job. And the Department of Agriculture, the whole agriculture program in America, is a sterling example of what can be done by government. Government operated from one end of the spectrum to the other.

Government funded the land-grant universities. Government funded the experimental stations for agriculture. Government funded the county agents that took the results of the experimental stations to the farmers in the field; very effective use of science and technology and for that reason, it is a hugely successful industry.

Now that agriculture is such a huge and successful industry, why are we continuing to have government play such a major role in agriculture? Why not have the government step out? They talk about abolishing the Department of Education. Why do we not downsize and streamline the Department of Agriculture? Do you know that the Department of Agriculture is the second largest bureaucracy in the Federal Government? It is second only to the Pentagon in term of the number of employees.

The Department of Agriculture, they have done a great job. It is a marvelous

success story. Private industry can now take over. We could downsize the Department of Agriculture, set a means testing procedure so that it provides aid and assistance only to the farmers who are the poorest farmers. We could privatize part of the Department of Agriculture. There are a whole set of experimental programs, there are research grants, private industry could take that research and development function at this point and do a job just as well.

So, instead of continuing to discuss on and on the school lunch program, why do we not discuss the downsizing and the streamlining of the Department of Agriculture? Why do we not discuss the elimination of $16 billion in farm price support payments; welfare for the farmers? Why do we not deal with the farmers on the dole?

Why do we not deal with cuts of the F-22 fighter plane? Why do we need an F-22 fighter plane which was originally projected to cost the American people $72 billion. The F-22 fighter plane is manufactured in Marietta, Georgia. The F-22 fighter plane was originally projected to cost $72 billion. We have paid out about 12 billion already for planes and we are projecting over the next six years about $17 billion more in expenditures for F-22 fighters.

If you want to keep America from going bankrupt, if you want to keep our grandchildren from having to pay the debt, then cut items like the F-22 fighter.

□ 2200

If you need an F-22 fighter plane, it is the most sophisticated thing ever developed in fighter planes. But do we need it? No. The second most sophisticated fighter plane we already have. We own the second most sophisticated fighter plane. We do not need to have another one more sophisticated, because we are not our own enemy. The Soviet Union is not developing any more fighter planes. They are not developing fighter planes that would even contest the one that exists already. Why keep manufacturing a brandnew one called the F-22?

So let us save over the next 6 years $17 billion that could be applied then to fund the Summer Youth Employment Program, to make certain there is no shortfall in the School Lunch Program, to make certain we do not kick people out of nursing homes, to guarantee that we do not remove home care from people in great need. Let us go forward and examine all of these expenditures if we really are sincerely interested in the most effective and efficient budget.

Mr. Speaker, this is a simple discussion, and I hope the American people are listening closely. Listen to the numbers. In addition to philosophy, it is very important that we understand the numbers. The numbers that are being poured into the defense budget are huge numbers: $17 billion more for F-22 fighters, $2.1 billion for another Seawolf submarine; $28 billion for the CIA; B-2 bombers. We could go on. The majority in this House want to spend another $50 billion for defense. The majority in this House want to spend another $50 billion for defense, while they are telling us they must trim school lunches and they must make more efficient programs like Medicare and Medicaid.

Finally, we have new revenue options. Our vision, the caring majority vision versus the vision of the oppressive elite majority. Their vision is we are in a situation where America is on the verge of bankruptcy. To hear the elite, the oppressive elite minority Members talk, we are almost at the stage of Bangladesh. We cannot exist much longer if we continue to try to build a society which is there for everybody. We have to start dumping people overboard. We have to rein in the safety net. Even Ronald Reagan acknowledged that there is a safety net that is needed, that we are now about to dump. The high technology barbarians who are in charge now have no compassion for those people.

Yet, every day there are new developments which show that far from being bankrupt and far from having our resources exhausted, America, the Democratic capitalistic society, America has all kinds of new potential for producing revenues.

We have just realized $9 billion by selling invisible frequency bands in the sky. Spectrums in the sky which you cannot even see have been sold to the tune of $9 billion, and that process has not ended. By just selling the air over ourselves, we have made money. And in the future, of course, we can always tax the income that is made off of those operations as normally the profits are going to be taxed, any profits made. So we have generated out of nothing. It shows you do not need land. You can take the air and sell it. If you are a nation, the power of nationhood is that you own the air.

They used to own the land, and we have given away a lot of the land. That is a chapter in American history which was very successful. You gave away land, you produced free enterprise, and you made great millionaires and produced a middle class. We have done a lot of great things in the past. We have given away too much in some cases. We have given away property that had minerals on it, up until very recently. We are still giving away property that has gold on it and we do not require that the people who mine the gold pay us a royalty and give us back some of the benefits of the lands that the Government and the people own. The people have to assert themselves, and the people are going to have to insist there can be no more nonsense on giving away public lands and not demanding that the public have some percentage of the profits realized from the minerals that we get from those public lands.

We could also gain more revenue if we would stop giving away the fruits of Federal and government research. Military research has spawned a whole host of hundreds of new products. We have not reached out and placed the royalty on those products to come back to the public Treasury. We have just given it away.

Many of you know, everybody knows of a few products. Television was really perfected by our government research, not just the famous product super glue, which everybody knows was developed by the space program. There are hundreds of products that were produced as a result of government research, and we, the people, who paid the bill to do the research, we get no benefit from those products. That is a source of revenue. We could reach out, and instead of worrying about going bankrupt and putting the elderly on the streets, out of nursing homes, cutting back on Medicaid and Medicare, cutting back on school lunch programs, let us be more creative about claiming what belongs to the people.

I am not in favor of new taxes on income. I am not in favor of new personal taxes. But there are ways to get revenue that we ought to closely examine, which have nothing to do with personal income taxes. There are all kinds of loopholes. At a later date we are going to list those loopholes. The Congressional Black Caucus' alternative budget, we intend to close the loopholes that corporations live by in order to maximize their profits and escape paying a just share of the taxes. Corporate taxes, the share of the overall revenue burden borne by corporate taxes, has dropped drastically in the last 20 years. We need to get back to having the corporate world carry their share of the taxes.

I am going to yield in a few minutes to a colleague of mine, but I want to make it clear that we are talking about the overall program of the new majority in Congress. We are talking about the fact that the budget process, the rescissions that are now being made right now, the budget that is going to be brought to the floor in May, all of that is part of an overall grand design that is a design, of course, a distorted vision of America, being driven by high-tech barbarians who have no compassion and are really on the wrong track when they conclude we cannot have an America which is for everybody. Contrasted with their position, the position of the oppressive elite minority is a position of the caring majority. We are going to produce a budget, the Congressional Black Caucus is going to produce a budget, which reflects a vision of the caring majority.

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To talk more about budgets and the rescissions that are now at our doorstep, heartless, cruel decisions that are being made through this rescission process, is my colleague from Texas. I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Let me thank my colleague from New York, MAJOR OWENS, and thank him for a very reasoned, if you will, detailed presentation, and almost a journey, if you will, taking us through very evenly how we have wound up to be here on the House floor, and poised, if you will, to vote for a rescissions bill that is larger than any I have ever seen and I think this House has ever seen.

Congressman, you know the last rescissions bill was in 1981. It is interesting, as you have been speaking about the cuts, and I just simply had to join you because as I have reviewed this legislation, the fact that it hits at the very most vulnerable in our society gives me a great deal of discomfort.

Interestingly enough, we are at 5.4 percent in unemployment. The economy is going well. You made a very good point about tax cuts and whether or not those who would be classified as Democrats are against improving the economy or looking at tax cuts.

We are looking at, are concerned about being fair. I took time for a moment to just find out what the word "rescission" means in Webster's dictionary. It is an act of rescinding, to take away, to take back, annul, cancel, to make void by action of the enacting authority or the superior authority.

That is what we have. We have a negative. We have a taking away of something already authorized. We have a taking back. We have an annulling. We have a canceling, and we have a superior attitude against the children of this country, against the elderly of this country, against those who need affordable housing.

We seem to want to pull back from the States of this country after, I remember, a very extensive debate about unfunded mandates, and many were called upon to support this legislation as innovative and positive. But yet this legislation will clearly put on the cities and States the great needs of its people, and that is the need to in fact serve those who are most vulnerable.

If I might just simply say that the rescissions bill, as it is politely known, will cut to the bone many of the programs that you have just spoken about. Across the country, throughout my home State and right in my hometown of Houston, millions of children, elderly and poor citizens will be devastated and forced to endure government-sanctioned hardships in order to provide extensive tax cuts.

Well, what does this boil down to? As though the unsettling dynamics and displacement of our rapidly changing global economy were not already bad enough when it comes to driving the widening wedge between America's economic haves and have-nots, now the have-nots have to worry about Uncle Sam cutting them off at the knees. I do not know what we are going to do, but I will simply share with my Republican colleagues who are constantly explaining that what they are doing is helping America.

Just read the headlines in the hometown papers like the Houston Chronicle that says "Do Not Short-Change Texas Children." These are not political activists who are seeking publicity. These are children advocates who realize that Texas alone has some 7.3 percent of the U.S. child population. It has a large number of the individuals that are infants, I think some 5 million or so children.

We have headlines from local papers saying "Do Not Play Politics with Hungry Children," from the El Paso Times. These are local people that are speaking. The GOP social agenda is flawed at best. Local people again.

We have got "The Republican Tax Cut Plan May Not Add Up." We know that it does not add up, because clearly it tends to take from those who can least afford it. That is why we are in trouble with school lunches and breakfasts, but more important, that is why we are in trouble with school-to-work programs and no summer jobs.

Here is one right out the mouths of Republican Congresspersons, "GOP Haste Laying Waste to Legislative Good Intentions." This is not the Democrats speaking, this is the Republicans. One Republican stated, "I have always been a little concerned about arbitrary deadlines. I do not think it contributes to sound legislating."

Well, it really has not, because it is helping those who need help the most.

So I think that we are moving toward hurting our children, and we are moving toward not even ensuring that children and workers and those who are in need can be best served.

But if we fancy ourselves a moral Nation, ought we not first look for efficiencies and cuts in programs and policies that generally serve the fortunate who have been blessed, and from whom a small sacrifice for the good of the whole would not be an undue burden?

Let me share with you the words of the late Hubert Humphrey, who was fond of reminding us of the moral litmus test.

> Those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in the shadow of life, the sick, the needy, and the handicapped.

Mr. Speaker and my colleague, I wonder if anyone from the other side of the aisle can in good conscience claim that this rescission package, taking back, canceling, does anyone any good.

This package cuts $17 billion, and it is a package. These cuts are not to the mohair growers subsidy or tax break on vacation home mortgages. But they simply get at the crux of those who are in need.

Let me just simply tell you where they are coming from. Where do the GOP cuts come from? My colleague ably detailed for us. Here it is in graphic design, if you will. Sixty-three percent comes from low-income cuts, individuals who are in need, and then 37 percent from other cuts. It gets to the people who most are in need.

Where is the justice in this rescission plan when 69 percent of the so-called savings will go to pay for tax cuts at a time when the deficits are already too high?

We wonder about the tax-and-spend liberals. That is what folks have been calling those who are not listening. What about the borrow-and-spend Republican administrations that have quadrupled our debt?

It is important to recognize that we have a job to do here in the United States Congress, and, therefore, it is a shame that we are canceling out housing, 42 percent, work experience and job training, 14 percent, health, 10 percent, education, 9 percent, and 25 percent in other cuts. People who are simply looking for the opportunity that we say in this country we are giving them.

Then I might add, as we begin to look elsewhere, we find that we have got some 69 percent tax cuts. That is where the money is going, and then of course it is going to the FEMA relief. I am not speaking about those States that are in great need, and need this kind of aid.

We know that California has been in some severe bad weather at this time, but we would simply say, what about those who are in need for hunger and housing? What about those who are trying to make a better life? Do we not need to be of assistance to them?

Mr. OWENS. Would the gentlewoman yield for a minute?

Ms. JACKSON-LEE. Yes, sir.

Mr. OWENS. I would like to underscore what the gentlewoman has just said. I wonder if the American people realize the tremendous amount of money they have given to take care of natural disasters over the past 3 or 4 years. For the hurricane in Florida, between $6 billion and $7 billion of taxpayers' money from all over America went to help the victims of the hurricane in Florida. The earthquake in California, floods, mud slides, we are talking about close to $7 billion or $8 billion just directed to California various natural disasters. The Midwest flood that took place a couple of years ago, $6 billion of people from all over the country's money went to help take care of those disasters.

We recognize people who are the victims of natural disasters are in need and therefore we come to their aid, and it is altogether fitting and proper for government to do this. But the people

in our big cities who are the victims of a mismanaged economy which does not provide any jobs also have great needs and we ought to also look upon them in the same way and provide some kind of assistance on an ongoing basis without having to have these frequent reviews and without belittling people who are the victims of the economy and victims of the mismanagement of the economy.

We are all one people, and there is no reason why one kind of disaster and one kind of victimization should be treated in a different way from the other people who are also victims.

I hope we will take not of that. It is an involuntary stimulus. California did not make the earthquake happen but once the earthquake happened, they got an involuntary economic stimulus. Money was poured in to take care of that need. It also made the economy go again. That is just the way it happens. But we also have disasters of a different kind in our big cities, whether they are Houston, New York, or Newark, New Jersey. I just wanted to underscore that point.

Ms. JACKSON-LEE. The gentleman could not be more right, and he has made a very eloquent point. I wonder as the American people go about their business and some have said that this debate has caused a great deal of distortion. I think the American people are smarter than what we would give credit for, and, that is, appreciating the fact, again, that the government went into these places like Florida and California, and, by the way, they went into my State, the State of Texas, and in fact there are people in my community right now who are still in great need because of a very severe flood we had in early fall, and I am working to ensure that they can be made whole.

But if you can appreciate that kind of assistance from the Federal Government, then why do we hear from the Republicans how easy it is to cut now some $17 billion from the devastation that occurs in people's lives, especially that they have been challenged to pick yourself up, get off welfare, become independent, and I can assure you, just like I am sure in your community, that I have met with welfare mothers.

We sat down at the table and broke bread together and talked about their life. There was not a one that either got pregnant because they were getting a welfare check, there was a one that wanted to be on welfare. They talked about self-esteem, they talked about getting a job, they talked about trying to be independent. That is lives that are devastated, people responsible for children, and they need the help of the Federal Government.

If I could just share with you for one moment to tell you how much we are hurting in Texas.

Mr. OWENS. If the gentlewoman would yield for a moment, I want to inquire of the Chair how much time we have remaining.

The SPEAKER pro tempore (Mr. LUCAS). The gentleman has 8 minutes remaining.

Mr. OWENS. I yield 4 minutes to the gentlewoman from Texas and I will take the last 4 minutes. I just wanted to close out with a note and I neglected to put in before.

Ms. JACKSON-LEE. See how good it is to be able to have time and it is also good to be able to share with those who are in need, and that is the problem we have here in the State of Texas.

This is a gentleman who has no ax to grind. He is our State comptroller, and he has already assessed that we lose about a billion dollars in this rescission package for the State of Texas. We lose some $763.7 million in Medicaid. Therefore, those who are trying to get off welfare would not have health care, the elderly, the severely handicapped, 69 percent. Family nutrition programs, we are losing $170.6 million, 15.5 percent, for our State.

Then there is AFDC, there is training, emergency assistance, 10 percent, we are losing $118.6 million. Then school nutrition in particular, dealing with our school lunches and school breakfasts. By the way, I met with leaders of the local school community and they are just up in arms about the children who will come to their doors who are hungry, particularly the districts that serve at-risk children. We are talking about the national impact, but I know what it means. It is going to hurt the people in the State of Texas, people in the State of New York, people all over this country. The American people understand this. This rescissions package should go nowhere.

As I conclude, let me talk about, and you have worked so hard on the summer programs, summer job perhaps that I have been actively involved in in my community. We are getting ready to lose in FY 1995 and 1996, $66.6 million in 1995 and $66.9 million, 43,000 jobs each year, and in Houston, each year, 1995 and 1996, 6,000 jobs. It was already not enough just last summer, 8,000 youngsters showed up on the first day to sign up, with stories of pain and excitement at the same time, excitement of trying to get a job, and pain for the need of the money during the summer months, for rent for their families, for clothing for their families, to take care of younger brothers and sisters.

This is serious. I worked extensively with anti-gang measures in Houston, where there are some 3,000 gang members, drive-by shootings. This is what gets our children off the street. This is what prepares young adults for the 21st century, the opportunity to work. This changes their mind set.

So when we begin to talk about where we are today and your detailing of what we should be looking at with an alternative budget and fairly we can look at possibly tax cuts, possibly downsizing different agencies, we do not reject that, I do not reject it. But I do reject taking from the most vulnerable and undermining a State that is trying so very hard to improve itself and to serve the people in that community. We must be the better one, the Federal Government, to be able to stand up with the moral fiber and fight for those who are in need.

I thank the gentleman from New York but I think that we must cancel out this rescissions package and ensure that we stand up against this kind of intrusion into the lives of American citizens.

Mr. OWENS. I thank the gentlewoman from Texas. I would like to underscore your last point. The defunding, the placing of zero in the budget for the summer youth employment project is probably one of the most cruel and dangerous and deadliest acts of this oppressive elite minority in control of the Congress now. It shows no vision. It betrays the very vital segment of our population that needs help the most.

They follow through on that, that zeroing the budget for the summer youth employment program with a $210 million rescission of the National Service Program. The National Service Program is for a different set of youth but it is basically program-oriented toward young people.

The National Service Program is not a program of Bill Clinton, it is not a program that the Democrats fabricated 2 years ago and the Republicans stood on the sideline. I have been in Congress for almost 13 years and we have discussed a National Service Program for 10 of those 13 years. Both parties have come forward with proposals, both parties have worked together. Why do we all of a sudden have to throw overboard and destroy a program which it took 10 years of deliberation and planning to develop?

The National Service Program would receive rescissions of $210 million out of the $571 million that they have available for this fiscal year. That is taking $210 million and leaving only $365 million, crippling the program to such an extent that it would hardly be able to operate because it is just getting off the ground now.

And then there are bigger cuts coming in the budget that begins October 1 because the oppressive minority has made it quite clear that they want to destroy the National Service Program.

The American people have a right to know why. Why? We should challenge the high-technology barbarians and say, You cannot do reckless things like this, you cannot make reckless decisions, you cannot just disregard all reason without explaining to the American people why.

A rescission of this magnitude for the National Service Program would renege on the bipartisan congressional

commitment of Americans who have already committed to serving their communities. Middle-class families who work hard and play by the rules would be especially hard hit because many of the members of the AmeriCorps are middle class. We designed it so it would not just be a program where young people who are poor were involved. It cuts across all classes.

A year and a half ago, Congress mandated a 3-year phase-in for funding 100,000 AmeriCorps members. It called for 20,000 members to begin a year of service in 1994 and 33,000 in fiscal year 1995.

This rescission, this heartless rescission, would require the corporation to scale back existing programs already in place, cutting approximately 2,000 AmeriCorps members from the current level of 20,000 and 15,000 from the phase-in level which has already been authorized by Congress. The majority of those reductions would occur in those States with the most AmeriCorps members: New York, California, Texas, Pennsylvania, and Michigan.

Middle-class families with college-age members willing to serve their communities full-time for a full year who are counting on AmeriCorps to help them afford college educations would be especially hard hit if the congressional commitment is not kept.

We close with National Service, as just one more example. School lunch programs, summer youth employment programs, National Service programs, programs that would benefit all of America a great deal are being very hard hit by these heartless cuts.

On the other hand, the F-22 fighter plane is not touched, and neither is the Seawolf submarine and a huge number of other programs in the military budget.

I want to thank the gentlewoman for joining me, and I hope that Americans are listening. There is a vision offered by the oppressive elite minority and there is a vision offered by the caring majority. We will talk more about those visions in the future.

Ms. JACKSON-LEE. Mr. Speaker, I rise this evening to speak unequivocally against the misguided, shortsighted, and unconscionable spending cuts proposed in H.R. 1158—the Republican rescissions bill—to be considered on the House floor on Wednesday and Thursday of this week.

This rescissions bill, as it is politely known, will cut to the bone many programs that manage to maintain a minimal standard of living and health care for America's most vulnerable citizens.

Across the country, throughout my home State of Texas, and right in my hometown of Houston, millions of children, elderly, and poor citizens will be devastated and forced to endure Government-sanctioned hardships in order to provide extensive tax cuts.

That's what it boils down to, Mr. Speaker.

As though the unsettling dynamics and displacement of our rapidly changing, highly competitive global economy were not already bad enough when it comes to driving the widening wedge between America's economic haves and have-nots.

Now, the have-nots have to worry about Uncle Sam cutting them off at the knees.

What in the world have we come to?

How can those Americans, who enjoy some of the highest living standards in human history, possibly begin to justify their demand for tax cuts when fellow citizens, through no fault of their own, are relegated to lives of bare subsistence and, in many cases, much less than that?

How can Republicans rationalize rescissions, while at the same time proposing to reduce spending on the hugely successful, bipartisan WIC Program that for better than two decades has been providing basic, healthful nutrition for poor women, infants, and children?

While economists and sociologists of all political stripes are telling us that, to succeed in the information age of the 21st century, American workers must be better trained and educated than the once-celebrated production-line workers of the 20th century, how can Republicans tell us—with a straight face—that we ought to be slashing job training and education programs that serve both children and adults?

How will the Republican leadership explain to senior citizens living in our colder climates that the Low-Income-Heating Assistance Program [LIHEAP] that has helped them pay their heating bills in the winter is being cut?

Though it's not politically popular to do so these days, I might remind this body that American tax burdens—for all income brackets—have been and remain among the very lowest of the industrialized, Western democracies.

Should American government at all levels continue to improve efficiency, cut spending for outmoded programs, and work very hard to keep taxes as low as possible? . . . Absolutely.

But, if we fancy ourselves a moral nation, ought we not first look for efficiencies and cuts in programs and policies that generally serve the fortunate who have been blessed and from whom a small sacrifice for the good of the whole would not be an undue burden?

The late Hubert Humphrey was fond of reminding us that the moral test of any government was in the way it treated "those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped."

Mr. Speaker, I wonder if anyone from the other side of the aisle can in good conscience claim that their rescission proposals pass such moral muster.

I don't know how they could, Mr. Speaker, when their cold-hearted proposals call for more than $17 billion of cuts.

And these cuts are not to mohair grower subsidies or tax breaks on vacation home mortgages.

No, Mr. Speaker, these cuts to the bone come from programs like child nutrition, public housing, basic health care, education, transportation and community development—all programs that the most needy among us depend on for a brighter future.

Who takes the hit from these Republican spending cuts?

The answer is clear.

According to the Center on Budget and Policy Priorities, a whopping 63 percent of the GOP cuts—nearly $11 billion in fiscal year 1995—will impact low-income Americans.

And where does the money go?

Well, Mr. Speaker, 31 percent does go to help citizens who have lost their homes and communities due to natural disasters like earthquakes and hurricanes, and few would argue that the Government should not assist these victims.

But what about the victims of our man-made disasters like inadequate urban and rural schools; like job flight from our inner cities; like employment, housing and banking discrimination?

Are we not similarly obligated, Mr. Speaker, to assist these citizens, as well?

Where is the justice in this rescission plan when 69 percent of the so-called savings will go to pay for tax cuts at a time when deficits are already too high?

But it is disingenuous for GOP leadership to blame "tax-and-spend-liberals" for all America's financial woes when in fact it was during 12 years of "borrow-and-spend" Republican administrations that our national debt quadrupled.

Mr. Speaker, both parties and both the President and Congress can share equally in the blame for our sorry status quo.

But we're not going to get anywhere, much less rebuild a solid foundation for America's future by polarizing and dividing its citizens.

To blame poor people for all our problems just to curry political favor is shortsighted, immoral, and potentially catastrophic.

How will we pay for the additional medical care that will be needed by children made sick due to lack of nutrition?

How will we provide for families made homeless due to cuts in public housing? Almost 25,000 families remain on waiting lists in my city—Houston, TX.

How will we protect ourselves from those who may turn to crime when denied educational opportunities and a real chance in the mainstream economy?

My colleagues from the other side are fond of their "dynamic budget scoring" that tries to predict future Government revenues based on the boost they think their tax cuts will give to the economy.

Well, what's good for the goose, Mr. Speaker * * *

Ought not my Republican colleagues be prepared to score their spending cuts in the same fashion?

Shouldn't we think intelligently about the medium- and long-term effects these rescissions will have on future budgets and on the very moral fiber of our American society?

So as not to be accused of undue hyperbole or attempting to govern by anecdote, I'd like to share with my colleagues and the American people some clinical analysis of the GOP rescission plan.

I represent the people of Houston in the 18th Congressional District of Texas.

So in addition to looking at national figures for these rescission cuts, I'd like to start with this story from last Wednesday's Houston Chronicle.

"Funding Cuts Could Cost Texas Billions, Comptroller Warns" . . .

That's the headline of the story which goes on to quote Texas State Comptroller John Sharp.

Sharp foresees up to $1.1 billion in cuts in four critical categories in the next 2 years that would devastate needy people in Houston and throughout the State.

Let us examine some of the specific programs that would be cut under this bill.

One program that is critically important to young people is the Youth Summer Jobs Program. This program, which began 30 years ago, has worked very well and has always received bipartisan support.

Nevertheless, this rescission bill completely eliminates funding in fiscal year 1995 and fiscal year 1996 for the Summer Jobs Program to the tune of $1.6 billion nationwide.

During this 2-year period, more than 1.2 million kids in 650 communities will be left without summer jobs.

And without question, these jobs are extremely important to young people. In many instances, these jobs give them their first job opportunity and help them develop a good working ethic.

In addition, many young people use the money earned from these jobs to buy clothes and supplies for school.

Let us be clear about the effectiveness of this program . . . the Summer Jobs Program consists of real jobs, not "make-work" jobs.

In many cities and towns, no other jobs are available for young people. As I travel around my congressional district and around the country, teenage unemployment remains high—particularly in African-American and Latino communities.

We need the Summer Jobs Program now more than ever.

Let's look at how the elimination of this program will affect Texas and Houston. The State of Texas will lose $66 million in fiscal year 1995 and nearly $67 million in fiscal year 1996.

This translates into 43,000 summer jobs that will be lost in Texas in each of the 2 years.

During this period, the city of Houston will lose $9.1 million in 1995 and 1996 and will lose 12,000 jobs over this 2-year period.

I urge my colleagues to preserve this program and continue providing adequate funding.

Another program that will experience a major reduction in spending under this bill is housing.

This bill makes a frontal assault on the poor and our Nation's cities. One program, the Community Development Block Grant Program, will suffer a spending reduction of $350 million nationwide.

The CDBG Program is one of the largest sources of Federal assistance to States and local governments.

Most of this money is channeled directly to the local level, particularly metropolitan areas with large pockets of poverty and substandard housing stock.

These funds have been used to acquire and rehabilitate property, preserve historic structures, provide relocation assistance and enforce housing code violations.

For example, the State of Texas will lose $19.9 million in community development block grant funds and the city of Houston will lose $2.4 million.

Under this bill, public housing programs have also been targeted for major reductions. Funds for public housing modernization will be cut by $36 million in Texas and $3.8 million in Houston.

The State of Texas will also lose $14.2 million in public housing operating subsidies while the city of Houston will lost $1.9 million.

Decent and affordable housing for all Americans—families and individuals—is a basic building block for communities and our society at large.

We can no longer delay making housing a national and moral priority.

Health care for the poor is another area that will suffer greatly under this bill.

In addition to the unthinkable cuts to Medicaid—more than $760 million in 2 years for Texas alone—I am most concerned by cuts to the National Health Service Corps.

This program is designed to award scholarships to students in the health professions in exchange for their agreement to spend 2 to 3 years in medically underserved areas.

Over the last 25 years, this program has helped meet the health care needs of millions of low-income Americans.

This GOP rescissions bill proposes a $12.5 million cut in this program.

Through this program, the Community Health Center in Houston, known as Central Houston Action, and several projects at the Harris County Hospital District will be endangered.

There are currently 62 physicians in Texas who are participating in the National Health Service Corps . . . and it seems to me we ought to be looking to expand this program, not cut it.

Members of the last Congress chose not to undertake constructive health care reform . . . it remains to be seen whether or not this Congress will muster the political courage to try.

In the meantime, however, how can we possibly consider making cuts to one small program that we know works in bringing affordable, basic health services to millions of Americans in under-served regions?

Mr. Speaker, in many cases, the lives of these needy Americans literally hang in the balance.

I could go on all night citing other programs marked for cuts that have similarly critical impacts on millions of American lives and livelihoods.

And I could complain about the closed nature of debate my colleagues on the other side of the aisle have employed with this bill and others thus far in this 104th Congress.

I could complain in detail about the amendments we Democrats sought to offer in an effort to protect vulnerable Americans, only to have them blocked out-of-hand by the Republican majority.

But I'll simply conclude, Mr. Speaker, with a final, heartfelt plea to all my colleagues with a conscience and a greater sense of obligation to America's future than that evidenced by the cuts in H.R. 1158.

I urge my colleagues to vote against this pernicious piece of legislation.

□ 2230

CLICHES AND THEMES IN POLITICS

The SPEAKER pro tempore (Mr. LUCAS of Oklahoma). Under a previous order of the House, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes.

Mr. EHRLICH. Mr. Speaker, I rise to continue the colloquy begun 2 weeks ago with the gentleman from California [Mr. RADANOVICH] and, Mr. Speaker, you will recall that during that colloquy we talked about themes in politics and cliches in politics and the unfortunate fact that politics in America in the 1990's has become theme-driven.

You hear often the phrase, "They don't get it." Well, the problem, Mr. Speaker, is "They don't get it," so now the American taxpayer is going to get it, and I hope that what we have heard on this floor tonight and what we have heard in this country over the last few months has received the attention of the American people, because the American people, I think, need to hear what the opposition is saying about the Contract With America and the importance of themes like personal responsibility, stopping the micro management of the private sector from Washington, a return to true free enterprise in this country that runs throughout the Contract With America.

It seems the loyal opposition truly believes government does it better, and we on this side of the aisle sincerely believe individuals do it better, Mr. Speaker.

This new Congress is made up of people who are willing to take a stand, who are willing to challenge accepted assumptions in this country for the last 40 years, and as a result of the Contract With America, what do we get? We get stories about the 1950's, about Governors from the 1950's, about the fact you can no longer trust States in the 1950's, in the 1960's, in the 1970's, in the 1980's, in the 1990's. You just cannot trust the States.

We get gross misrepresentations of fact. We get misinformation. We get horror stories. We get phony numbers. We get scarce tactics. And, I say to the gentleman from California [Mr. RADANOVICH], we get class warfare, because class warfare is the bottom line. It is what we hear time and time again, hour after hour, day after day, week after week on the floor of this House.

And an example is the School Lunch Program. Just this week, a few quotes: A Boston Globe columnist wrote that the country is simply not too broke to feed poor schoolchildren. The food services director in Omaha, NE, for the west side community schools of Omaha, said it is unconscionable to allow more of our children to suffer from hunger in addition to the 12 million who do now; health and nutrition are not a priority in Washington, she

alleged, quoting a Government estimate. She said school lunch funding would be cut by 17 percent.

Now, on the floor of this House, we have seen the real numbers tonight. We have seen the real numbers every day in the newspaper. The real numbers. Mr. Speaker, are that nutrition programs have been funded at a level $4.3 billion for fiscal year 1994; under the Republican budget, they are projected to increase to $6.78 billion in 1996, and to increase further to $7.8 billion in the year 2000.

By eliminating the administrative costs, by cutting out the Federal middleman, by cutting out the Federal micromanager, we are giving more money to the States for nutrition programs. Those are the numbers. Those are the facts. And by the way, they are the true facts getting through to the American people, because the message coming from towns and cities and districts and counties and the people across this country back to Washington today is, "We are not buying that old class warfare anymore."

I say to the gentleman from California [Mr. RADANOVICH], I know you would like to comment on that, and I yield.

Mr. RADANOVICH. Thank you, I say to the gentleman from Maryland [Mr. EHRLICH], for yielding.

I guess the point I think that needs to be made in what is happening on the floor of this House, the changes that the new majority, the Republican Party, is wanting to make is that which is a return to local control and privatization of what we are doing right here in Washington right now, and I think that some of the basic messages of those who so desire a strong central government that reaches in and controls the lives of so many people is the basic message is you cannot trust anybody else but those on the floor of this House including the 2 of us, but not excluding 433 other Members of this House.

And I guess my comment is that, and to reinforce what the gentleman from Maryland [Mr. EHRLICH] is saying, is that government is best done at the local level, and problem-solving is best done at the local level. I can take care of things much better in my district much better than the gentleman from Maryland [Mr. EHRLICH] could, because he probably has never been to Fresno, probably has never been to my hometown.

Mr. EHRLICH. I intend to visit this year.

Mr. RADANOVICH. You will be there someday. But you have never been. But nobody knows my problems better than I do, and I believe nobody can solve my problems better than those elected officials in my district who are on the local and State level, and I think that in reference to the reference by the gentleman from Maryland [Mr. EHRLICH] to class warfare, it seems to be the defense of those who defend a strong central Federal Government that whenever people like us who are elected and come in and try to solve that problem, we get accused of being in favor of class warfare, being against the poor, being against the middle class, being for the rich, and I am a Republican, and, "I ain't rich."

But those seem to be the arguments that are posed here, and I cannot help but go back to two things. First is, there is a deep mistrust of local elected officials on behalf of the Democratic leadership, and there is also, in order to defend what they see as solving problems from a strong Federal Government, where if we raise your taxes a little bit more we just get a little bit more money in the Federal till, we will be able to solve welfare, we will be able to solve, we will be able to solve the dilemma of so many women becoming pregnant, unmarried mothers, we will be able to solve it, we will just spend a little bit more money on it. Implicit in that is a recurring theme that only the Federal Government can have empathy for poor people.

Mr. EHRLICH. Right. And only the Federal Government knows best what people need, not just the poor, but middle-class, working-class Americans.

Mr. RADANOVICH. Exactly. You know, I think there are probably 435 very caring people here, but I would not exclude it to us. I mean, there are thousands of elected officials out there that take their commitment to their public office just as seriously as you and I, and maybe more seriously than some people in this body. I do not see any reason why they cannot be trusted with more responsibility and, frankly, that is what this is all about.

Mr. EHRLICH. I agree. The horror stories we hear, the horror stories that we have heard, regardless of the issue, fill in the issue, there is a horror story that we hear put out night after night on the floor of this House.

The regulatory, just going back 2 weeks, with respect to the regulatory reforms that we have enacted, the regulatory moratorium bill, cost-benefit analysis, risk analysis, paperwork reduction, private property rights, we heard the same horror stories then as we hear now. Forget the issue, if it is part of the Contract With America, it is horrific, it is bad, it is anti-working people it is anti-poor.

And there again, we see the analogy, the class warfare time and time again.

The gentleman will recall that with respect to this whole issue of regulatory power, micromanagement from the Federal Government, I talked 2 weeks ago about the Department of Labor and the fact that the Department of Labor has made enforcement of child labor laws a top priority over the past several years. In particular, grocers, grocery store owners all over the country are being cited for violations of hazardous occupation order No. 12 which we discussed 2 weeks ago, and that order prohibits employees under the age of 18 from operating or assisting to operate balers, machines used to compact used cardboard. Inspectors routinely go to such lengths as issuing citations based on responses to questionnaires mailed to former employees. That is how bad it has gotten in this country today.

DOL recently decided, without seeking public comment, without seeking comment from the people impacted by this regulation, they recently decided that compactors are covered under HO 12 the same way that balers are covered. Therefore, no employee under age 18 is allowed to load or operate a baler or compactor.

Now, the history of this particular order is quite interesting. HO 12 was adopted in 1954 under authority of the Fair Labor Standards Act. Its rationale was based on a 1954, 40 year, 41 years ago report entitled "Operation of Paper Products Machines" that assessed the danger to teenagers of operating certain machinery used in the paper industry. The section on balers was based on a type of machinery used on a type of machine that was common in the paper industry back then. But it is far removed from the ones used in today's modern grocery stores.

HO 12 has never been updated to reflect the changes brought about by safety advances. Today's balers bear very little resemblance to the huge machines of 41 years ago, when HO 12 was issued.

The most serious injury assumed by the 1954 DOL report, and I quote, "for a person's arm to be caught by the descending plunger should someone else operate the control mechanism, * * * could only happen with balers of that era, 41 years ago," which did not have loading chamber doors, so the accidents could occur. They cannot occur today, yet we have a regulation that lives forever, and, of course, as we have discussed in the past in our first colloquy, that seems to be the whole idea behind bureaucracy and regulation; once you create a bureaucracy, a governmental bureaucracy or a new regulation, it lives forever.

Mr. RADANOVICH. Beyond that, it is a process of justification. Then those in the bureaucracy have to justify their existence so they will come up with new programs that are less and less applicable to the real world.

Mr. EHRLICH. And more money.

Mr. RADANOVICH. And more money. I have got an example, too, if I may. This is on the eating disorders of pigeons. There is a million dollars spent on discussing the eating disorders of pigeons. I will tell you, if I had an endangered species person, I was a pigeon, and had an endangered species person following me around day to day, watching everything I did, I would have an

eating disorder, too. These are things, again, another example of how when you get a centralized government that is far removed from reality in the day-to-day business, you begin to get things that are unapplicable and have no sense to our daily lives.

Now, I am not against research, you know, of one kind or another, but I think what you get after awhile is stuff that is not applicable to reality, and I think that that is basically the problem that we are facing right now.

Those that are criticizing what the Republicans are doing in the House right now in the Contract With America, with the goals of achieving privatization and local control, in my mind, have a real hard time. I would be embarrassed, frankly, if I had to defend the system that we have here in Washington right now, and yet it seems to me that with the Democratic leadership on the other side of the aisle, or however you are supposed to say it, I would be embarrassed to defend what Washington does right now, rather than saying, "Let's both agree that what is going on is wrong right now. Let's both come up with plans, and let's introduce them on the floor and go back with new ideas." Who on Earth would want to have to defend what Washington is doing right now?

It is a ludicrous system back here that is bankrupting America, enslaving the lives of poor, unfortunate people who do not know better, under a system that is just doling out money. And, you know, frankly, I think that the Federal Government is such a poor substitute for personal responsibility that I would be embarrassed to be sitting on this floor defending all of the things that the Federal Government does right now.

□ 2245

But that is all we hear. That is all we hear, and it has been interesting for us who just arrived here 70 days ago, 10 weeks ago, to hear the defense of the welfare state we hear time and time again on the floor of this House. And the fact is, and it is an observation that many of us have discussed privately, there are no ideas. There are no new ideas. There are no new initiatives across the aisle. It is the same old stuff and the American people rejected it on November 8 and they are rejecting it in March 1995 and they are going to reject it in July 1995 and they are going to reject it in 1996.

Mr. RADANOVICH. I would like to make a point too at this particular stage and that is, a lot of what you hear on the other side of the aisle from their leadership is, when our party was in the minority, we resorted to a lot of hit tactics of their leadership. We did a lot of things that they didn't like, and now they are going to turn around and do it to us, as thinking that in some means by doing that they are going to get back the majority of the House.

My point is, I think that whatever the party did before I got here is fine, but I tell you, the only reason why I am here today and the only reason we are in the majority is not because we took hits to the then majority, but because we went before the American people with a plan and we said, listen, this is what we are going to do. We promise that we will do these things 1 through 10. You send us to Washington, we will do it.

Now, if that is the case and I believe it to be, gosh darn it, come up with your plan. Stop hitting, stop defending a miserable losing system that we have here in Washington right now.

Mr. EHRLICH. That is a wonderful point, a great lead-in to my next point, because we were not here. We have heard the stories about how the former minority, the present majority, was treated.

And let me relay your observation to the tort reform debate that occurred on this floor last week, and as you well know, Republicans are of different minds with respect to individual initiatives under the rubric of tort reform. But the fact is, the Democrat majority never allowed real tort reform measures to be brought to the floor of this House ever, and the American people demanded it and the Democrat majority said no, it is not important.

And what the new Republican majority did last week was bring very important initiatives to the floor of this House in the way of legal reform.

Now, as the gentleman knows, I opposed the loser pays provision, but I supported the securities litigation reform, the joint and several liability reform, punitive damages, the products liability reforms. These are reforms that the American public is demanding today. And what the Democrats seem to conveniently forget is they never allowed this debate to occur, and that is the whole idea behind the contract.

The whole idea behind the contract is not that 230 Republicans agree with every plank of the contract, but it was, we have a deal with the American people, a contract with the American people and we promise to bring these important initiatives to the floor of this House to debate them honestly, in substantive terms, so that the people of America can see a party that knows how to run the place and to restore that sense of pride and respectability that we saw the American people have lost when it comes to this institution, and I believe we have begun to do that, and the fact that we have begun to regenerate that pride is reflected in the poll results.

Getting back to tort reform and this whole theme that we are talking about, they do not get it, and a lack of individual initiative and individual pride, there is a psychology in this country, and I know the gentleman as a businessman suffers as a result of this psychology, and that psychology basically is, if some real or perceived ill befalls me at any point in society, well, there has to be a legal cause of action, there has to be a remedy, there has to be a bureaucrat to make you feel better, there has to be a regulation, and there has to be money in my pocket and it is costing all of us billions of dollars.

Now, many of us on this side know, and the American people know, there are legitimate plaintiffs in civil cases and they deserve, in some cases, major awards. But the fact is, this foundation that I am owed something, that if something happens to me, I have to have a lawyer, I have to file a lawsuit, I have to get the money, somebody has to pay for it, it goes back to this theme of a lack of individual responsibility. The American people are crying out to us saying, stop it, we are not that greedy, it is costing us too much money. We literally cannot afford it.

Mr. RADANOVICH. Can I make a point?

Mr. EHRLICH. Absolutely.

Mr. RADANOVICH. It does harken back to personal responsibility and what a privilege it is to live in a country such as America that was based on the principles of self government, and I think that somewhere in some good book it says, do not be so anxious to be suing your neighbor, and I think that the law system in this land, the court system in this land, really is a privilege, and I think that when you abuse a privilege, you end up getting restrictions on the privilege or the privilege gets taken away.

And I admire the fact that the Democrats for so many years defended the right to sue and the open legal system that we have had in the past, but I think what we are seeing right now is such an abuse of the system, and when you, through lack of personal responsibility and personal accountability for your own actions, you begin to abuse the system, you have to clamp down restrictions on that system and, to me, it is a perfect example, again, of where we have lost the idea of personal responsibility and personal accountability in this country.

Stop suing each other. We have sued each other too much. Now because of that and because we have placed such a burden on the system, we have got to clamp down on it. I think that is basically it.

Mr. EHRLICH. Just an aside, but very relevant to your point, as you know, I have practiced law for the last 12 years in the State of Maryland and I have seen one practice occur time and time again. And that practice is, in a run-of-the-mill tort case, personal injury case, a punitive damage count is included, even where there is no evidence of punitive damages.

Now, the opposition told America last week, there are not that many punitive damage judgments. The Republicans have a strident and ridiculous

remedy for a problem that is not that large. We can count on the fingers of one hand how many punitive damage judgments were paid out in a particular jurisdiction. But that is missing the point. That is missing the point, because the fact that those punitive damage counts are included in complaints drives up the settlement value of cases.

Most cases, as the gentleman is well aware of, never go to trial, but the insurance company, the carrier, has to value a case, even a garbage case, at a higher figure because of the presence of a punitive damage count. Result, higher settlement. Result, cost passed on to consumer. Result, higher prices. Result, we got a big problem in this country.

Mr. RADANOVICH. You know, gentleman from Maryland, it seems to me that there are in a book somewhere, and I do not think it said Uncle Sam is my shepherd, it said somebody else, and I think that in America we have just begun to depend too much on Uncle Sam for being a little bit more than what he is and I think that some of the Representatives in the House of Representatives over the years, probably over the last 30 to 40 years, have gotten to the point where they justified their existence by expanding the role of what Federal Government does, and unfortunately, what it has led to is a lot of tragedy, I think, and into a current situation that, again, I am embarrassed to have to defend. I really am.

We have gotten to the point in this country where it is sad, frankly, the way we treat one another in this country and based upon this overriding dependence on Federal Government, and, again, my word to the opposite party, to the Democratic leadership, is, you should be very embarrassed to defend the way things are in Washington right now. And I just got out of a budget hearing today, a markup on bills where we are cutting budgets right now, and I am here to say that nobody is being treated any better than anybody else. The rich are going to get it, the middle class is going to get it, and the poor is going to get it. That is kind of the way it is right now. And the use of the Republicans wanting to do this to reward the rich is a pathetic argument, it really is.

Mr. EHRLICH. We here hear it time and time and time again.

Mr. RADANOVICH. Reinforced by the President as well. Through all that garbage must get some common sense to what we are really trying to accomplish here, and that is, reducing Federal Government by localizing it and privatizing it, and that extends to all areas of Federal Government.

Mr. EHRLICH. And in the process, I, we are looking to your leadership to let the American people know the real facts. I hope the leadership from the Democratic party in this House will begin to engage in an honest debate. If they have nothing to hide, if they want to defend the welfare state, let's face it, reasonable people can disagree about rescission bills, about welfare reform, about regulatory reform, about tort reform. Just do not hide in the failed policies of the past. Be proactive, look to the future, join us in serving the American people, but to the extent they continue to engage in phony numbers and misrepresentations to the American people on the important issues of the day, we need to call them on it, because to the extent we indulge them, we share the blame and rightfully so.

Mr. RADANOVICH. And it is a disservice to the American people flat out. I mean, what they are doing is clouding what the issues really are on the floor of this House. I have got an issue from one of the Senators in my State regarding a balanced budget amendment, which, in my view, is necessary in order to get spending under control and to achieve privatization and localization, where at one point during that Senator's election, voted for the balanced budget amendment, no limitations whatsoever. In the political race of that person's life, voted for the balanced budget amendment and won the election and then afterward it comes up to the Senate that person voted against the same balanced budget amendment measure. And what I would caution I think on both sides of the party is that people are going to come back to Washington, they better come here with some convictions and they better keep them once they get here because the voters are going to see right through them.

Mr. EHRLICH. We talked about that 2 weeks ago. Cliches, rhetoric, they do not get it. Class warfare. Right here is where the rubber meets the road and the American people can open their newspaper, tune in C-SPAN, listen to the radio, receive our correspondence, and find out who stuck by their guns, who cast tough votes.

Mr. RADANOVICH. And I would say to the Democratic party, rather than hurling stones and misrepresenting what is going on back here, come up with a plan, for God's sake. Bring it up here and let's debate the merits of it. But to use the same old tactic, admitting that maybe they worked for the Republicans in achieving the majority, which I think they are wrong, it was the Contract With America that got us the majority, do what we do, but do the things we did right. Do a plan and sell it to the American people. If they are not going to buy it, then I would suggest you change your plan.

Mr. EHRLICH. You hear time and time again the Democrat spin artists, the Democrat pollsters say, Hey, no one heard about the Contract With America, it is phony, folks, it was just one of those things. It was a bad year. We had an unpopular President, whatever. But the fact is, people may not have identified the Contract With America, but they knew about regulatory reform and they knew about tax reform and they knew about a stronger national defense.

Mr. RADANOVICH. Balanced budget.

Mr. EHRLICH. A balanced budget amendment, a line-item veto. They knew about these things. Maybe they did not label it as the Contract With America, but they recognized it when they saw it and they supported it and they voted accordingly and they are very happy with it.

Mr. RADANOVICH. And frankly I think that is why we are here, but I think the point, too, as to why we are here tonight is to get a point across, that point, and that is the fact that we are here for localizing government to the local level and also privatizing certain functions that Washington does, and that can't be said too many times. It just needs to be said over and over again.

Mr. EHRLICH. Well, I thank the gentleman from California. I look forward to continuing this colloquy in a few weeks with the gentleman with respect to budgetary issues.

Mr. RADANOVICH. Maybe next time we will have a 1-800 number and the people can do call-ins on. I do not know.

Mr. EHRLICH. I look forward to that.

Mr. Speaker, I yield the remainder of my time to Mr. COOLEY.

TIMBER SALVAGE

Mr. COOLEY. Mr. Speaker, I rise tonight to talk about timber salvage. For those watching or listening, I would first like to define this term briefly and then outline the course of my remarks.

Timber salvage is not a difficult concept. Presently, millions of acres of our public forest lands contain trees that have been burned, ravaged by disease or insects, or blown down.

These trees, like any other crop, such as wheat or apples, lose their value if not harvested in a timely fashion. After an apple has dropped from the tree it can still be used for eating if it is picked up quickly; if it is picked up after a few days, it may only be good for cider.

Trees have a little longer timeframe and are a good deal more hardy. Depending on the type of tree, some species may be taken for quality timber a year after falling.

After that, the quality of the wood products derived from these trees decreases. The final stage of downed timber's usefulness comes after the second year as it is sold for chips to be used in making pulp and paper.

Clearly, the commercial life of this crop is limited. If we are to reap some benefit from this resource that would otherwise be wasted, then we must act quickly. This harvesting of trees is known as salvage.

In short, timber salvage is the harvesting of trees that are dead or will die shortly. These trees have value and must be harvested quickly to assure that their economic value is not lost.

Tonight, I want to talk about timber salvage and what it accomplishes for us. I have some pictures that illustrate the effects of our timber policies and the need to continue our careful management of these resources that does not preclude harvesting timber.

□ 2300

I also want to explain the provisions of the bill that will be considered this week to implement a timber salvage program. I will be joined by several of my other colleagues, if time permits. I would like to show them something here.

Here is a photograph, I hope you can pick this up, of a lava butte on October 30, 1992, before man ever came, before the harvesting was ever accomplished on this property. You can see the effects of diseased and dying timber and the effects of fire.

I want to show you the same area on December 8, 1993. This is exactly the same timberland. You can see the greenness and the ability of protecting this forestland. The only intrusion in this entire line was the intrusion of a highway in this area.

This is good management of our natural resources. This is bad management of our natural resources.

We talk about what man has done to our natural resources, Mr. Speaker, and you can see the difference. Before man ever got involved, this is the picture we had in this particular area. In 1993, this is the results of man's intervention and what we have done to improve our forests.

The language that will authorize the salvage of timber is found in section 307 of title III in H.R. 1159.

Briefly, this will allow expedited preparation, advertising, offering, and awarding of contracts without being held up in court while the wood rots on the ground.

In the first year, 3 billion board feet are authorized to be harvested from Federal lands; an additional 3 billion board feet are to be harvested in the following year.

On Bureau of Land Management lands, an additional 115 million board feet are to be harvested each year.

The Secretary may not designate timber stands for sale that belong to the national wilderness preservation system or roadless areas in Colorado and Montana.

Section 318 provisions are written into the bill to award and release previously offered and unawarded timber sale contracts.

Environmental assessments must be prepared by the Secretary pursuant to the National Environmental Policy Act and the Endangered Species Act. If the sale fails on these counts then it will not be allowed.

Each section of land that is harvested must be replanted; the Secretary is given the authority and responsibility to carry this out.

Finally, no restraining order, injunction, or granting of relief may be given to prevent these sales. All civil actions to prevent sales must be completed within 45 days.

This is an extremely important provision that will prevent sales from being held up in court while the need for the sale becomes mute.

EFFECTS OF TIMBER SALVAGE ON THE ECONOMY AND ENVIRONMENT

The effects of this bill are three-fold:

First, this bill means better forest health. As I mentioned earlier when I showed the picture, active management means more and better forests.

If we allow diseased trees to stand, we are setting the stage for more catastrophic fires and the spread of diseases and infestations. In 1994, 33 young men and women, some of them from my district, lost their lives battling forest fires that consumed 4 million acres of forest land.

The American taxpayer picked up the tab—roughly $1 billion. Had we not pursued a fire-suppression policy and paid this price, millions more acres may have been lost.

The 4 million acres that burned destroyed 3.6 billion board feet of timber. The value of the burned timber is nearly $800 million, which amounts to the board footage needed to build 330,000 single-family homes.

It is no secret that wood burns—dry and dead wood burns even better. Lighting strikes or stray sparks from campfires that might have gone out in healthy forests become raging forest fires that consume the unhealthy trees and dead wood with the healthy growth.

Many fires are naturally occurring and even have some beneficial effects. However, the fires that become too intense, scorch the Earth and destroy the helpful nutrients, organisms, and seeds that are needed to regenerate the Earth.

U.S. forests contain an estimated 20 billion board feet of dead or dying timber. This is a huge amount of tinder.

Further, assuming the forests do not experience the ravages of fire, the biological balance is not served by having billions of board feet rot into oblivion on the ground. New growth is stifled.

Second, this bill means revenue for Uncle Sam. In a time of massive cutbacks, such as the rescissions bill we will be considering tomorrow, it is important to generate more revenue through increased commerce.

It is estimated that the salvage acreage in the bill will generate approximately $1.2 billion in gross revenues over the next 2 years. The release of old sales pursuant to section 318 will bring in over $115 million.

Mr. Speaker, to date, the efforts of our Federal agencies concerning timber salvage and forest health have been inadequate.

I believe this bill rectifies these errors in judgment and prevents deliberate attempts to lock up timber from any responsible management.

All this is not to mention the money saved from a reduced need to suppress fires. This could be as much as $200 million.

Third and finally, we will keep timber workers from the unemployment lines. The tension in these communities is high. Fewer harvests mean no jobs and the destruction of the economic base in many small logging towns. As the logger goes, so goes the town.

Other small businesses in these towns depend on the timber worker to spend his paycheck. Rather than describing this as a ripple effect, you could call it a tidal wave. As timber becomes scarce, communities begin to fold.

I'll wager that most of those who oppose even the most responsible logging haven't compiled statistics on the human damage that their antics create. Broken homes, drinking problems, and abuse abound when the pressures to find work increase.

Can the damage we have done by destabilizing these timber communities be fully calculated? Doubtful.

For some mills it is too little, too late. Last week, one mill in my district, the Modoc Co., announced that it would be closing its doors. To date, thousands of workers have been thrown out of work.

This bill will at least stop the carnage. For those who remain there will be timber to harvest and process.

I have received an estimate of the economic benefits that will accrue to these communities and would like to share some of the more important numbers: Employment will increase by 22,900; wages earned by workers will total $976.1 million; Federal income tax revenues will equal $150 million; finally, increased payments to the States will bring in $82.5 million.

As I conclude, remember that timber salvage will help the environment, raise $1 billion in revenue, and provide jobs for thousands of hard-working, honest people.

When we were receiving testimony on timber salvage last month I heard a story that underscores the idiocy of the policy we are pursuing presently.

A mammoth Douglas-fir had fallen somewhere in the West—a tree whose timber would have brought $60,000. Instead, while the bureaucrats fiddled, the tree lost its fine timber value, finally being sold for firewood at a cost to the buyer of $5 a cord.

I believe we can manage our resources better. We must, or the next generation will answer for our negligence. Tomorrow, let us take that

step and approve the salvaging of dead and dying timber.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Speaker, I appreciate the statements of the gentleman from Oregon [Mr. COOLEY] about the forest salvage bill. It will come up as an amendment on Thursday to the emergency supplemental and rescission package that will be before the House, and the comments the gentleman just made from Oregon are very timely, and I think the whole Nation is beginning to realize that we have in many respects mismanaged our resources over the years.

The question has come up about the Forest Service management of property many times on this floor, and I am not here to defend the Forest Service categorically. I am one who believes that the Government generally will mess up a one-car funeral, and consequently most Government agencies are certainly not perfect. But the Forest Service has a history in the main of taking a nation at the beginning of this century where we had ravaged many of our forests and turned those forests into productive forests to the point that we are growing far more timber today than we are cutting. In fact, Mr. Speaker, more die in the forest than we harvest, and that is a shame when you consider that just in the last 3 years the price of lumber for a home has gone up from $4,000 to $6,000 for an average couple, and it is growing, and we have to substitute metal studs, for instance, and other metal components and plastic components for wood components in the home, and that is going to cost the average family more. In addition it is going to be against the environment because when we take metal, which must be mined, first of all creating environmental problems, than it has to be smelted, using a great deal of energy, and then manufactured in a more toxic process, many times greater than wood. In the end of its life disposing of it is much more difficult than wood.

□ 2310

And the same thing with plastic. We have to import the oil from outside the country. Often it is spilled on the way here. We have to fight many times to be able to retain our source of oil. And then the manufacturing process for the plastic is often more toxic and its disposal is more difficult.

So I am saying to you if you take the environmental path, a renewable resource like wood for making the table, or the dais or the chairs that we have, or many other good products, it is much better for us to use that renewable resource of wood than it is to use finite resources such as metal or plastic.

And yet as our country grows and as more homes are needed, we have no alternative but to use some source of materials. The renewable resource of wood is the environmental resource to use. Saying that, we have two sources providing it: First of all from the private sector, from individual farms and individual tracts that are purchased, and a great deal of our forest products come from that. But we also created the National Forest Service at the end of the last century and the beginning of this century to provide fiber for our Nation.

Now, the Forest Service is under the Department of Agriculture because it is to be harvested and grown in our national forests. We have a National Park Service under the Interior Department that is not harvested. There is very little management that goes on inside national parks. We have also set aside over 34 million acres inside the U.S. Forest Service in wilderness designation that is not harvested and is managed much like the national parks. There are other specific set-asides such as wilderness designation, wild and scenic rivers, where no harvest is allowed.

We are down to probably one in five acres of the one-third of this Nation that is publicly owned that even gets any consideration for harvest. The other 80 percent of our publicly owned land is not harvested. And that certainly, I think, disputes the fact that any sort of harvest will ravage our publicly owned lands because we only give attention to approximately one out of five acres.

We need the forest and the harvest also for the economy. We talked a moment ago about the costs going up for the average person buying a home because of the limited sales that are in this Nation now from our Forest Service and from many private lands because of the maze of regulations that have been ensnarled around them.

We know that home building, of course, is a very important part of our economy. But as we force homes higher, we are going to decrease the numbers of homes people are able to buy and we are going to hurt the economy and jobs in that way.

I often hear comments made on the floor about the forest sales go to big timber companies. That just is not true. Over 90 percent of the forest sales that are made in this country go to small family-owned organizations, all the way from the operation that may be harvesting the timber to the operation that is manufacturing it.

The major timber companies in this country, by the great portion, harvest a great portion of the timber from their own lands. So most sales that are made are small sales and they are made to small businessmen, in most cases family-owned businesses. It is just not true that there is any big amount.

They also are sold at a public bid. That means that the Forest Service advertises the timber that is for sale and the highest bid then is accepted and the Forest Service has the right to decline a bid if it is too low. So the government gets the top price in the bid process for its timber in most cases.

Now, what are we talking about tonight in this amendment? We are talking about not green timber that needs also to be harvested. We are talking about dead and dying trees. We are talking about timber that has been burned. We are talking about almost 30 billion board feet of timber in this country that will rot and die and be wasted unless some of it is harvested. We are harvesting only a fraction of it now because of the maze of regulations.

It is important for jobs, as we pointed out, because it can put in the stream in badly harmed areas in the south, southeast, in the Pacific Northwest and other areas, timber that is needed to start the mills going and to provide lumber for homes and for personal use.

But it is not just jobs that are involved. Forest health is involved. And it is a question all over this country. In the south and the southeast, pine beetles have ravaged thousands of acres of timber and used those trees as host trees to spread to other healthy parts of the forest and to spread to private lands.

We had one member of our Committee on Appropriations from Texas that pled that we try to start harvesting in his particular area because the host insects from the Forest Service were going on to private farms all around and destroying timber there.

The gypsy moth has done a great deal of damage. In the Appalachian region, oak decline. Natural disasters, winds, storms, hurricane, and tornadoes, things of that nature have ravaged, broken down timber in the forest. And if it cannot be harvested, it is almost impossible to go in and replant those areas that are destroyed because of the twisted and broken timbers.

In the areas out west where you have had devastating fires, you bake the soil, you create a charcoal mass that goes into the streams. It is almost impossible for vegetation to come back. Certainly not selected vegetation or a species that would be harvestable, a species that would be the best species for that forest.

And so, all across the Nation, we need for forest health to address the question of harvesting salvaged timber. And this amendment that we are offering on Thursday, that will be in the bill and will be voted on on Thursday, would allow the Forest Service to go in and harvest, over a 2-year period, approximately 6.2 billion board feet of timber.

The timber would amount to, probably by that time, about 20 percent of the down and dead timber. We are increasing salvaged timber about 6 billion board feet a year due to natural

disaster, so we will not be getting all of the salvaged timber. It will allow the Forest Service to make the decision of which areas are to be harvested. They can pick those that are least sensitive; those that can be harvested the quickest and with the highest return to the government.

The Forest Service professionals make this decision, not people who are buying the timber, not the mills, not the timber loggers or the harvesters. It will be made by the forest professionals. They will determine which timber will be put on sale.

We know that this will be a plus for the taxpayer, because the CBO has scored a positive return to the taxpayer. The estimates range anywhere from $36 million the first year all the way up to $650 million. And it would be difficult to tell exactly the positive return until the sites are selected. But we know that there will be very little effort, little expenditure, put out for these because during the 2 years of this emergency provision there will not be time for road construction or a great deal of activity to go on in preparation.

□ 2310

They will have to go to the commercial areas of the forest. And that is all this applies to, not wilderness areas, park areas, or areas where we cannot cut now, it is to the commercial areas of forest already subject to being harvested. They will have to go to those areas ready and reachable in order to harvest 6.2 billion board feet over the next two years.

So we are saying to you that far too often in the past we have allowed people to use hysteria under the guise of environmentalism, to actually harm the environment, to cost thousands of jobs in the Nation, to drive up the cost of people's individual homes, and to hurt the environment, under the guise of environmentalism. Some of it is from individuals who are well-meaning, who just do not have the expertise or the knowledge. Some of it is deliberate hysteria, because many of those organizations take in hundreds of millions of dollars here in Washington, and by scaring people into sending money to protect something not endangered they can continue to take in those funds. That, unfortunately, is a shame.

With this bill we are using cooperation with professionals, with the Forest Service, with the best knowledge we have in managed silviculture, to go after a resource that is wasting and provide jobs, taxes, and forest health for this Nation. I hope the people of this Nation will all support us and the Members of this body when we vote on that measure Thursday.

I appreciate the gentleman from Maryland giving me the time.

Mr. EHRLICH. Mr. Speaker, I yield to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I like to read old books. I was poking around the other day in an old bookstore and found a book on Executive orders, and some of the Executive orders that were issued by President Teddy Roosevelt.

Because force management is an important issue to me, I found this very interesting Executive order that was issued in 1905. It talks about the formation of the Forest Service, and it states in this order that during the year of 1908, severe droughts visited many parts of the country and forest fires were frequent and destructive. But during this time, the National Forest suffered little loss, owing to a system of patrol by which many smaller fires are extinguished before gaining destructive headway. In pursuance of the policy that the forests are for the use of the people under proper restrictions, grazing privileges, timber cutting, haying, and other small privileges are let under government supervision.

I think Mr. Roosevelt's Executive order pretty well lays out what the responsibilities of the Forest Service were and the Forest Service's relationship to the States.

Mr. Speaker, I want to say that we in the West are very proud of our forest reserves, and it is my concern that we be able to bring back to this Nation the proud heritage that our fathers and forefathers left in beautiful stands of timber. We have learned our lessons from unfortunate timber harvest practices.

In the early seventies, a number of environmental pieces of legislation passed this body and were signed into law. Some of the legislation has been characterized as dooming the productive sector. I do not think so. In fact, I wish to rise this evening to defend the National Environmental Policy Act, one of the pieces of legislation which began the movement of more environmental legislation.

The issue is not the environmental legislation that was passed. The issue is today how we are carrying out that environmental legislation. I want to read to you the purpose statement set forth by the Congress of the National Environmental Policy Act of 1969, known as NEPA.

That purpose and policy statement reads as follows: To declare a national policy which will encourage production and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to this Nation.

You see, Mr. Speaker, NEPA is a very important document that has been for too long overlooked. First, NEPA is the national policy which recognizes the importance of production from our natural resources. In fact, the first purpose listed uses the words "encourage production." Second, NEPA recognizes man as an important element of our environment when it states "Harmony between man and his environment." Not only does NEPA recognize man as extremely important in this equation, but recognizes that the environment is his. NEPA indicates that man has the right of possession of the natural resources, but that these resources are to be used in a responsible manner, not to be locked away without man's use. Then NEPA recognizes that man has a role to prevent damage to the environment, so as to stimulate the health and welfare of man.

Finally, Mr. Speaker, NEPA tells us that we must enrich that understanding and importance of natural resources to our Nation. While NEPA clearly defines the role of man with his environment, we as a law making body have failed—failed to provide proper management of our natural forests. The Federal agencies have diverted congressional funds to other programs such as affirmative action programs and ecosystem management programs, multiple agreements with other agencies which are diverted into programs such as ecosystem management. And while this has happened, we have allowed a huge buildup of fuel to build up on the forest floor, creating tremendous potential for fires. That is the reason for this legislation.

Mr. Speaker, last year in the Northwest alone we had 67,000 fires. We burned 8.135 billion board feet of timber. That is enough to construct 542,000 homes and provide 1.5 million jobs just in home construction.

After 9 years of continuous drought in the West, and without proper thinning and harvest, and contrary to the acts of Congress that established the national forests in the beginning, the health and stability of these Federal lands have deteriorated rapidly. Wild fires have devastated millions of acres.

Mr. Speaker, unless these dead stands of timber, the dead and dying timber, is removed immediately through proper harvesting and we return to a proper role of management in our national forests, there will be a tremendous amount of eroded soil to flush into our mountain streams that destroy critical spotting and rearing habitat for our endangered species, the listed salmon.

Although Federal authorities have authority under present law to remove dead and dying timber from our national forests, they have failed to do so, and this is why at this time Congress must intervene to correct this mismanagement.

Timber salvage and proper forest health not only makes good sense for the environment, it makes good sense

for our rural communities, our schools, and our roads and the national Treasury.

Mr. Speaker, I just want to close my comments by stating just a few things that wood provides, including rayon, photographic film, alcohol, football helmets, piano keys, on and on and on. This Nation cannot do without wood.

Mr. Speaker, I just hope that this body will recognize that and we can return to a multiple use, sustained yield policy in our national forests.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness.

Mrs. THURMAN (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

Mr. BLILEY (at the request of Mr. ARMEY), after 2 p.m. today, on account of illness.

Mrs. CUBIN (at the request of Mr. ARMEY), for today and the balance of the week, on account of recovering from surgery.

Mr. ROGERS (at the request of Mr. ARMEY), for today until 5:30 p.m., on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. MANZULLO, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. LINDER, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

Mrs. SMITH of Washington, for 5 minutes, today.

Mr. WAMP, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. KILDEE, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Member (at the request of Mr. MANZULLO) to revise and extend his remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. BUYER.

Mr. HASTERT.

Mr. FAWELL.

Mr. BAKER of California.

(The following Members (at the request of Mr. DEFAZIO) and to include extraneous matter:)

Mrs. MEEK of Florida.

Mr. KENNEDY of Rhode Island.

Mr. LANTOS.

Mr. MILLER of California.

Mrs. SCHROEDER.

Mr. MONTGOMERY.

Mr. MATSUI.

Ms. WOOLSEY.

Mr. NEAL.

Ms. SLAUGHTER.

Mr. MINETA.

Mr. SCHUMER.

Mr. FILNER.

Ms. ESHOO.

(The following Members (at the request of Mr. MANZULLO) and to include extraneous matter:)

Mr. PACKARD.

Mr. LAHOOD.

Mr. FORBES, in two instances.

Mr. LATOURETTE.

(The following Members (at the request of Mr. EHRLICH) and to include extraneous matter:)

Mr. ROTH.

Mr. PALLONE.

Mr. GORDON.

Ms. BROWN of Florida.

Mr. OWENS.

Mr. FRANK of Massachusetts.

Mrs. COLLINS of Illinois.

ADJOURNMENT

Mr. EHRLICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Wednesday, March 15, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination and certification regarding Government actions to terminate chemical weapons proliferation activities of foreign persons, pursuant to 50 U.S.C. app. 2410c(b)(2); to the Committee on International Relations.

536. A letter from the Acting Director, Defense Security Assistant Agency, transmitting notification concerning a cooperative research and development effort with the NATO Hawk Production and Logistics Organization for the fire direction operations center project (Transmittal No. 03-95), pursuant to 22 U.S.C. 2676(f); to the Committee on International Relations.

537. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the engineering and manufacturing development [EMD] phase of the Evolved Seasparrow Missile Program (Transmittal No. 04-95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

538. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-27, "Air Pollution Control Program Regulations Federal Conformity Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

539. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-28, "Government Managers Accountability Amendment Act of 1995", pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

540. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-26, "Foreign Physicians of Conceded Eminence University, Hospital, and Medical Centers Practices Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

541. A letter from the Director, Audit Operations, Division B, Department of Veterans Affairs, transmitting the Department's final report, "Review of VA's Implementation of the Anti-Influencing Requirements of Public Law 101-121," pursuant to Public Law 101-121, section 319(a)(1) (103 Stat. 753); to the Committee on Government Reform and Oversight.

542. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(b); to the Committee on Government Reform and Oversight.

543. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

544. A letter from the Boy Scouts of America, transmitting the Boy Scouts of America 1994 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

545. A letter from the Chairman, U.S. Sentencing Commission, transmitting three reports on sentencing issues; to the Committee on the Judiciary.

546. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of the space situation report for Cambria County, PA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 1135. A bill to improve the commodity distribution programs of the Department of Agriculture, to reform and simplify the Food Stamp Program, and for other purposes; with an amendment (Rept. 104–77). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 115. Resolution providing for consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes (Rept. 104–78). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mrs. MORELLA, Mr. KENNEDY of Massachusetts, and Mr. REGULA):

H.R. 1221. A bill to amend the Public Health Service Act to establish Federal standards for long-term care insurance policies, and for other purposes; to the Committee on Commerce.

By Mr. BARRETT of Wisconsin (for himself, Mr. KLUG, Mr. DEAL of Georgia, Mr. SHAYS, Mr. MINGE, Mr. DICKEY, Mr. MCHALE, Mrs. WALDHOLTZ, and Mr. CASTLE):

H.R. 1222. A bill to require that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel; to the Committee on House Oversight.

By Mr. BROWN of California:

H.R. 1223. A bill to amend the act of June 15, 1938, to extend the authority of the Secretary of Agriculture to purchase lands within the boundaries of certain National Forests in the State of California to include the Angeles National Forest and to expand the purpose for which such purchases may be made; to the Committee on Resources.

By Mr. DEAL of Georgia:

H.R. 1224. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces to other Federal agencies to assist such agencies in enforcing the drug, immigration, and customs laws of the United States in border areas, to make certain aliens ineligible for certain social services, and to provide for grants to the States to compensate for State costs associated with resident lawful aliens; to the Committee on the Judiciary, and in addition to the Committees on National Security, Agriculture, Commerce, Ways and Means, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAWELL (for himself, Mr. BARRETT of Nebraska, Mr. ANDREWS, Mr. HOEKSTRA, and Mr. CHRISTENSEN):

H.R. 1225. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. FAWELL (for himself and Mr. PETRI):

H.R. 1226. A bill to amend the Fair Labor Standards Act of 1938 to make uniform the application of the overtime exemption for inside sales personnel; to the Committee on Economic and Educational Opportunities.

By Mr. FAWELL:

H.R. 1227. A bill to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer-owned vehicles; to the Committee on Economic and Educational Opportunities.

By Mr. HUNTER (for himself and Mr. CUNNINGHAM):

H.R. 1228. A bill to amend the Fair Labor Standards Act of 1938 to provide a limited exemption from the child labor provisons of such act; to the Committee on Economic and Educational Opportunities.

By Mr. KENNEDY of Rhode Island:

H.R. 1229. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of interest on student loans; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. OBERSTAR, Mr. GILCHREST, Mr. HAMILTON, Mr. EMERSON, Mr. MCKEON, Mr. LIPINSKI, Mr. TRAFICANT, Mr. RAHALL, Mr. BLUTE, Mrs. SEASTRAND, Mr. FAZIO of California, Mr. MANZULLO, Mr. LAHOOD, Mr. MATSUI, Mr. HOYER, Mr. CONDIT, Mr. BREWSTER, Mr. CLEMENT, Mr. MCHUGH, Mrs. MORELLA, Mr. CRAPO, Mr. LEWIS of California, Mr. HYDE, Mr. MOORHEAD, Mr. HASTERT, Mr. MCINTOSH, Mr. WELDON of Florida, Mr. EHLERS, Mr. MILLER of Florida, Mr. HUTCHINSON, Mr. PALLONE, and Mr. KNOLLENBERG):

H.R. 1230. A bill to authorize the Architect of the Capitol to establish a Capitol Visitor Center under the East Plaza of the U.S. Capitol, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OLVER:

H.R. 1231. A bill to amend the Trade Act of 1974 to improve the provision of trade readjustment allowances during breaks in training, and for other purposes; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. HANSEN, and Mrs. CHENOWETH):

H.R. 1232. A bill to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth a distribution scheme for revenues from reclamation project lands; to the Committee on Resources.

By Mr. WISE:

H.R. 1233. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between general funds, trust funds, and enterprise funds, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on Rules, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mrs. JOHNSON of Connecticut, Mr. MCCRERY, Mr. ENSIGN, Mr. CRANE, Mr. HOUGHTON, Mr. CASTLE, Mr. HOBSON, Mr. RIGGS, Mr. HORN, Mr. CLINGER, Mr. GREENWOOD, Mr. FRELINGHUYSEN, Mr. LAZIO of New York, Mr. BLUTE, Mr. LONGLEY, Mr. EHLERS, Ms. PRYCE, Mr. BASS, Mr. PORTMAN, Mr. KOLBE, Mrs. FOWLER, Mr. SHAYS, Mr. GOSS, Mr. ENGLISH of Pennsylvania, Mr. CALVERT, Mr. GUTKNECHT, and Mr. PACKARD):

H.R. 1234. A bill to amend the Internal Revenue Code of 1986 to provide for reform of the health insurance market, to promote the availability and continuity of health coverage, to remove financial barriers to access, to enhance health care quality, to contain costs through market incentives and administrative reforms, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER (for himself, Mr. ARMEY, Mr. SCHUMER, Mr. MILLER of Florida, Mr. UPTON, and Mr. FAWELL):

H.R. 1235. A bill to terminate the price support program for honey; to the Committee on Agriculture.

By Mr. EMERSON (for himself, Mr. MINETA, Mr. SHUSTER, Mr. DURBIN, Mr. DREIER, Mr. BLILEY, Mr. OXLEY, Mr. DIAZ-BALART, and Mr. CALVERT):

H. Con. Res. 39. Concurrent resolution expressing the sense of the Congress regarding Federal disaster relief; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. LOWEY:

H.R. 1236. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dante;* to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 1237. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Doppler Effect;* to the Committee on Transportation and Infrastructure.

By Mr. REED:

H.R. 1238. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of 3 barges; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.R. 1239. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dordy III;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. MCKEON.

H.R. 6: Mrs. CHENOWETH and Mr. WATTS of Oklahoma.

H.R. 26: Mr. RADANOVICH and Mr. SMITH of Michigan.

H.R. 46: Mr. BRYANT of Tennessee, Mr. LINDER, Mr. PARKER, Mr. BALLENGER, Mr. HOEKSTRA, and Mr. HAYWORTH.

H.R. 70: Mr. UNDERWOOD.

H.R. 71: Mr. JACOBS, Mr. BALLENGER, Mr. HANCOCK, Mr. TORKILDSEN, Mr. CAMP, and Mr. ENGLISH of Pennsylvania.

H.R. 75: Mr. JACOBS, Mr. SCHIFF, Mr. HANCOCK, Mr. GEKAS, and Mr. TORKILDSEN.

H.R. 325: Mr. INGLIS of South Carolina.

H.R. 328: Mr. LIPINSKI.

H.R. 354: Mr. ZIMMER.

H.R. 359: Mr. COMBEST and Ms. HARMAN.

H.R. 459: Mr. TRAFICANT, Mr. GENE GREEN of Texas, Mr. JACOBS, Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, Mr. POSHARD, Mr. CALVERT, Mrs. WALDHOLTZ, MR. WICKER, and Mr. INGLIS of South Carolina.

H.R. 460: Mr. KNOLLENBERG, Mr. GENE GREEN of Texas, Mr. NEY, Mr. MCHALE, Mr. STEARNS, Mr. KING, Ms. MOLINARI, Mr. SANDERS, Mr. BROWN of Ohio, and Mr. ZIMMER.

H.R. 580: Mr. COLEMAN, Mr. FARR, Mr. ROBERTS, Mr. BILBRAY, and Mr. GEJDENSON.

H.R. 587: Mr. SAXTON and Mr. ZIMMER.

H.R. 592: Mr. EMERSON and Mr. WELDON of Florida.

H.R. 612: Mr. HOEKSTRA.

H.R. 656: Mr. SOLOMON, Mr. JONES, Mr. ACKERMAN, and Mr. ROYCE.

H.R. 682: Mr. BARTLETT of Maryland and Mr. BEREUTER.

H.R. 732: Mr. BARTLETT of Maryland, Mr. GREENWOOD, and Mr. WICKER.

H.R. 783: Mr. UPTON, Mr. BEVILL, Mr. CALLAHAN, Mr. SPENCE, Mrs. CHENOWETH, Mr. WHITFIELD, and Mr. CRAMER.

H.R. 789: Mr. HAYWORTH, Mr. MONTGOMERY, Mr. CREMEANS, and Mr. FRANKS of New Jersey.

H.R. 849: Mr. STUDDS, Mr. HOKE, Mr. BENTSEN, Mr. MORAN, Mr. LIPINSKI, Mr. BROWN of California, and Mr. DEUTSCH.

H.R. 877: Mr. VENTO.

H.R. 911: Mr. CLINGER and Mr. SPRATT.

H.R. 913: Mr. FOLEY, Mr. LIVINGSTON, Mr. KLUG, Mr. HANCOCK, and Mr. BARTLETT of Maryland.

H.R. 930: Mr. SKEEN.

H.R. 939: Mr. BILBRAY.

H.R. 989: Mr. GORDON.

H.R. 1005: Mr. LAHOOD, Mr. RADANOVICH, and Mr. ROYCE.

H.R. 1018: Mr. HEINEMAN.

H.R. 1020: Mr. HYDE.

H.R. 1021: Mr. CARDIN.

H.R. 1023: Mr. JOHNSTON of Florida.

H.R. 1024: Mr. ROYCE.

H.R. 1044: Mr. HYDE and Mr. ROYCE.

H.R. 1085: Mr. CAMP and Mr. MCHUGH.

H.R. 1098: Mr. BUNNING of Kentucky, Mr. CALVERT, Mr. HANCOCK, Mr. WICKER, Mr. RADANOVICH, and Mr. ROYCE.

H.R. 1101: Mr. WOLF and Mr. WYNN.

H.R. 1103: Mr. HOLDEN.

H.R. 1118: Mr. HUTCHINSON, Mr. SCARBOROUGH, Mr. LAHOOD, Mr. HAYWORTH, Mr. GALLEGLY, Mr. STUMP, Mr. HEFLEY, Mr. PACKARD, and Mr. BALLENGER.

H.R. 1136: Mrs. SCHROEDER, Mr. DELLUMS, and Mr. TORRES.

H.R. 1143: Mr. HYDE, Mr. CONYERS, Mr. MCCOLLUM, Mr. SCHUMER, and Mr. SMITH of Texas.

H.R. 1144: Mr. HYDE, Mr. CONYERS, Mr. MCCOLLUM, Mr. SCHUMER, and Mr. SMITH of Texas.

H. Con. Res. 5: Mr. CLINGER, Mr. BUNN of Oregon, Mr. BAKER of Louisiana, and Mr. SOUDER.

H. Con. Res. 12: Mr. OXLEY.

H. Res. 18: Mr. HANCOCK, Mr. TORKILDSEN, and Mr. ENGLISH of Pennsylvania.

H. Res. 94: Mr. MURTHA, Mr. KLINK, Mr. HOLDEN, Mr. HAMILTON, Mr. MEEHAN, Mr. FOLEY, Mr. VISCLOSKY, Mr. BARRETT of Wisconsin, and Mr. HALL of Ohio.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1159

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 15: At the end of the bill, insert the following new section:

MORATORIUM ON REFORMULATED GASOLINE REQUIREMENTS IN STATE OF WISCONSIN

SEC. 308. None of the funds made available in any appropriation Act for fiscal year 1995 may be used by the Environmental Protection Agency to administer or enforce (1) any requirement of the sale, dispensing, or use of reformulated gasoline for motor vehicles in the State of Wisconsin; or (2) any prohibition on the sale, dispensing, or use of conventional gasoline for motor vehicles in the State of Wisconsin.

EXTENSIONS OF REMARKS

WELFARE FOR GOLD MINERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. MILLER of California. Mr. Speaker, I would like to bring to the attention of all Members an article which appeared in the March 13, 1995, issue of U.S. News and World Report, and to insert in the RECORD an editorial by the editor-in-chief, Mortimer B. Zuckerman. The article, by Michael Satchell, reports on the deplorable situation now confronting Yellowstone National Park due to the onerous and archaic provisions of the 1872 mining law. Mr. Satchell describes the ill-advised efforts of a Canadian-owned mining company to open a gold mine on the outskirts of Yellowstone Park, thereby creating a potentially dangerous predicament for one of the crown jewels of our National Park System. Mr. Zuckerman's editorial confronts the absurdities of the archaic law, daring Congress to "show some muscle about abuses that lose Federal revenues" by taking on "the politically powerful mining industry and its Western congressional allies" and reforming this "silly law".

Mr. Speaker, this coverage by U.S. News and World Report is particularly relevant and timely, in light of the recent introduction in the Senate of yet another industry-backed bill—craftily designed to look like reform but, in reality, devised to insure that the mining industry maintains its free-ride on the public dole. Representative NICK J. RAHALL and I have also introduced legislation, H.R. 357, identical to the bill passed by the House last year on a three-to-one bipartisan vote. Last year, over 300 House Members—including 70 Republicans—voted to bring some fairness into the hard rock mining system. This year, instead of only cutting school lunches and rent money for poor working families, I hope the Republican majority will have the determination to expunge some of the welfare enjoyed by the corporate elite. Reforming the 1872 mining law by enacting H.R. 357 would be a big step in the right direction.

[From U.S. News & World Report, Mar. 13, 1995]

BURY THIS IN GRANT'S TOMB

(By Mortimer B. Zuckerman)

How's this for a dream? You are free to roam anywhere on 600 million acres of public land in the West, staking out mining claims in the happy knowledge that if you strike gold or silver or copper, you can extract your find absolutely free. And, dream on, you will have the option on purchasing the land outright at a price of no more than $5 an acre.

It's no dream. An antique called the General Mining Law of 1872, signed by President Ulysses S. Grant to encourage migration into the Rocky Mountain states, provides such beneficence. The West has long been settled, but prospectors and mining companies are still getting rich off the 1872 law, and the taxpayers are still getting robbed.

It gets worse. You could have bought—or patented—17,000 acres of oil-shale claims near Rifle, Colo., for a mere $42,000 and a month later sold the package to Shell Oil for $37 million. But someone beat you to it. And that deal was no freak. An investigation by the U.S. General Accounting Office of some 20 patents examined at random found the government had been paid $4,500 for claims worth somewhere between $14 million and $48 million. Just last year the Secretary of the Interior was infuriated to discover he was obligated to let a Canadian company acquire, for a nominal amount, Nevada land with gold reserves estimated to be worth $10 billion. He called it "the biggest heist since the days of Butch Cassidy and the Sundance Kid."

To date, 3.2 million acres of public land—an area the size of Connecticut—have been sold. More than $230 billion in mineral reserves in 13 Western states has been given away since the passage of the 1872 law—more than 315 million ounces of gold, 5.5 billion ounces of silver, 79.5 million tons of copper, 19.2 million tons of lead and 13.9 million tons of zinc. Today, as much as $4 billion worth of hard-rock materials is taken out every year. The language of the law is such that a lot of "mining" land has been bought, then used to build everything from private homes to gambling casinos and luxury resorts. The not-so-funny name for all this is the Great Terrain Robbery.

Injury is added to insult. The law contains no environmental protection. The mining residue—some 70 billion tons of tailings—has been left exposed to the elements, polluting rivers and ground water. There are also 550,000 abandoned mines and open pits, such as the infamous Berkeley Pit in Butte, Mont.—a mile wide, a mile and a half long, half a mile deep—filled with water that is more acidic than vinegar. You know who bears the cleanup cost. Yes, you, the taxpayer. A new crisis has emerged with the plans of Noranda. Inc., a Canadian corporation with a history of environmental problems, to mine 3 miles from Yellowstone Park's northeastern boundary.

Today there is a moratorium on further land transfers. Yet nearly 400 patent applications are back up from companies that hope to slip through their claims to get their hands on $21 billion in reserves before the 1872 act is reformed.

The reformers want the mining companies to be treated like other extractive industries, which, astonishingly, they are not. First, fair prices for these patents should be determined by the marketplace; they should include the cost of reclamation and the enforcement of environmental standards. Second, there is the issue of royalties. Loggers, coal producers and offshore oil and gas companies pay royalties when they extract wealth from public land. Reformers want mining companies to pay a royalty on their ore based on gross sales. With net revenues estimated at 25 percent of gross values extracted, a royalty is easily affordable. So is compliance with environmental standards—federal standards, because oversight by the states, which the mining industry favors, has proven weak. It also makes sense to withdraw some federal lands from mining if they are close to national parks or similar natural resources.

Why has this silly law lasted this long? Because a politically powerful mining industry and its Western congressional allies have blocked any revision. The argument that it would cripple a key regional industry and costs jobs in essentially a rational for gouging the public.

Here is an opportunity for the "new" Republican Party. If it is determined to expunge abuses in federal spending, it should show some muscle about abuses that lose federal revenues.

TRIBUTE TO DOCTORS PHYLLIS AND RAY PHILLIPS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to two outstanding individuals from the Sixth District of Tennessee who are being honored upon their retirement.

Drs. Phyllis and Ray Phillips have made tremendous contributions to the field of higher education, and their leadership has been invaluable.

By their very example, Ray and Phyllis Phillips have committed their lives to helping others learn. They have taught in Tennessee and Alabama, and their talents have taken them as far away as Augsberg, Germany to lead and participate in the American schools program.

Phyllis Phillips has shared her expertise in speech pathology, audiology, and speech communication through almost 50 years of teaching in elementary and secondary schools. In 1983 she joined Cumberland University in Lebanon TN, and in her 12-year tenure, developed a working adult degree program and helped develop the Cumberland University Fine Arts Council. She is responsible for helping countless children and adults overcome their battles with speech and hearing problems.

The board of trustees of Cumberland University named Dr. Phyllis Phillips "Professor Emeritus" in recognition of her tremendous contributions to education, speech pathology, and communication.

Dr. Ray Phillips earned his undergraduate degree from Cumberland University in 1941. His love for his alma mater never left him, and, in 1983, he returned to Cumberland with his wife to assume the vice presidency for academic affairs. He assisted my colleague from Tennessee, Bob Clement, then president of the university, in establishing the institution as a 4-year degree program.

In 1991, he was named the 23d president of the university. Enrollments during his administration were recordbreaking, and he aided in

the development of the sports medicine and fine arts programs.

Dr. Phillips was honored with his wife by the board at Cumberland in 1994. He was named "President Emeritus" and "Professor Emeritus" for his outstanding service.

I join with those at Cumberland University and Tennesseans all across the State in thanking the Phillips' for their tireless dedication and enumerable contributions. We wish for them a happy and fulfilling retirement.

COURT REPORTER FAIR LABOR AMENDMENTS OF 1995

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, I am joined by my colleague, Mr. BARRETT of Nebraska, Mr. ANDREWS, Mr. HOEKSTRA, and Mr. CHRISTENSEN, in the introduction of the court reporter fair labor amendments of 1995. The Department of Labor [DOL] has adopted a position concerning the status of official court reporters under the Fair Labor Standards Act [FLSA] which, if allowed to stand, threatens State and local courts with explosive liability costs and could force them to take actions which would result in severe job losses and reduced income for thousands of court reporters.

In most States, court reporters are typically employed by the State or local court with primary duties of taking down and reading back court proceedings. They are considered employees of the court and are typically compensated with an annual salary and benefits. While performing these duties, the court reporter—unless he or she falls within one of the FLSA's exemptions—is entitled to overtime compensation for work performed in that capacity in excess of 40 hours in a given work week.

However, in addition to in-court duties, many court reporters prepare and certify transcripts of their stenographic records for private attorneys, litigants, and others. The court reporter collects a per-page fee for the transcripts and generally earns much more than he or she would for an hour of salaried work for the court. Very often, it is possible for a court reporter to earn more from transcription work than from his or her annual salary. When working for this per-page fee, the court reporter is clearly acting as an independent operator, as has been specifically determined by the Internal Revenue Service [IRS]. The fee income is treated as separate and apart from the annual government salary for taxation purposes. Indeed, court reporters file self-employment income forms with the IRS and pay self-employment taxes on this income.

Unfortunately, DOL has not yet recognized the independent capacity of court reporters. In August 1994, the Wage and Hour Division took the position that, even while preparing transcripts for attorneys, litigants, and other parties, official court reporters in Oregon are still acting as employees of the court for purposes of FLSA. Similar letters have been received regarding official court reporters in Indiana and North Carolina. Official court reporters in the vast majority of States operate in circumstances similar to these three States.

If allowed to stand, DOL's interpretation would require State and local courts to pay court reporters 1½ times their regular rate of pay for all transcription work performed during overtime hours in a given week. The DOL position threatens to dramatically impact State and local court budgets. The State and local courts will either have to increase their salary budgets or cut costs elsewhere. In return, they would receive nothing except additional administrative duties and headaches.

Faced with possibly hundreds of millions of dollars of liability nationwide, State and local courts are considering dramatic changes in pay practices and in how transcription work is to be performed. Meanwhile, court reporters who continue to perform transcription work may be required to do it for substantially reduced compensation.

This legislation would allow an exemption under the FLSA for official court reporters while they are performing transcription duties for a private party, provided there is an agreement between the court reporters and the State or local court employer. The legislation would also bar lawsuits by court reporters for overtime back-pay. I urge my colleagues to support this measure so that a law designed to protect workers will not instead lead to job losses and reductions in income.

TRIBUTE TO WILLIAM MEEHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. MATSUI. Mr. Speaker, the gentleman from California [Mr. FAZIO] and I rise today to pay tribute to Mr. William Meehan, a native Californian who has devoted his professional career to the preservation and growth of labor's health in this great State.

In the many years Mr. Meehan has been a major force in the labor realm, both of our offices have relied on his expertise and counsel. We join with the scores of colleagues to salute the outstanding leadership you have given to the Sacramento-Sierra's Building and Construction Trades Council and to the Sacramento Central Labor Council.

In an era of shrinking resources, Mr. Meehan has been one of Sacramento's great defenders, ensuring jobs for thousands of men and women throughout the region.

Not only has Mr. Meehan been an outstanding defender of the labor force, but we would be remiss in not commending his steadfast support of this entire community. The list of political, charitable, and labor related organizations with which he has aligned himself reflects the great characters all leaders strive to achieve. An abbreviated list of organizations who are indebted to his leadership and hard work include the Greater Sacramento Area Plan, Labor and Business Alliance, Sacramento Water Intelligently Managed, Private Industry Council, Auburn Dam Council, Friends of Light Rail, American Red Cross, Sacramento Employment Training Agency, Harps, National Toxics Coalition, United Way, Hundred Dollar Club, Sacramento Metropolitan Chamber of Commerce and the Sacramento Fire Board.

Truly, Sacramento is a better place to work and live thanks to what we hope is only the first half to Mr. Meehan's career. As he begins to undertake his latest challenge for the Painters' International, we ask our colleagues to join us in wishing him continued happiness and success.

REMEMBERING DAVID ROSS YOUNG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate the life of David Ross Young, who died of AIDS earlier this month. I am proud to say that David lived in my district, in Sonoma County, CA.

David did more to touch the lives of others in his 32 years than most people do in a lifetime. After being diagnosed with the AIDS virus, David dedicated his life to preventing the spread of AIDS among young people, speaking to students at Sonoma and Marin County schools about the disease. In addition, he trained hundreds of speakers who will carry on his message in his wake.

Mr. Speaker, it is a truly great human being who, when faced with a limit on the amount of time he has left in this world, chooses to spend it helping others. My heart and my thoughts are with you, David. Your legacy lives within the hearts and minds of the youngsters whose lives you have touched and whose lives you have saved.

ODE TO FITZSIMONS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mrs. SCHROEDER. Mr. Speaker, Mrs. Florence Gasser, whose father was a World War I veteran, was so disturbed about the proposal to close Fitzsimons Army Medical Center that she wrote a poem in protest. I would like to share Mrs. Gasser's poem with my colleagues:

FOR WHOM THE KNELL TOLLS

Who needs a veteran's hospital
In these cloudless peaceful times?
Who cares that four generations fought,
In those lands of different clime?

This century ends with record wars,
Many wounded strewn along the way,
Don't we have moral obligation,
To take care of all of them today?

If you remove their anchors now
Should old soldiers just fade away?
Places like Fitzsimons long has been
Security in world of disarray.

Oh, "they'll get help," indifferent say,

As protest cries, echo in nation;
To most veterans change will seem,
Like a physical amputation.

Fitzsimons spreads out protective arms
To those sick in body and spirit too;
To close its doors, will cruelly state,
Find help elsewhere, then start anew.

Those left groping at hospital door,
Need assurance old Fitz gave heartily;
That they could go on with their lives,
Through all of their sickness and injury.

Those who bled on foreign fields,
And served their country very well,
Should not see Fitzsimons lights go out
And hear that sorrowful, hopeless knell.

FEDERAL FUNDING FOR PUBLIC BROADCASTING SHOULD CONTINUE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. BROWN of Florida. Mr. Speaker, today I want to spend a few minutes telling my colleagues about four public broadcasting television stations in Florida's Third Congressional District. WJCT in Jacksonville, WFME in Orlando, WUFT in Gainesville, and WCEU in Daytona Beach are truly community assets. They provide programming which enlightens, enriches, entertains, and touches the lives of thousands of north and central Floridians.

These public broadcasting stations have been an integral part of our communities. They have been important partners in public education, providing instructional television and media technology resources to our schools since their beginning.

Public broadcasting reaches 99 percent of all American television households. Its high quality educational and cultural programs have contributed significantly to the quality of life in north Florida. And it's a great investment. Public broadcasting is one of the best public-private partnerships ever developed, matching Federal dollars on a 5 to 1 basis. And it delivers these dollars to the local level. it is also at the forefront of the development and utilization of technology in education. For instance, through WJCT's National Teachers Training Institute in Math, Science, and Technology, our local teachers learn the latest techniques for using technology in the classroom.

Programs like "Reading Rainbow," "Sesame Street," and "Mr. Rogers' Neighborhood" are seen by school children and preschoolers in our community every day. Helping to prepare youngsters for school, and enhancing their education once they start school, are among public television stations' and our community's highest priorities.

Federal dollars are extremely important to these stations. Without them, WJCT's "Radio Reading Service for the Blind and Visually Impaired," and captioning of regularly televised local government meetings for the hearing impaired would not be possible. WCEU would not be able to produce programs like "Mathline," a pilot project, which trains teachers in the latest mathematics techniques. WMFE could not provide programming for public school systems in grades K–12, audio reading services for the visually challenged and print disabled, and public affairs shows like "Opinion Street." WUFT's daily half-hour News Five broadcasts, local television programs like the weekly "North Florida Journal" public affairs television programs, and the weekly minority affairs series "Reflections" would have to be reduced or eliminated.

Public radio and television provide these and many other services nationwide at the remarkable low cost of $1.09 annually per person. On the local level, Federal funds make up approximately 14 percent of WJCT's budget, 17 percent of WFME's budget, 20 percent of WUFT's budget, and 34 percent of WCEU's budget.

Privatizing public broadcasting means commercials, and dollar-driven programming, which would radically change the face of this unique broadcasting medium. If instructional/educational broadcasting could generate high profits, public broadcasting already would have become a commercial venture.

As representatives of the people, we must be constructive, creative, and cost-efficient in achieving our national goals of good education and the opportunity for rich cultural resources for all of our citizens. If we realistically evaluate what public broadcasting actually offers to our communities, I believe that we will see the value of continued funding for this very cost efficient and successful, national educational and cultural institution. Thank you for allowing me this time to tell you about the importance of continued Federal funding for public broadcasting for my constituents in the cities of Jacksonville, Gainesville, Daytona Beach, and Orlando.

TRAVEL TIME IN COMPANY VEHICLES

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, today I am introducing legislation which will ensure that the Portal-to-Portal Act and the Fair Labor Standards Act are not misinterpreted by the Department of Labor [DOL] and the courts in such a fashion that employers are required to compensate employees for their use of company vehicles in their commutes.

The use of company vehicles by employees is pervasive in many industries. Police departments, air conditioning contractors, heating oil retailers, plumbers, and carpet cleaners all provide vehicles to their employees. This is generally seen as a benefit to the employee who is able to carry personal tools and equipment in a company vehicle to the first job site, without having to physically check in at the company office. The employee also does not have to buy a vehicle for commuting and saves money on gasoline.

Despite the clear benefits to the employee from this practice, DOL has indicated that employers should pay employees for time spent in company vehicles commuting to the first job site. Last year, after some pressure from several members of this body, DOL agreed to stop enforcing the policy pending a departmental review. This policy would create additional paperwork for the employer and increased employers costs, with the end result of generally discouraging this practice. Many employers may then decide to arrange the central storage of all the vehicles and to require the employee to pick up the vehicle in the morning, transfer his or her tools into the company vehicle and drive to the first job site. At the end of the day, the employee would then have to return to the company, transfer the tools back to his or her vehicle and drive home. This alternative clearly does not benefit the employee.

The longstanding practice utilized by employees and employers works well and benefits both parties. My legislation would make it clear that the use of a company vehicle by an employee for commuting from home to the first job site and from the last job site to home does not require the employer to compensate the employee for commuting time. I look forward to enacting this legislation in the 104th Congress.

DADE COUNTY'S OUTSTANDING WOMEN HONORED

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mrs. MEEK of Florida. Mr. Speaker, it is my great pleasure to join with the city of Miami Commission on the Status of Women in recognizing the achievements of eight talented women who are among Miami's most outstanding leaders.

The women to be honored this year are as inspiring as they are dedicated. They are outstanding women who make major contributions to our community every day but seldom make the evening news. They come from every part of our community, yet they share a common bond—service.

This year's honorees are:

Mercelee Woods Adderly, Model City volunteer par excellence, who helps to provide our youth with sound guidance and assist Haitian adults in making the adjustment to the United States;

Maria Elena Dellutri has worked with physical and mentally challenged individuals and poor children throughout Dade County;

Detective Therese Homer is a pioneer in domestic violence awareness and victim awareness intervention programs;

Sallye E. Jude, a leader in historic preservation including the revitalization of the Miami River area;

Joann Monrose, an advocate for children's education and welfare through Head Start Programs;

Rosalie B. Pincus, a caring and devoted high school counselor who teaches to touch a life, not just to make a living;

Suzette S. Pope, an extraordinary volunteer who has been a long-standing and faithful volunteer in service to the elderly;

Dr. Majorie P. Wessel has waged many battles against discrimination to bring about sports equity for girls and women.

Mr. Speaker, this event is a celebration of unity in diversity and provides an opportunity

for women in Miami from all generations, racial and ethnic groups, socioeconomic levels and occupations to get together, exchange ideas, and share their vision and experience.

I am happy to join with our entire community in recognizing this year's honorees.

REMEMBERING TIM SULLIVAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mr. PALLONE. Mr. Speaker, thousands of people in Monmouth, Ocean, and Middlesex Counties, New Jersey, were helped over the years by a dedicated public servant whose name most never knew. This public servant worked tirelessly and without personal gain or recognition assisting veterans, Social Security beneficiaries, students, and others on critical personal problems. He helped mayors and councilmen fix bridges, dredge waterways, and restore downtown areas so that men and women could work and the Jersey Shore could prosper.

Timothy F. Sullivan, this public servant in the truest sense, died Saturday of a heart attack. For 17 years, from 1965 to 1982, he was administrative assistant to Representative James J. Howard, former chairman of the House Public Works and Transportation Committee.

When Jim Howard, my distinguished and accomplished predecessor, won an uphill battle for Congress in 1964, he had the good judgment to ask Tim, his good friend, fellow teacher, and campaign advisor, to come to Washington as his chief aide.

Because Democrats were rarely elected in that old Third Congressional District on any level, Jim Howard's prospects for reelection were less than bright. But Jim and Marlene Howard had been eager to take the risk and their enthusiasm was catching.

Tim and his wife, Marilyn, pulled up stakes with six young children. Tim quit his job and came to Washington to begin his long career as a trusted advisor and manager, taking the heat over the years when necessary but not claiming the credit when it was his due. He kept Jim Howard's office on an even keel through tough elections and crises in the district like life-threatening coastal hurricanes and proposals to shut down Fort Monmouth and put thousands out of work.

Through it all, he helped Jim Howard develop a reputation for excellent constituent service. Tim had a right to be proud in the early eighties when the New York Times cited a poll taken of New Jersey staffers and Members of Congress in which Jim Howard's office operation was voted the best in the New Jersey congressional delegation.

Many of my colleagues and their staffs will remember Tim as I do, a warm and compassionate person with a dry Irish wit that earned him many friends and the love of his staff. He was often a help to me as I was starting my legislative career and I drew upon his wealth of wisdom and experience when I had the opportunity.

To Marilyn, his wife of 50 years, his 6 children and 10 grandchildren, I send my deepest condolences for a very great loss.

INTRODUCTION OF THE STUDENT LOAN AFFORDABILITY ACT OF 1995

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to announce the introduction of the Student Loan Affordability Act of 1995. Many of my colleagues already agree that the best way to ensure the future prosperity of America is to empower our students to meet the demand for the high skill high wage jobs of the 21st century. Post-secondary education is an essential component in developing the skills necessary to be competitive in today's global markets. Unfortunately, with the costs of post-secondary education dramatically rising the number of middle class families who can afford to send their children to college is falling.

The Student Loan Affordability Act will offer middle income families the relief they need, and empower them to engage in the most important of tasks: sending their children off to college. The proposal will establish a tax deduction for the interest payments on student loans, just like that provided for interest on mortgages. As a result of this legislation, students and their families will be able to reduce the costs of their education.

Mr. Speaker, I sincerely hope that this bill is supported by my colleagues on both sides of the aisle. The education of our students should not be a battleground for partisan politics but a source of pride and consensus that we may all support. We must invest in our children's education today if we are going to be competitive in international markets tomorrow.

I encourage all my colleagues to support this legislation.

Mr. Speaker, I ask that a copy of the legislation be printed in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Loan Affordability Act of 1995".

SEC. 2. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. INTEREST ON STUDENT LOANS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction an amount equal to the interest on qualified higher education loans paid by the taxpayer during the taxable year.

"(b) QUALIFIED HIGHER EDUCATION LOAN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified higher education loan' means a loan which—

"(A) is made to a student to meet the student's cost of attendance at an institution of higher education;

"(B)(i) is made, insured, or guaranteed by the Federal Government;

"(ii) is made by a State or a political subdivision of a State;

"(iii) is made from the proceeds of a qualified student loan bond under section 144(b); or

"(iv) is made by an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))); and

"(C) in combination with all other financial assistance awarded to (or on behalf of) such student to meet such cost of attendance, does not exceed such cost of attendance for the academic year for which such loan is made.

"(2) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given such term by section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711).

"(3) INSTITUTION OF HIGHER EDUCATION.—Unless stated otherwise, the term 'institution of higher education' means an institution which—

"(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), and

"(b) is eligible to participate in programs under title IV of such Act.

"(c) NO DOUBLE BENEFIT.—No deduction shall be allowed under subsection (a) for interest on qualified higher education loans with respect to which a deduction is allowed under any other provision of this chapter.

"(d) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting."

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (15) the following new paragraph:

"(16) INTEREST ON STUDENT LOANS.—The deduction allowed by section 220."

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 220 and inserting:

"Sec. 220. Interest on student loans.

"Sec. 221. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

TRIBUTE TO ROGER E. PETERSON

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, I rise today to commend Mr. Roger E. Peterson, chief executive officer of Ace Hardware Corp. Ace Hardware is a dealer-owner cooperative founded in Chicago in 1924 and has its corporate headquarters located in Oak Brook, IL. Roger has announced his retirement effective May 31, 1995.

Under Roger's leadership Ace reached more than $2.3 billion in sales to its 5,000 independently-owned stores in all 50 States and 55 countries and territories in 1994. I am pleased to add over $205 million of those sales were accounted for by almost 400 Ace retailers in Illinois.

These retailers characterize what Roger, the State of Illinois, and Ace are all about: excellence, leadership, friendliness, team work, family orientation, and striving to always be the best they can be.

Roger began his career with Montgomery Ward after graduating from the University of Miami (Florida) in 1960. Prior to joining Ace, Roger was also executive vice president and general manager of C/P Products Corporation in Elkart, IN. His other experience includes various management positions with the J.C. Penney and Ben Franklin, Division of City Products Corporation.

Mr. Speaker, Roger joined Ace in September, 1976, as national distribution manager. In 1983, he was promoted to vice president of operations with additional responsibilities for traffic, labor relations, corporate security, and physical distribution center planning, including site selection negotiations.

Within 2 years, Roger was appointed executive vice president, and on August 5, 1986, he became president of Ace. In January, 1990, Roger was given the additional title CEO by the Ace board of directors. He has served longer as president than all but the legendary Richard C. Hesse who reigned for 44 years.

Under Roger's leadership, Ace's distribution system expanded from 5 distribution facilities in 1976 to the current total of 14. One of these facilities, at 1.1 million square feet, is the largest in the industry.

The Ace Hardware Corporation's Ace 2000 program and its accelerated version, the New Age of Ace initiated under Roger's leadership, has an objective of making Ace Hardware, Home Center, and LBM retailers the premier hardlines retailers in the industry by the year 2000.

Clearly Mr. Speaker, Roger defines Ace's corporate mission as being a total "* * * retail support company * * * providing independent Ace dealers with quality products, programs, and services. We exist to serve the Ace dealer and we know that Ace's success is based on the success of that independent Ace dealer," stated Roger.

He has worked diligently, not only for Ace, but for the hardware industry as well, as illustrated by the leadership award presented to him at the International Hardware Dealers Association convention in March, 1994. Roger personifies that true leadership is making people better than they ever thought they could be.

Mr. Speaker, Roger's management style, philosophy and leadership are paying huge dividends today and will continue to do so for years to come. After many years of distinguished and superior service to the Ace hardware Corp., I wish Roger all the accolades he so rightfully deserves. May his years of retirement bring Roger all the best with his wife, Joyce, and their six children, Stephen, Cindy, Linda, Kristin, Kathrin and Scott.

GROWING LUNCH MEALS, GROWING KIDS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. PACKARD. Mr. Speaker, some things will never change. The Democrats continue to ignore the facts and continue to spew liberal lies. The Republican food and nutrition block grant proposal will not take food out of little Johnny's mouth. Republicans know that hungry children can't learn. Our plan takes the Federal bureaucratic fat out of the school lunch program, leaving more money for the kids.

Block grants will rid this country of a Washington-based, Washington-regulated, and Washington-mandated system that has failed our children. Our Republican proposals ensure that needy children are put in front of bureaucrats, not lost in their administrative maze. Children must and will get the services they need.

Removing the thick layer of Federal bureaucracy allows local and State governments to do a better job with less paperwork and less regulation. Our Republican proposal recognizes that local government knows what works best for the children in their communities. They know best how to get increased mileage out of the Federal money. Furthermore, cutting out the Federal middleman gets more money to the State and local level. Republicans make sure that States don't replace Washington bureaucrats with their own State bureaucrats.

Under our food and nutrition block grant proposal States cannot spend more than 2 percent of their block grant on administrative costs. Getting bureaucrats out of our children's school cafeterias permits funding to grow 4.5 percent a year, a rate above inflation.

Not one needy child will have food taken from his or her mouth. At least 80 percent of Federal funds must be spent on low-income children. Block grants actually will increase the amount of money that gets to the kids. In 5 years we'll be spending $1 billion more per year on school meals than we are today.

Mr. Speaker, Americans want us to reform our disastrous welfare state. Republicans want to get Washington out of the business of running these programs. Moving the money closer to the children ensures that we feed more kids with less money. Food and nutrition block grants are good for our kids and good for America.

GRASSROOTS ORGANIZATION

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FORBES. Mr. Speaker, since its founding in 1921, the National Association of Retired Federal Employees [NARFE] has been a guardian of the rights of retired Federal employees. On this, the occasion of its 75th anniversary, I am pleased to tell my colleagues in the House that NARFE has been and continues to be sensitive to the needs of society at large, as well as those of the retired Federal employees.

As the organization grew in size to national preeminence, it grew in importance to its members. NARFE has been instrumental in the evolution of the Government's retirement and disability income protection system for civil service retirees.

NARFE has consistently met its goal of promoting and preserving the interests of its members in a radically changing work force. Most important, it's an organization run by the membership. In the truest sense of the word, NARFE is a grassroots organization.

THE F22 IS REPUBLICAN PORK

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. OWENS. Mr. Speaker, I would like to make one more plea for justice. I want to again beg the leadership of this Congress to abandon its reckless demolition of the programs that have helped to make America great in the eyes of the whole civilized world. The way we as a nation have treated the least among us is the vital ingredient of our greatness. This is a plea for honest decisionmaking. Yes, there is waste in Government and it must be removed. But school lunches and summer youth employment programs are not wasteful. These are the Government programs that work. These are the programs that are still very much needed. The CIA is not needed at the level of $28 billion a year.

The farm price supports for rich farmers are no longer needed at the level of $16 billion a year. We don't need another *Sea Wolf* submarine. We certainly do not need to spend billions of dollars for F22 fighter planes. The F22 enterprise in Marietta, Georgia represents a long-term overwhelming pork barrel. For this same amount of money we could employ twice the number of people in the civilian sector creating infrastructure and services that are needed. The F22 is Republican pork. In the Federal budget this is a huge hog that deserves to be slaughtered.

THE F22 IS REPUBLICAN PORK

The F22
Pork not for me and you
The F22
Toys for skies blue
Empty of any
Enemy crew
The F22
Jobs for just a few
The F22
Rich Georgia stew
Pork pork pork
Not for me and you
Off the orphans
Starve the kids
Save the contracts
Roll out the bids
Bully the poor
Be a hi-tech dog
Eat the best meat
High on the hog
For the peach
Who gives a hoot
The F22
Pork is now
The Georgia State fruit
Pork pork pork
Where they grew
The F22
That's the Speaker's
Hometown too
The F22
Pork pork pork
Not for me and you.

REMEMBERING MARK DOSTAL

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. BAKER of California. Mr. Speaker, recently a tragedy befell my home area in the east bay region of San Francisco. Mark Christopher Dostal, a native of Moraga, CA, was a senior cadet at the U.S. Air Force Academy when he was killed in a training accident while flying a T–3 aircraft at the Academy February 23.

Mark was the kind of young person to whom our country has always looked as a future leader. He was a fine young scholar and a multisport athlete, serving as co-captain of his Miramonte High School football team and also was a member of the track and field team. And, too, Mark, loved skiing and rock climbing.

But it was in rugby, that toughest of land sports, that Mark especially excelled. He was a member of the High School All-American Rugby Team, on which he played for the United States in New Zealand. He was a starting player on the A-side men's rugby team at the Air Force Academy from his freshman year on.

Mark's academic career was no less outstanding. A 4.0 student at Miramonte, he was a 4-year member of the California Scholastic Federation. He won a prestigious award for one of his engineering drawings, and at the Academy, where he was majoring in behavioral sciences, he made the dean's list three times and superintendent's list twice.

Mark's promise as a leader was evident in the posts he held at the Academy. He was a projects non-commissioned officer and element leader, and was appointed squadron commander during survival training after his freshman year. He was in the Soar-for-All program, where he soloed in a motorless glider, and helped lead the assault course as an instructor for basic cadet training.

Mark took life at full tilt. His mother, Shirley, has said that over the course of his athletic career, he broke all his fingers at various times. He was a young man who would not quit, and who relished in the simple joy of being alive. He loved being with his friends, and knew how to laugh as well as to study and compete.

To his family and his many friends, I offer my deepest condolences. They have lost a son, a brother, and a friend. Our country has lost one of its most promising young leaders. Yet, in his memory, we gain enduring inspiration from a life characterized by a unique combination of excellence and joy. Mark's 20 years were too short, but the fullness of his living will remain.

THE SOCIAL SECURITY TRUST FUND

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. HASTERT. Mr. Speaker, it is time to measure our progress in protecting the Social Security Fund, specifically the Old Age and Survivors Insurance Fund [OASI]. This is the fund into which we all pay throughout our working lives and from which we expect to receive benefits when we retire.

In my tenure in the House of Representatives, I have had the opportunity to cast votes to protect the Social Security trust fund several times. Perhaps the most important vote I have cast was in 1990 when I voted to take the Social Security trust funds "off-budget." The purpose of this action to ensure that the Social Security trust funds would no longer be used to mask the true size of the Federal deficit. Instead, the trust fund would have a separate account. The administrative costs of the Social Security Administration were not taken "off-budget."

This action moved us closer toward honest accounting procedures and away from the concept of the "unified budget," a mechanism to place all revenues in one large pot from when the Government can draw. However, it turns out that the language included in the 1990 law was not enough to protect the trust fund.

In 1993, President Clinton undermined the trust fund by proposing a tax on Social Security beneficiaries at a rate of 85 percent of their benefits. The money collected from this tax would not go back into the trust fund, but was instead diverted to other programs in the Federal budget. I strongly opposed this tax. In fact, I went to the Rules Committee and offered an amendment to strip this tax on Social Security from the underlying budget legislation. But, the Rules Committee did not allow my amendment and the 1993 budget containing the tax on Social Security benefits passed into law with my strong objections.

Later in 1994, I had the opportunity to cast a vote in favor of making Social Security an independent agency. This legislation passed the House and Senate and became law. This means the Social Security Administration [SSA] is no longer counted as part of the Department of Health and Human Services. Thus, the budget for Social Security is completely contained in one agency and the administrative costs of the trust fund are clear and set aside with the "off-budget" trust funds. For the first time, there will be a bipartisan governing board that insulates the SSA from political influence and the everyday fiscal policy decisions of the administration in power. In fact, several improvements in the Social Security system as a whole will result from this change. It will now be much easier to monitor and thus, protect the Social Security trust funds. I am proud to have supported this important change in the system that bolsters the security of the trust funds.

This year, I cast a vote to support the balanced budget amendment [BBA]. This, too, was a vote to protect the security of the Social Security trust funds. During consideration of the BBA I voted for an amendment offered by my friend from Illinois, Representative FLANAGAN, to express the sense of the House of Representatives that Social Security would not be used to balance the Federal budget. This amendment passed and will provide crucial direction to the House in future years as we seek to balance the budget.

However, if Social Security had been statutorily exempt from cuts, I believe there are many who would try to expand Social Security to include benefits for nearly every group of Americans imaginable. Many of the benefits paid out by the Social Security Administration do not go to retirees, but rather drug addicts, children with learning disabilities and the like. I am fearful that this would not only continue, but expand under a system where only Social Security had an "exempted" status.

I have explained several key votes I have taken to protect the Social Security trust funds in the past several years. I do this because the people in the 14th district of Illinois want to know that their retirement benefits are safe.

In fact, a group that believes strongly, as I do, that these benefits be removed from the national budget and set aside for the intended use of retirees has recently contacted me. I have presented this history of my position to indicate that I am in full agreement. Congress should not use Social Security funds to balance the budget or mask the budget deficit, but rather to fund the earned benefits of our country's senior citizens.

FIFTIETH ANNIVERSARY OF FRANKLIN ROOSEVELT'S DEATH

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, as we approach the month of April, the Presidential library founded by Franklin Delano Roosevelt will inaugurate a series of exhibits, events, films, and a play to commemorate the 50th anniversary of the death of America's 32d President. I would like to submit for the CONGRESSIONAL RECORD an article by a constituent of mine, Edmund Walsh.

FDR'S LEGACY CONTINUES AT HYDE PARK LIBRARY

(By Edmund A. Walsh)

Starting April 1, 1995, the presidential library founded by Franklin Delano Roosevelt will inaugurate a series of exhibits, events, films, and a play to commemorate the 50th anniversary of the death of America's 32nd president. The commemorational activities will start with an exhibit entitled "1945—The Year That Changed Your World." This program will cover FDR's inauguration for an unprecedented fourth term, with Harry S. Truman, former senator from Missouri, sworn in as his vice president. The exhibit will profile the Yalta Conference, where Roosevelt, Churchill and Stalin met to lay plans for the post-WWII world. The April program continues with displays showing the transition from "The New Deal to the Fair Deal" when a stunned Truman becomes president and moves to continue FDR's steps towards peace.

The "1945" presentation continues with the funeral of FDR and a description of "The Unfinished Legacy of the New Deal," and "The Birth of the United Nations." (Roosevelt passed away on April 12, 1945 in Warm Springs, Georgia; just two weeks before he was to host the San Francisco meeting that saw the birth of the United Nations). "VE Day," Victory in Europe will be honored. The exhibit will also cover "The Atomic Bomb" and "The End of World War II." The April program concludes with a presentation of the president's legacy of leadership.

A film and discussion series follows the "1945" exhibit with programs covering the Yalta conference in May and the atomic bomb in June. President Truman is the subject of the July segment.

A public debate on the legacy of FDR will be presented by teams from Marist College and United States Military Academy at West Point in late April. This will interest those interested in the FDR years, as well those closely following the continuing discussions in Congress concerning entitlement programs. Chief among those programs is the Social Security Act, a major betterment of the early Roosevelt administration.

The Memorial Day weekend will feature a bivouac and salute to FDR by the Duffel Bag group of Carmel, New York. This group, founded ten years ago, is composed of 300 men, women, and some children, who reenact WWII battles, march in parades, and stage exhibitions of their equipment and vehicles.

Duffel Bag was conceived and promoted by Brian Benedict, a Carmel dealer in military surplus goods. Recently, Benedict said, the group reenacted the Battle of the Bulge in Indian Gap, Pennsylvania. They performed at half-time of the Army-Navy game in 1993 and are scheduled to appear again in this year's game.

At Hyde Park, Benedict went on, the Duffel Bag associates will create an attempt by enemy commandoes to kidnap President Roosevelt. The "army's" assignment will be to deny the attempt. Benedict promised a skirmish between the forces, complete with simulated gunfire. Kids of all ages, he said, are welcome to inspect their equipment which will include jeeps, trucks, and possibly half-tracks and light armor.

August will see the presentation of the nationally-known "Sunrise at Campobello" by the Rhinebeck Theatre Group. This drama tells the story of the summer of 1921 when FDR contracted polio. Theatre goers may remember the original Broadway presentation with Ralph Bellamy in the title role.

Since the wartime president always considered himself first and foremost a farmer, the FDR Library in conjunction with the Dutchess County Cooperative Extension, will present its first Agricultural Heritage Day in September. Farm groups, a farmer's market and various environmental groups will participate.

Other activities are planned for Warm Springs, the New York Museum of Television and Radio, and at Roosevelt University in Chicago. For more information on the plans at Hyde Park or other locations, call 800-FDR-Visit or 800-337-8474.

INSIDE SALES COMPENSATION

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, today I am joined by my colleague, Mr. PETRI, in the introduction of legislation to amend the Fair Labor Standards Act of 1938 [FLSA] to make uniform the application of the overtime exemption for inside sales personnel. This legislation is necessary to repair the inequity that presently exists between retail and wholesale establishments.

Under the FLSA, the treatment of sales people for overtime purposes varies significantly based on circumstance. As it now exists, a wholesaler's inside salesperson must be paid time-and-one-half for his or her additional hours, while the employee performing precisely the identical job at a retail establishment does not. During an economic downturn, these costs are considerable and have contributed to layoffs and comparable overhead reduction.

In 1938, Congress had no way of foreseeing the effect that distinctions in the overtime law could have a century later. Differences based on an ability to supervise or a retail-wholesale dichotomy no longer serve a useful purpose. As old practices of doing business change, the differences between a wholesaler's sales staff and a retailer's sales staff are no longer significant.

This legislation would make the application of this particular overtime exemption under the FLSA consistent for retail, wholesale, and service establishments. I would like to note that the provisions defining who is covered under section 13(a)(1) of the FLSA and the 541 regulations are very confusing. Apparently, the language in the act is the result of various amendments over the years. As we consider this legislation, I hope that we can also work to simplify and streamline the language.

STOP TERRORISM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to bring your attention to an ad that recently ran in the New York Times, the Wall Street Journal, the International Herald Tribune, and the New Republic sponsored by the American Jewish Committee [AJC]. This ad is part of AJC's recent campaign to educate people on international terrorism and the proposed U.S. international countermeasures. As the sponsor of H.R. 896, the President's Omnibus Counterterrorism Act of 1995, I would like to commend AJC for their efforts.

AJC is a national membership organization which protects the rights of Jews the world over; combats anti-Semitism and bigotry; works for the security of Israel, human rights, and democratic pluralism; and promotes the creative vitality of the Jewish people.

The AJC has recently begun work on raising public consciousness of the threat posed to all of us by terrorism, and developing appropriate responses to this threat.

I ask that the text of the AJC's ad on terrorism be included in the CONGRESSIONAL RECORD.

A TALL ORDER: STOP TERRORISM

NO ISSUE IS MORE URGENT, NO SECURITY THREAT MORE OMINOUS

Since the World Trade Center bombing two years ago, terrorists espousing a radical, vengeful interpretation of Islam have struck in Buenos Aires (for the second time), Panama, London, Cairo, Algiers and throughout Israel.

Terrorists claim divine guidance, but their brutal acts are condemned by the 50-country Islamic Conference Organization as "a clear deviation from the teachings of the righteous Islamic religion and blatant violation of our values, norms and heritage."

Terrorists are funded, housed, equipped, trained and provided logistical support, according to the U.S. government, by such U.N. member states as Iran, Iraq, Libya, Sudan and Syria.

Terrorists have taken the lives of hundreds of men, women and children of many nationalities and religions. Their targets can be anywhere. The next bus. The next plane. The next skyscraper.

A global peril, terrorism must be confronted globally—and immediately.

First, the U.S. and like-minded nations must intensify their cooperation in the fight against terrorism, making it an urgent international priority. Intelligence-gathering and investigative resources must be increased, border control procedures reassessed, and the flow of financial support to terrorist "charities" blocked, consistent with constitutional safeguards.

Second, the international community's tolerance of states that support terrorism must end. In Europe and the Far East, nations that extend preferential loans and other concessions to such states must be pressed to reconsider their shortsighted policies.

Third, moderate Arab states must be supported in their efforts to contain the forces of extremism. They are on the front line in this struggle.

Fourth, we must work to further the process of reconciliation between Israel and the Arab world which benefits the entire region, and undercuts the appeal of extremism.

These steps will enhance safety across the globe, in every land menaced by terrorism, including our own. It's a tall order . . . and a vital one.

UNWISE CUTS IN EDUCATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time I will share with my colleagues evidence from people who are at work in Massachusetts of the damage that is being done to our social fabric by the proposed cuts that the Republican Party is putting forward. By increasing military spending, keeping other spending such as the manned space station sacrosanct, and advocating large tax cuts, many of which will go to wealthy people, the Republicans are forcing unduly deep cuts in many important programs that help our society attain the degree of civility that is essential. Recently, the commissioner of education in Massachusetts wrote to me and my Massachusetts congressional colleagues to talk about how seriously damaged programs in Massachusetts will be by cuts in the education area. I ask that Commissioner Antonucci's letter in which he stresses "the important connection between education and the nation's economic competitiveness and the vital role of federal investment in education" be printed here as one more argument against the cuts the Republican Party is now launched upon.

THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF EDUCATION,

Malden, MA, February 28, 1995.

The MASSACHUSETTS CONGRESSIONAL DELEGATION,
Washington, DC.

DEAR MEMBERS OF THE MASSACHUSETTS DELEGATION: As the Appropriations Committee proceeds to vote on March 2 on the rescission package that would cut $1.7 billion from Education programs, I have implored them to please consider the important connection between education and the nation's economic competitiveness and the vital role of federal investment in education.

For Massachusetts, a leader in education innovation and reform, the proposed cuts would shatter our best investment. For example, the Goals 2000 initiative so closely tied to each state's reform efforts is scheduled to be cut by $142 million. Programs such as School To Work and Tech Prep have been lauded as providing high-skilled preparation to 7000 students each year in the work place and the community colleges—the only entry for these particular students for higher wage jobs.

The Safe and Drug-Free program has served each one of our cities and towns since 1986. Through these drug and alcohol abuse programs, we have seen a significant drop in alcohol abuse as reported by students since 1990.

The loss of $2,000,000 in Adult Education funding has very serious consequences to our most vulnerable population. These monies provide workplace literacy to 1200 adult students, and literacy training to 1500 homeless adult students. Our business community has been so impressed with our success, that they match the federal grant with $1,800,000 each year.

We have written each member of the Appropriations Committee. We need their vote to reflect a level of funding that ensures every student's educational success.

Sincerely,

ROBERT V. ANTONUCCI,
Commissioner of Education.

TRIBUTE TO THE DISTINGUISHED WOMEN OF CALIFORNIA'S 14TH CONGRESSIONAL DISTRICT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. ESHOO. Mr. Speaker, I rise today during National Women's History Month to salute the remarkable women of California's 14th Congressional District who serve their communities as leaders of organizations that assist women.

This year, as we celebrate the 75th anniversary of women's suffrage, it is fitting that we honor those who devote their time and talents to organizations that promote women and meet their needs. The extraordinary efforts and public service of these outstanding women provide our district with great leadership. While we take time during this month to commemorate historic women and their achievements, we also take this opportunity to honor the contributions women in service organizations are currently making to our communities.

Our region is blessed with superbly capable women leaders. Among these distinguished women are: members of the San Mateo County Council on the Status of Women: Linda Crowe, Janet Frakes, Gale Frances, Barbara Gee, Laura Guluzzy, Barbara Hammerman, Zenaida Ivey, Teresa Jollymour, Mary McGlynn, Pat Paik, Ellen Petterson, Jo Anna Reichel, Mary Anne Rooke, Victoria Von Schell, Carol Tanzi, Edwina Wasson, Yvonne Webb, Eva Wright, and Brenda Yost; members of the Santa Clara County Commission on the Status of Women: Bonita Lynn Banducci, Annie Dandavati, Jean Graf, Norma Mencacci, Jyoti Pendse, Gwen Quail, Noreen Raza, Wiggsy Sivertsen, Rosemary Stasek, Linda Tauhid and Wilma Wool; Madolyn Agrimonti of the Latina Mentor Program; Elizabeth Alonzo, president of OPEIU Local 29; Dorothy M. Ames, president of AAUW Cupertino/Sunnyvale; Nancy Berg, executive director, San Francisco Bay Girl Scout Council; Vera Berg, vice president, Mills-Peninsula Hospital; Nancy Biagini, president, Communication Workers of America, Local 9423; Crownie Billick, copresident, League of Women Voters, Los Altos-Mountain View; Cynthia Carey-Grant, CARAL; Felisa Castillo, secretary-treasurer, Bakers' Local 24; Kalamu Chache, executive director, the Consortium for Young Women; Marcie Cisneros, Sor Juana Ines; Lisa Conrad, president, League of Women Voters of South San Mateo County; Amy Dean, business manager, South Bay AFL–CIO Labor Council; Carmen Delgado-Contreras, Latina Mentorship Program; Rosalind Fisher, executive vice president, Visa USA Inc.; Nancy Fox, executive director, Girl Scouts of Santa Clara County; Wanda W. Ginner, Petersen/Ginner, Inc.; Dian J. Harrison, executive director, Planned Parenthood of San Mateo County; Ila Homsher, Pacific Gas and Electric; Karen Keane, the Women's Center; Rita Keefe, president, AAUW Los Altos/Mountain View; Jane King, president, AAUW Menlo/Atherton; Muriel Knudsen, copresident, League of Women Voters of Los Altos/Mountain View; Sue Mirch-Kretschmann, president, League of Women Voters of Cupertino/Sunnyvale; Ruth Nagler, the Women's Center; Eve Orton, president, League of Women Voters of San Jose/Santa Clara; Fran Packard, president, Bay Area League of Women Voters; Sally Probst, president, League of Women Voters of Palo Alto; Nancy Roberts, president, AAUW, Palo Alto; Jeanine Meyer Rodriguez, SEIU Local 715; Linda Romley-Irvine, executive director, Community Breast Health Project; Mary Ann Sabie, president, Central San Mateo County of Women Voters; Marcy Schultz, business manager, Building Trades Council; Kristina Sermersheim, Service Employees No. 715; Charlene Shores, AFSCME, Council No. 57; Dorothy W. Smith, Elizabeth Toledo, president, California NOW; Betty Torrez, AAUW; Arleen Vallejo, program coordinator, the Women's Center; Ellen C. Weaver, Ph.D., Association for Women in Science; and Eleanor Curry Williams, Black Women in County Government and Linda Williams, executive director, Planned Parenthood Mar Monte.

We also honor the following members of our district's youth commissions: from San Mateo County: Priscilla Aguirre, Cassie Bergero, Catherine Bursak, Monica Yvonne Fuentes, Fiona Hsu, Virginia S. Lin, Nina Lu, Regina McMenomy, Anshu Mohllajee, Katie Moroney, Cecilia Pena, C.J. Ross, Mona Lisa Safai, Jocelyne Takatsuno, and Laurel Whitnah; and from Santa Clara County: Nashua Rachel Carlos, Siobahn E. O'Laoghaire, Carmen S. Paredes, Persees Goebel, Laurie Aguinaga, and Kristin Higaki.

In addition, we honor the young women who serve on the Student Advisory Board of the 14th Congressional District: Lisa Coar, Ashley Fay, Jessica Ginsburg, Shelly Gulati, JoAnn Hsiao, Aisha Machtinger, Alana Paull, Sara Tesfazghi, Caroline Tsou, and Serene Zloof.

Mr. Speaker, I ask my colleagues to join me in saluting these remarkable women and the extraordinary contributions they are making to their communities. These great leaders are fitting representatives of the many women who make history every day, and their efforts on behalf of the people of California's 14th Congressional District are invaluable and appreciated by all.

DISTINGUISHED PROFESSOR

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FORBES. Mr. Speaker, I want to speak today on the occasion of the retirement of Robert R. Sokal, distinguished professor of ecology and evolution, at the State University of New York at Stony Brook, where his colleagues, former students, and family will gather on March 18, 1995, to honor him and his accomplishments.

Dr. Sokal began his teaching career at the University of Kansas in the summer of 1951, where he spent 18 years. He came to the University at Stony Brook in 1969.

During his years in academia, he has secured many honors, including being a member of the National Academy of Sciences, a fellow of the American Academy of Arts and Sciences, a fellow of the American Academy of Arts and Sciences, correspondent of the Museum National d'Histoire Naturelle in Paris, fellow of the Guggenheim Foundation, fellow of the Center for Advanced Study in Behavioral Sciences at Stanford University, and winner of the Distinguished Statistical Ecologist Award of the International Association for Ecology.

He has conducted pioneering research in ecological genetics and is a founder of the field of numerical taxonomy. He developed important statistical methods that he and others have applied to study geographic variation, ethnohistory, and mathematical classification.

A coauthor of 10 books, he has contributed to over 175 learned papers in the biological sciences, and has served as editor of the American Naturalist, a flagship journal in ecology and evolution.

He has been elected to high office in many scientific organizations, including the American Society of Naturalists, the Society for the Study of Evolution, the Classification Society, and the International Federation of Classifications Societies.

At Stony Brook he has served as vice provost for research, department chairperson, and professor.

Born in Vienna, Austria, he and his family fled to Shanghai, China, in 1939, to allow his father's release from the infamous Dachau and Buchenwald concentration camps. He met his wife, Julie Chenchu Yang, when they were both students at St. John's University in Shanghai. They have two children, David and Hannahk, and three grandchildren.

TRIBUTE TO MAYOR SAM HALLOIN

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. ROTH. Mr. Speaker, I rise today to honor a leader who provided both a bedrock of stability and a progressive vision for the community in which he served.

After 16 years at city hall, Mayor Sam Halloin of Green Bay, WI, will leave office to begin a well-earned retirement.

When Sam steps down this spring as the city's longest-serving mayor, the citizens of Green Bay will remember him as both a skilled political tactician and as a scupltor who shaped the city of Green Bay for nearly a generation.

As the guide of a changing city, it has been said that Sam tied all the loose ends together both in the community and in city council chambers, where he often encountered disagreement but never turned down an opportunity to listen to another's point of view.

From the beginning of his political career, Sam dedicated himself to considering all sides of an argument, announcing in his bid for the mayor's office: "I do not have the answers to all the problems that face us, but I will work actively for an honest government that will be responsible and objective in its service to the public."

Apparently, that was exactly what the people of Green Bay were looking for. They elected him to lead their city in 1979, defeating former mayor Thomas Atkinson.

Sam's political career began in 1962 when he was first elected to city council. In 1974 he was elected city council president and served for two terms. He also served two terms as Brown County board chairman before announcing his candidacy for mayor in 1978.

In each of his successive mayoral terms, Sam Halloin added to a list of accomplishments with wide-ranging benefits to the city and people of Green Bay.

His successful completion of city projects such as the Old Fort Square development, East Town Mall and the industrial park created jobs and provided a boost to the local economy while many cities suffered through a recession.

Mayor Halloin helped transform Green Bay into an even more popular tourism and business destination with the construction of the Embassy Suites and Regency Conference Center.

He also was successful in negotiating the construction of a $6 million State office building in downtown Green Bay, drawing hundreds of workers into the downtown area and creating a positive ripple effect in the local economy.

Always eager to share the credit, Mayor Halloin admitted recently that "as Mayor, you don't do anything on your own. You do it by working with others, and either you get the support of the Council or you don't."

Mayor Sam Halloin is still drawing the support necessary for creating jobs in the community. In the past year, Sam helped bring a large-scale revitalization proposal for the Broadway neighborhood to passage, and has guided city purchases of riverfront property to be sold to private owners.

Sam's dedication to the economic well-being of Green Bay and its residents will not be forgotten. Fortunately, the community will benefit from Sam's vision and initiative for years to come. In his years of service, he pointed Green Bay down a secure path to the 21st century without compromising the hometown feel and neighborly spirit of this great Northeast Wisconsin community.

I wish to commend Mayor Sam Halloin for his years of hard work and service to the city of Green Bay, and wish him well as he faces the new challenges that await him outside city hall.

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

WELCOMING HIS MAJESTY HASSAN II, KING OF MOROCCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in extending a warm welcome to the United States to His Majesty Hassan II, King of Morocco, who is visiting our country over the next few days.

Not only is King Hassan an outstanding and long-time friend of the United States, who has championed the cause of economic progress and democracy in his own country and peace and progress in the Middle East conflict, but he is the head of state of a country with which the United States has had a long and friendly relationship. Morocco was the first nation to recognize the independence of the United States of America in 1777, and it has been a steadfast ally of our country since that time.

During the 33 years of his reign, King Hassan has presided over the remarkable economic and political development of the Kingdom of Morocco. He was a dynamic leader in the liberation of Morocco from French and Spanish protectorates. Shortly after ascending to the throne in 1961, King Hassan established a constitutional monarchy based on a multiparty political system including free elections, an elected parliament, a free press, and free trade unions. The King has worked tirelessly for the economic and social progress of his people. I also want to commend His Majesty particularly for his commitment to a pluralistic society that is tolerant of ethnic and religious diversity.

Morocco's leaders have promoted peace through diplomatic dialog long before the country was liberated from colonial rule. King Hassan has continued in that distinguished national tradition, and he has personally played an important international role that has benefited countries and peoples well beyond the borders of Morocco. King Hassan is a former head of the Organization of African Unity, and he is a leader in the Arab world whose moderating influence has helped stabilize this turbulent region.

Recently, under the leadership of King Hassan, Morocco has played an extremely positive role in seeking to bring peace to the Middle East. King Hassan was the first Arab leader to meet with Israeli Prime Minister Rabin and Foreign Minister Peres following the signing of the Declaration of Principles in Washington, DC, in September, 1993, between Israel and the PLO, and Morocco was the first Arab country after the signing of that declaration to establish a liaison office in Israel.

I have personally witnessed the remarkable progress and modernization of the kingdom of Morocco under the leadership of King Hassan, and I have had the opportunity to meet with His Majesty King Hassan on a number of occasions over many years. I have the utmost respect and admiration for the enlightened leadership he has provided the kingdom of Morocco, in Africa and in the Arab world.

Mr. Speaker, I urge my colleagues to extend a warm hand of friendship and goodwill to this champion of peace and democracy in the true spirit of our Nation on the occasion of his visit to the United States.

CLEANUP THE GREAT LAKES

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. LATOURETTE. Mr. Speaker, on Friday the 10th of March, I joined Congressman QUINN of Buffalo and Congressman OBERSTAR of Minnesota to introduce two pieces of legislation crafted to protect and enhance one of the world's most valuable natural resources—the Great Lakes. Representing over 90 percent of our Nation's fresh water supply, the Great Lakes' importance to our region's health and economy cannot be overstated. Currently, the Great Lakes supports a $4.5 billion recreational fishing economy.

Unfortunately, historical pollution found in the sediments of Great Lakes rivers and harbors remains a severe impediment to our shipping and recreational opportunities, threatens fish and wildlife resources and places human health at risk.

Mr. Speaker, my first bill, the Assessment and Remediation of Contaminated Sediments [ARCS] Reauthorization Act, will amend the Clean Water Act section 118 to continue the demonstration of innovative technologies to remediate contaminated sediments in Great Lakes rivers and harbors that was originally authorized in the 1987 amendments to the Clean Water Act.

The first ARCS program provided valuable demonstrations of technologies at the pilot scale that now need to be validated for commercial use. In the reauthorization, the Environmental Protection Agency's Great Lakes National Program Office will also consider new strategies for sediment removal and containment such as those being demonstrated at the

Ashtabula River and Harbor in my congressional district in Ohio. To date, the formation of a new partnership among Federal, State, local government, and industry has been successful in avoiding a new Superfund designation and will lower cost and shorten the timeframe for cleanup. This is a success story that needs to be repeated throughout our country.

The second bill, the Great Lakes Federal Effectiveness Act, provides for enhanced research coordination efforts among the many Federal, State and Canadian parties across the Great Lakes Basin. By evaluating our current efforts against projected goals we can then prioritize among the agencies to ensure the best Federal investment while avoiding costly duplication of effort.

It is appropriate that I dedicate the Great Lakes Federal Effectiveness Act to the memory of Peter Seidl. As Secretary to the International Joint Commission's Council of Great Lakes Research Managers, Peter pioneered the concept and was instrumental to the drafting of this legislation. On May 7, 1994, Peter was on an environmental mission for the World Bank when his plane was lost over the Andes mountains enroute to La Paz, Bolivia. To date, the most extensive search and rescue effort in the history of South America has been unable to locate his plane.

While friends and family pray for Peter's safe return, I wish to memorialize his extraordinary efforts on behalf of the Great Lakes in service to both his homeland of Canada and his friends and colleagues in the United States.

BOY SCOUT TROOP 611'S EAGLE SCOUT COURT OF HONOR

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. MINETA. Mr. Speaker, on November 5, 1995 in San Jose the accomplishments of seven members of Boy Scout Troop 611 were acknowledged. I was fortunate enough to play a part in the honoring of these seven accomplished and talented young men.

Congratulations to Kevin Endo, Dean Handa, Neal Nakano, Brian Tamekuni, Ted Nakano, Michael Leung, and Ryan Yoshida. Attaining the rank of Eagle Scout is not an easy task. It takes hard work, commitment, and a lot of support from your family, your community and your Boy Scout leaders. Your dedication, resolution, and perseverance in achieving this rank is to be commended and emulated by all residents of the community, both those who will follow you and those who have gone ahead.

Mr. Speaker, I would like to respectfully request that the following account of the ceremony be placed in the CONGRESSIONAL RECORD.

On the evening of November 5, 1994, Boy Scout Troop 611, sponsored by the San Jose Buddhist Church Betsuin, held an Eagle Scout Court of Honor and dinner acknowledging the accomplishments of seven outstanding Boy Scouts. The recipients of Scouting's highest rank of Eagle Scout were Kevin M. Endo, Dean M. Handa, Michael S. Leung, Neal T. Nakano, Ted K. Nakano, Brian M. Tamekuni, and Ryan T. Yoshida.

Providing guidance and support for the seven Scouts were Scoutmaster Stan Kawamata and his assistants: Religious Advisor, Reverend Gerald Sakamoto, and Youth Director, Mrs. Jeanne Nakano. The Eagle Charge and Presentation and the Eagle Award Address were given by Mr. Doug McDonald, Santa Clara County Council Scout Executive. Among the dignitaries in attendance were U.S. Congressman Norman Mineta, a guest speaker, who presented an American flag flown over the United States Capitol to each Eagle Scout and Peter McHugh, the mayor of Milpitas, who made a special presentation to Ryan Yoshida.

Kevin M. Endo, the son of Mr. and Mrs. Jerry Endo, is a junior at Santa Clara High School. For his Eagle project Kevin supervised and participated in the construction of a four foot carved wooden Buddhist Wisteria symbol for the San Jose Buddhist Church Betsuin.

Dean M. Handa, a son of Mr. and Mrs. Ernest Handa, is a junior at Saratoga High School. Dean's Eagle project entailed supervising and helping to construct a display case for a kimono for the Yu-Ai-Kai Senior Center in San Jose's Japantown area.

Neal T. Nakano, the son of Mr. and Mrs. Mike Nakano, is a senior at Piedmont Hills High School. Neal's Eagle project included the planning, supervising, and construction of Japanese style fence toppers for the fence between the San Jose Buddhist Church Betsuin and the neighboring property.

Brian M. Tamekuni, a son of Mr. and Mrs. Kaz Tamekuni, is a senior at Bellarmine College Prepatory. For his Eagle project Brian supervised and participated in the construction of two large tables for the library in the Yu-Ai-Kai Senior Center in San Jose's Japantown.

Mr. Jimi Yamaichi was the Eagle project advisor for the preceding Eagle Scouts.

Ted K. Nakano, a son of Mr. and Mrs. Bob Nakano, is a freshman at West Valley College. For his Eagle project Ted designed, planned, supervised, and participated in the construction of three outdoor planters to be utilized by wheelchair users as part of their rehabilitation process. It was installed at a rehabilitation center run by the city of San Jose. Ted's father, Bob Nakano, was his project advisor.

Michael S. Leung, a son of Mr. and Mrs. Steve Leung, is a junior at Live Oak High School. For his Eagle project Michael planned and supervised the painting of a large map of the United States on the playground of Milpitas Christian School. His project advisor was Mrs. Celeste McVey.

Ryan T. Yoshida, the son of Mr. and Mrs. Richard Yoshida, is a junior at Bellarmine College Prepatory. Ryan's Eagle project entailed planning and supervising the refurbishing of the play kitchen area and the construction of a storage area for the kindergarten students at the Zanker Elementary School. Ryan's grandfather, Mr. Takeshi Sugimoto, was his Eagle project advisor.

TRIBUTE TO AL JOHNSTON

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FILNER. Mr. Speaker and colleagues, today I rise to honor and remember a leader and hero, Al Johnston, known to many in San Diego as a legend of the barrio.

Al Johnston was not the type of a man to sit back and let the world go by; he took action to make his community a better place to live.

During the 1930's, he took his property and gave it to the less fortunate by converting an old car into a soup kitchen in Logan Heights. Later, he provided guidance and inspiration for many teens in the community by founding "Los Gallos," a club for restless teens. He led voter registration drives. He was committed to making a difference in the lives of many in the Latino community in San Diego. He is the type of leader we should all try to emulate.

Mr. Johnston was a proud leader of the spirit and soul of the barrio. He was adamant in his opposition to junkyards and pollution producing industries in Logan Heights. In the 1970's, he led the campaigns for the conversion of most of a 5.4-acre parcel at the foot of Crosby Street into a bayfront addition to Chicano Park, a cultural landmark.

He was one voice who made a difference. My community has lost a great leader, and faithful fighter in the ongoing struggle to improve the quality of life for ourselves and our children. It is now up to us to continue his work and his dedication to the community.

My thoughts and prayers go out to his family and friends.

A TRIBUTE TO THE GIRL SCOUTS OF AMERICA

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. SLAUGHTER. Mr. Speaker, I rise today to applaud the Girl Scouts of Genesee Valley today as they take part in the first annual nationwide Girl Scouts "Be Your Best Day" by conducting a canned and nonperishable food drive for the benefit of Foodlink in Rochester, NY.

Voluntarism in America is one of the most important forces in keeping the fabric of our society together. With nearly 3.5 million members, Girl Scouting of the U.S.A. is the largest voluntary organization for girls in the world. The Girl Scouts have carried the spirit of voluntarism through generations of American women.

I would like to thank the 12,000 Girl Scouts of Genesee Valley and 4,000 volunteers, who—along with Girl Scouts all over the country—are joining hands today to help the less fortunate. You are doing this great service for our country.

I would also like to acknowledge a significant anniversary that the Girl Scouts of Genesee Valley are having this year. Congratulations for 75 years meeting the special needs of girls from diverse racial, ethnic, and socioeconomic backgrounds and enriching voluntarism in America in the process.

Mr. Speaker, please join me in paying tribute to the Genesee Valley Girl Scouts and the Girl Scouts of America on "Be Your Best Day." The Girl Scouts' activities are an inspiration to us all.