# HOUSE OF REPRESENTATIVES—*Tuesday, May 2, 1995*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. WICKER].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 2, 1995.*

I hereby designate the Honorable ROGER F. WICKER 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 gentlewoman from Texas [Ms. JACKSON-LEE] for 5 minutes.

## TRAGEDY IN OKLAHOMA CITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I rise this morning to be able to offer on behalf of the constituents of the 18th Congressional District my deepest sympathy to the citizens, and families, and victims, adults and children, of the tragedy in Oklahoma City. I watched as the outpouring of love of Americans and aid from across this Nation and across the world poured into that great city. But, more importantly, I watched as the valor of each individual citizen was highlighted as each came to the cause and the crisis of the people. I watched the laws of this land be in place. I watched the Constitution remain stable during this very severe crisis. I heard the debate as people wanted, most of all, for the safety and security of those that were there and the immediate assistance to those people. It gave me comfort, one, that Americans will always rise to the aid of their fellow neighbors, and, two, that the Constitution is still very strong.

I rise, as well, however, to be able to ask that those who believe in the Constitution would recognize that, if they would oppose some of the actions and activities that we have heard occurring over these last couple of days, that they, too would speak up. If they are against hatred, hate mongering, if they are against intolerance, I would like to hear their voices as well, for it is important, as we do adhere to the laws of this land and as we accept the value of the Constitution and the Bill of Rights, that, yes, we recognize all of us have such rights. It is important that America not coddle terrorists, be they domestic or international. It is important not to hear that the actor or alleged actor in this incident is like the boy next door. If the facts are true, the actor is a murderer, plain and simple.

And so I support and appreciate the leadership of President Clinton in light of the fact that he has struck a balance, one of applauding the valor of citizens in Oklahoma City and appreciating the democracy of this Nation, but yet challenging those Americans who would have normally kept silent on the hatred that is violating this Nation. It is time to stand up and speak up.

And those of us in Congress must make a commitment to you, as Americans, that, one, we will act in a bipartisan manner, particularly myself as a member of the House Committee on the Judiciary, to accept, and respond, and affirm your constitutional rights, but at the same time enhance your quality of life, and protect you. And to those Federal employees let me say, "Thank you so very much for, yes, you have gone beyond the measure of duty. All over this Nation you serve Americans, and you served them with good cheer, and love, and competence and excellence. Many of them lost their life in Oklahoma City. Many of you are saddened by the tragedy. Many of my district were forced to evacuate their building over the last week or so because of bomb threats in the city of Houston, but you have kept the faith, you have remained strong, and so I salute you."

My commitment is to work very hard protecting the Constitution with my colleagues, but yet responding to terrorists wherever they may be and acknowledging that they, too, must come to justice, not coddled, but standing up before the courts of law and accepting whatever charges are being made effectively, forcefully, and with the full impact of the law. My hat is off to those in Oklahoma City, my prayers remain with them, and my commitment is that we must make this country a just country, a fair country, an equal country, but certainly a safe country under the laws of the land and keeping in mind the strength of the Constitution of the United States of America.

## CONTEMPLATING THE OKLAHOMA CITY TRAGEDY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, it is a very common thing after a congressional break for Members to come back to the Congress and reflect on what they have heard at home. I have to say that, although there were many opportunities for me to meet and discuss local issues with my constituents, our attention was focused on a city several hundred miles away, as was the attention, not only of the entire Nation, but the world. Of course, I am speaking of the tragedy which occurred in Oklahoma City.

In the rubble of that Federal building in Oklahoma City we find both tragedy and hope. And, as we look at the events of the last several days, I think we can see literally the very best and the very worst in our Nation. In terms of the best, the courage of these rescue workers, to think that they would literally risk their lives on a day-to-day basis to plow through this rubble in the hopes of finding someone alive or, at the very least, to bring out the remains of those who have passed away, men and women who frankly could never be paid enough for the sacrifice and courage which they are showing. The strength of families praying for the missing; we have seen it so often on television and accounts in the media, the mourning of those families who lost a loved one as a result of this tragedy.

As my colleagues know, on the floor of this House of Representatives Federal employees are often vilified as just faceless bureaucrats, numbers on a page, people to be moved around here and there in the budget debate, and yet we find out they are real human beings, going to work every day, doing something for their country, and in this instance literally giving their lives because of what they have shown in terms of sacrifice and commitment to this country.

And what a story of Oklahoma City. I have only visited there once, had a



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nice impression of the town, but little did I know the inner strength of that American community that would rally and come together, black and white, rich and poor, to help those who were touched by this tragedy. And across the country so many people were inspired by this tragedy to do a little bit more, to become a community, to become a Nation. In my own district a local individual, Don Eastep, Jr., of Virden, IL, went down to Oklahoma City, volunteered, went into the rubble, risked his life in order to try and help in that situation. I think we all watched in awe at the prayer service that was held in Oklahoma City. Gov. Frank Keating, a fellow who went to Georgetown University a year ahead of me, did an exemplary job as the leader of that State. He welcomed President Clinton, who made very eloquent remarks at that prayer service, and then, of course, the Reverend Billy Graham, who called on the United States to begin the healing process.

These were the very, very best of America coming forward at a time of great trial and tragedy. But unfortunately we have also seen the worst. It is still hard for me to believe that this heinous crime was the work of an American citizen, and of course that is the allegation. What kind of demented mind filled with hatred would bring a person to the point where they would destroy innocent lives, as apparently occurred here at the hands of another American citizen?

And we have heard since this event on television and radio the venomous rhetoric of those who would find some rationale or support this idea that the only way to express oneself politically is through violence. We have heard talk show hosts, the lunatic fringe among them, and most of them are not; most them are in the middle, speaking to the American people, as they should, under the Constitution, but there are a handful, and we all know it, who just go entirely too far. We have heard them and their divisive language testing the limits of free speech in this country.

President Clinton was right when he said they have the right to speak. We must fight to protect that. But those of us who disagree also have an obligation to speak out, too. As my colleagues know, I think, if one needs a gun or a bomb to express their political point of view in America, they really have no place in this Nation. They have really crossed the line.

I hope in the weeks ahead, as we contemplate this tragedy and what it means for America and its future, that both Democrats and Republicans can come together and draw a very clear line, and say we will not accept violence on the right or on the left as political expression. We will make it very clear that we want to protect our Bill of Rights, but we will not allow those who will turn to violence to be in any way honored. I think, Mr. Speaker, if we do that on a bipartisan basis, the American people will have new confidence that we, too, understand in Congress the need to come together as a Nation. It is time for both parties to draw that clear line and do everything in our power to make certain that another Oklahoma City tragedy never occurs.

## HAITIAN POLICY—ANOTHER WASTE OF UNITED STATES TAXPAYERS DOLLARS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, on April 11, the Associated Press ran a story that I believe bears noting: "Postponed Elections, Unrest, Could Prolong U.N. Mission." That one small headline speaks volumes. Keep in mind that there are more than 2,400 American troops on the ground in Haiti still and that we have already spent in excess of $1.4 billion on that small Caribbean island. Although the May update from the administration on the situation in Haiti is not available yet, I think we all understand that the possibility of a longer mission—even under the auspices of the United Nations—equals more American tax dollars and more exposure for our troops. With that possibility clearly on the table, perhaps the President will refocus his attention on Haiti for a moment to give us a candid answer to this candid question: Despite all of the money, time, and manpower the United States has already poured into Haiti, are we really headed for a longer term commitment than February 1996? It seems to me that we are. April voter registration was supposed to bring May elections to Haiti and Haitians. But those elections, originally planned for last December, have once again been pushed back—this time to the end of June. The longer that deadline slips, the longer Haiti goes without its 700 local elected officials and without a parliament—and that does not bode well for the growth of Haitian democracy.

General crime and lawlessness aside for the moment, politics in Haiti are becoming an increasingly dangerous pursuit. From the murder of former Deputy Eric Lamonthe on March 7, to the gunman's assault on Philip Stevenson as he departed a Panpra Party meeting on March 14, to the brutal assassination of Madame Bertin on March 28, to violent clash on April 17 between the supporters and opponents of one political candidate in the city of Cap-Hatien—it is clear that, in Haiti, it pays to keep your head down and your hat out of the political ring. In addition to these personal attacks, machete and rock-wielding mobs have launched a series of attacks on electoral offices in La Chapelle, Petite-Riviere, Saint-Michel and Grande Saline, to name just the Artibonite Valley hotspots. Clearly, this is not what an elections process is supposed to be about.

Of course, violence is not the only thing threatening to disrupt elections. Voter registration is behind schedule and reports from politicians, law enforcement and electoral officials alike indicate that voter cards are being sold to the highest bidder. But we should return to the issue of general lawlessness as well. Jobless Haitians who once lined up peacefully outside of outside of United Nations and United States military headquarters have begun staging aggressive, impassioned jobs protests. Just last week in the market at Tete-Boeuf, 20 gunmen fired randomly into crowds and robbed bystanders in an effort to gain control of that small commerce center. United States businesses in Haiti report that smuggling and general lack of authority mean that legitimate businesses cannot prosper. Additionally, although I do not want to overstate the significance of the numbers, there are Haitians who are still feeling desperate enough to get into boats and take to the seas. The Coast Guard has intercepted several boatloads this month with more than 240 Haitians on board and bound for Florida. Reports from Turks Caicos indicate that they have enlisted the help of the United States Coast Guard to stem the increased flow of Haitians to their shores. These are Haitians who have been misled and told that they were being taken to either the Bahamas or the United States or that the they could get into the United States via centers in Turks Caicos. With the Artistide government's recent announcement of their adamant opposition to negotiating another repatriation agreement with the United States, there are clearly some important issues to be dealt with in the coming months. Congress returns now to begin the budget cycle. As we are looking for ways to maximize the benefit of every tax dollar we spend, I believe that the President owes this Congress and Americans across the Nation some answers about where we stand in Haiti, where we are going and how much it is all going to cost before this episode is over and done. Most Americans agree our present Haitian policy is another waste of United States taxpayer's dollars.

## THE OKLAHOMA CITY TRAGEDY

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, I think that, before we begin our legislative business, we must pause, remember, and offer our prayers to those who faced the senseless and brutal bombing in Oklahoma. I believe we can agree that a safe, secure, and open nation is important to all of us.

As Americans, we must recognize how interdependent we are—young and old—black, white, yellow, and brown—rich and poor—we all mourn with our fellow citizens in Oklahoma.

And, we pray for those who were injured or died because of this tragedy, as well as for those—friends, families, and loved ones—who must live with it—and, for us, as a nation.

Tragedies such as this remind us of how vulnerable we are—how fleeting and precious life can be.

We are also reminded of the need, many of our citizens have, for direction—for strong, moral leadership.

If the Oklahoma bombing does nothing else, it should compel us to assume those roles for which we were elected—to legislate in the best interests of America—to lead in the best tradition of the Congress of the United States. Now, more than ever, we need forceful leadership—leadership that can put aside party and politics and put the people in front—leadership that can overlook minor differences and concentrate on major results.

It is easy to stand in the way. Many can do that. It is difficult to make a way. Few can do that.

But, I offer this challenge to my Democrat and Republican colleagues alike—each a leader in his or her own right—let the bickering end—let breakthroughs begin.

There are so many perils in this world—injury, disease, famine, nature's occasional vengeance, the unknowns and uncertainties of life, and the assurance of death.

One wonders why, given these natural hazards, any person would create further hazards of the kind that caused the harm, the death, the destruction and the pain of the Oklahoma bombing.

Consider this, however—to those who watch us on C-SPAN, when we are in session—we display attitudes that far too often fuel division and fight consensus.

To those who watch us on C-SPAN, our philosophy, our point of view, more often than not, seems to become paramount to concordance or compromise.

And, while no Member has the intent of promoting malice—to those who watch us on C-SPAN, at the very least, we seem to wink and nod at the very worst in relationships. We live in a time of much hope—and a time of great despair.

Hope—engendered by what we can be. Despair—engendered by what we are.

Let us lead by example.

When Nelson Mandela was freed from the jail that confined him by the jailer that kept him, he did not use the power he later secured to hurt him, instead he used the conditions that caused his incarceration as an example of what humankind could be.

Nelson Mandela invited his jailer to his inauguration—as a special guest.

As we begin our legislative business—let us lower the volume—let us eliminate the venom—let us stand for consensus—let us not forget those principles that made this a great nation, all are created equal, with certain inalienable rights and that among those rights are life, liberty, and the pursuit of happiness—let us not forget Oklahoma.

## A DARK CHAPTER IN AMERICAN HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized during morning business for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I am grateful for the time this morning, and I in many ways endorse what the preceding speaker, the gentlewoman from North Carolina [Mrs. CLAYTON] had to say. I was listening with great interest this morning to my fellow newcomer, the gentlewoman from Texas [Ms. JACKSON-LEE], and indeed at the outset of her remarks I would endorse fully that no one, no one in this Chamber, would ever endorse the acts of violence, the unspeakable acts against those in Oklahoma City.

History points a way for us, it compels us, it offers lessons, and at this juncture in human history, at this juncture in the history of this proud Republic, I believe it is important for all of us to remember the admonition of that great and good man, Dwight David Eisenhower, who led the most powerful army ever assembled in the free world against the most onerous and evil regime in human history. Eisenhower, when he stepped onto the beach at Normandy following the waves of invasion, noted that it was impossible to walk a step without stepping on dead or decaying human flesh, such was the magnitude of destruction there, and yet following the war's completion and the restoration of peace, when Dwight Eisenhower answered a clarion call to serve this Republic as its Chief Executive, he made some very valid points regarding political battles. To paraphrase Ike, he said, "Always believe the best of your political adversaries. Always assume that they, too, want what is best for the American people and yet move in a different direction under a different philosophy to bring about their desired results."

I think those words are incredibly important for us to remember as we again come into this Chamber, the site of so much of our history. Let us note once again that good people may agree to disagree. Let us not impugn the motives of those duly elected by their respective districts to offer a point of view as we move to achieve a consensus. But by the same token, and perhaps it is somewhat ironic because, after all, the political process is the vehicle which brings us here. Let us never confuse dissent with hatred. Let us never politicize such a tragic event as the one that occurred in Oklahoma City in hopes of increasing our number for either side of the aisle. Let us truly join together in debate that is, yes, oft times contentious, but always with the knowledge of the inherent wisdom of what Dwight Eisenhower said, that good people may disagree.

And I noted with some concern this morning the seeming implication that there was silence from this side, that there was an endorsement of violence, and, if I mistook the remarks, then I would stand corrected. But let us all avoid the temptation to politicize this dark chapter in American history, and let those who are working amidst the rubble in Oklahoma City to rebuild lives, to revitalize their community, let them stand as an example to the overwhelming goodness that is ours in this constitutional republic.

To the people of Oklahoma City and to the people of the United States of America, Mr. Speaker, I say, Let us rejoice in this process of representative democracy that allows us to peacefully state our differences.

## THE NATIONAL TRAGEDY IN OKLAHOMA CITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from California [Ms. PELOSI] is recognized for 2 minutes.

Ms. PELOSI. Mr. Speaker, I rise to join some of my colleagues this morning who have extended the sympathies of their constituents to our colleagues from Oklahoma, to their constituents and, most importantly, to the families of those who lost their lives in the Federal building there. We have a natural political governmental connection to those folks because they carry out the work of public policy whether it is helping a child get a Social Security number at birth or whether it is the senior citizen applying for Social Security benefits at the end of life, housing in between and the rest, and they indeed were great public servants and will be sorely missed.

At this time of national tragedy, Mr. Speaker, of course we must focus on the personal heartbreak, and I hope it is some source of consolation to the people of Oklahoma City that the world grieves with them, that more than anything in life we wish that would never have happened, that the innocent victims, that would be all people involved there, would not have

had to pay the price that they are paying.

For as long as I can remember, Mr. Speaker, the word "Oklahoma" was fraught with a spirit of the greatest optimism whether it was on the musical stage or whether it was on the football field, and that spirit once again is very conspicuous in the activities in Oklahoma City as people unselfishly and tirelessly fight the battle of time to try to save lives and try to save dignity. I hope again, as this source of some consolation to those who lost their family members in Oklahoma City, that this should engender a spirit of national reconciliation. Many colleagues have talked about the tone of remarks and what was intended and what was not. Let us remove all doubt that in our public debate and in our rhetoric that we will take the high road, that we will not use words that hurt or can endanger, and that we know a better way, and that when we proceed to have our differences discussed, we will have absolutely no doubt in our mind that none of our words could have contributed to an act of violence.

Once again I want to extend the condolences of the people of San Francisco. We have suffered our share of natural disasters. It is impossible to fathom a criminal act that would take life, and we send our deepest, deepest sympathy.

## THE GREAT TRAGEDY OF OKLAHOMA CITY

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 come to the well to join the gentlewoman from San Francisco in saying that the people I represent in Denver, CO, also send their very, very strongest sympathy and condolences to the tremendous tragedy that has been inflicted upon the people in Oklahoma City. As my colleagues know, I have many Federal employees in Denver, CO, and I think they have felt really under the gun literally of late. People have been so free with bashing bureaucrats 24 hours a day, like they were faceless, they were nameless, they are familyless, and maybe this will kind of calm us all down, and bring us to our senses, and point out that these are human beings, that they are trying very, very hard to do something that this country has done better than almost any other country on the planet, and that is provide very distinguished, high quality service through the Federal Government.

Now that is not a politically popular thing to say. That is not an applause line on today's talk show circuit. But let us talk a bit about the Federal Government and its long distinguished history.

When I was at Harvard Law School, if someone said, "You could work for the U.S. Justice Department," they would get goose bumps because the U.S. Justice Department was out on the front lines making sure that there were not huge trusts that prevented competition. It kept some competition alive so the consumers got a good deal and that some big fish did not eat all the little fish, and we were proud of that. They were also out there making sure this country kept its promise, that when we said America believed in liberty and justice for all, it was out there making sure that people were not putting up racial barriers, or religious barriers, or gender barriers, or any other kind of barriers, that, if one is an American citizen, they have a right to have their dream become reality, that if they had the talent and the will to do something, this Justice Department made sure that they got that chance. It made sure that people were not putting barriers in their way to vote. It made sure that all sorts of environmental things were beginning to happen for the first time, that we started trying to take care of this planet.

I say to my colleagues, "Of late, when you go to law schools and say you can work for the Federal Government, people say, 'No, no, I don't want to do that.' Now what has happened in these last few years that our young people are hesitant to sign up for Federal service when it has had such a long distinguished period?"

I think that is something we, as Americans, have to ponder because Federal service will never be better than the people that run it, and we have had a history of having the most nonpolitical Federal service in the world, that we have believed these people should take very rigorous exams, and that is what they do, and that these be competitive exams, and that they compete for these jobs and, their loyalty is to you, the taxpayer, not me, a Congresswoman, or not the President of the United States, or not the Supreme Court. Their loyalty is to the citizens of America to try and make this work.

Now things are never perfect. They never always work as well as we all hope they are, but they are continually trying to work and make it better, and I would put our public service up against any other public service of any other national government when we look at the high quality, the lack of scandal. I mean tell me the last time we saw a bribe or something like that occur where we really brought disgrace to the Federal service? It has not been the Federal servants that have been doing it, it has not been the civil servants that have been doing it. They have been exemplary in almost all cases. So to see this incredible reign of terror rain down on their head because they were such easy targets really seems very unfair.

So, as our hearts go out to the people who have suffered this great tragedy, let us hope that we learn from this, that we learn from this that we lower our voices, that we once again take pride in the fact that we have a phenomenal Park Service because of the Federal Government, that we have a strong Immigration Service because of the Federal Government, that we have a Social Security System that works very well because of the Federal Government, that we have many, many things we, as Americans are proud of. We have a justice system because we say we are a government of laws and not of men, that people are not to take their law in their own hand.

So let us be a little more thoughtful, and let us also continue to extend sympathy for people that have lost things that can never be replaced.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COMBEST].

## PRAYER

The Reverend Dr. Clyde H. Miller, Jr., conference minister, retired, United Church of Christ, Denver, CO, offered the following prayer:

Let us pray:

Everliving and everloving God, we come before You in the solemnity of this moment with gratitude for the wholeness of creation, born out of Your goodness and Your mercy.

We come to You to consider our calling to serve the common good and, in our understanding of that calling, hear our prayer for a new discernment as to what the common good shall be. Hear our cry as we brood over the emergent alienation in our Nation that for so long, for far too long, has had violence as its expression.

Allow Your spirit to hover over our deliberations in this place, to be sensitive to the harsh realities of all of us, and especially those who are marginalized, and do not allow any of us to objectify any other persons who are Your person. Unite us anew as a whole people under God.

We know that You are near in all of our collective deliberations and even in our solitude, and be with us this day.

As our prayers ascend into Your throne of mercy, answer them as You will. This we pray. Amen, and amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER 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.

## A WARM WELCOME TO OUR GUEST CHAPLAIN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I take the well with great pride, because the visiting chaplain today, Dr. Clyde Miller, is from my church in Denver, CO. In fact, I am a member of his flock. For those of you who wondered if there was anyone who would claim me, yes, and I must say how very, very proud I am. I am going to put his résumé in the RECORD at this time, because he has a very, very long history of doing things, not only preaching but practicing. And I think what he said are all things he has practiced very hard and very diligently all his life and has been a great role model for how we do that. But basically one of the reasons that I have always enjoyed so much listening to Reverend Miller is the fact that he has a Barbara Jordanesque voice, that through all the clutter and noise, and through all of the conflicting things that pull and tug at us, his voice is able to pierce right through that and touch the souls of people who really need to be touched.

I think that is truly a gift, and a gift that he has used and utilized well, and I thank him very, very much for being with us to launch this second session of the Congress.

I include for the RECORD Dr. Miller's résumé.

REV. CLYDE H. MILLER, JR.,
*Denver, CO, March 30, 1995.*

Rev. Clyde H. Miller, Jr. retired as Conference Minister of the Rocky Mountain Conference, United Church of Christ, in 1993 where he had served since 1980. During his service he was responsible for the mission, education, and outdoor ministries. Serving as a pastor to pastors and to the 90+ congregations in Colorado, Utah and Wyoming, he was responsible for helping pastors and congregations in the placement process, resolving conflicts, and planning mission and outreach strategies.

Prior to this position he was the Executive Director of the Boston City Missionary Society for eleven years. At CMS he was the executive for the century-old United Church of Christ institution organized to be an advocate for inner-city poor. In addition to supervising a staff of twenty persons, he was responsible for development.

Earlier he had worked for the National Catholic Conference for Interracial Justice in Chicago, Illinois. He also served as the Christian Education Executive for the Church Federation of Greater Chicago.

His first position following his graduation from the Chicago Theological Seminary and his ordination in 1958, was an Assistant Pastor of the Church of the Good Shepherd, Congregational for six years.

A graduate of Talladega College, he has served as adjunct faculty member at Wesleyan (CT) University, Boston College, and Colorado College.

A native of Middlesboro, KY, he is married, has two daughters and two grandchildren.

Mr. Miller is concluding this month a one-year stint as an interim pastor at the First Christian Church Disciples of Christ in Boulder, Colorado and is now interim pastor at Eastside Christian Church, Denver, Colorado.

## THE OKLAHOMA CITY BOMBING

(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, when a terrorist's bomb tore a hole in the Murrah Federal Building in Oklahoma City, its impact was felt across the country. We all grieved with the families and we prayed that the rescue workers would find more survivors.

Their grief leads us to want to affirm our country as both free and tolerant. Here is Congress, we must call on people of good will from both parties to repudiate extremist, paramilitary forces and provocative rhetoric that pushes people to violence and terrorism. By doing so, we do not politicize a tragedy, we live up to our responsibilities to respond to this tragedy.

The images of bloodied babies being carried from the smoking rubble of the Murrah Building and the grieving families will stay with us for a long time. But, we should also remember the heroes of the Oklahoma City. Remember the rescue workers and the volunteers. And, remember the indominable spirit of the people of Oklahoma City. Our thoughts and prayers remain with them, today. And, we owe it to them, to both the victims and the heroes of Oklahoma City, to stand up to the forces that seek to divide us with words of hate.

## THE PEOPLE WANT WASHINGTON TO CHANGE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, last month I went back to my district and returned to a place far different from Washington. In my district, there are families who work hard and play by the rules. And, they are careful not to spend more than they take in. If they do not, they run afoul of the law.

In Washington, however, things are different.

In Washington, it's OK to waste other people's money.

In Washington, it's OK to spend lavishly on ineffective programs.

In Washington, it's OK to disrespect the values that ordinary Americans live by every day.

When I returned home over the recess, I listened to my constituents. I can tell you one thing, Mr. Speaker, they want Washington to change. They want a government that will respect simple virtues, not one that creates deficits and debts to be passed on to our children and grandchildren.

Mr. Speaker, in the first 100 days, we Republicans proved that promises can be made and kept. In the next, we will show that Washington truly can be changed.

## SUPPORT FOR FEDERAL EMPLOYEES NEEDED

(Ms. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RIVERS. Mr. Speaker, one cannot read a newspaper these days without understanding that there is a supposed war between the Government and the people. But who is the Government? These days we often hear attacks on Federal employees around their benefits, around their pay, as if they do not have mortgages to pay, as if they do not have to feed and clothe children, as if they do not pay taxes like other workers in this country.

It is suggested they are nameless, faceless bureaucrats, not the people who fight our drug wars, not the people who care for sick veterans, not the people who make sure our food and water is safe. These are real people, and the tragedy in Oklahoma showed us so very well that these people bleed real blood, they cry real tears, and they lose real lives.

To paraphrase a familiar saying, we have met the government, and it is us.

## WORK ON BALANCING BUDGET BEGINS TODAY

(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, what a difference this Republican majority has made. I think it is real simple. We did what we said we were going to do. It was promises made and promises

kept. The American people like what they saw in the first 100 days, and the Republican majority is committed to keeping our promise with the American public, to balance the budget and make Government smaller and less costly and more efficient and more accountable to the people.

But much remains to be done. Much of the heavy lifting remains to be done. Now we have to get to work, balancing this budget. We begin today.

## GOVERNMENT MUST BE A PARTNER IN TRUTH

(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, no doubt the bombing in Oklahoma City was an evil act, and those responsible truly deserve the death penalty. But April 19, 1995, Oklahoma City, and April 19, 1993, Waco, TX, do not appear to be a coincidence to me, and I think the investigation should also focus on that. Many Americans simply did not believe the Federal Government's account in Waco, TX. And when our Government, Mr. Speaker, appears to conceal and hide the truth, our Government plays right into the hands of radical fringe groups with an ax to grind.

Mr. Speaker, the American people deserve to know the truth about Oklahoma City; and, Mr. Speaker, the American people deserve the truth about Waco, TX. The truth shall set you free, there is no substitute for the truth, and the Government must also be a partner in the truth factor in America.

## BRINGING TOGETHER THAT WHICH THE AMERICAN PEOPLE WANT

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, we come back fresh, relaxed; refreshed in the spirit of good will, working together, feeling good; feeling good about having been away, frankly, away from the partisan ship, away from the negativity, away from the acrimony. And we come back with the high hopes for balancing our budget, for bringing together the things that the American people want.

I am reminded of something that Abraham Lincoln said over 100 years ago, and I wanted to share it with the House in the hopes that it might encourage my colleagues to bring this spirit in the next 100 days.

He said: "You can't bring about prosperity by discouraging thrift. You can't strengthen the weak by weakening the strong. You can't help the wage earner by pulling down the wage payer. You can't further the brotherhood of man by encouraging class hatred. You can't keep out of trouble by spending more than you earn. You can't build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves."

## SUPPORT FOR FREE SPEECH

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the Oklahoma City tragedy has spread some connective tissue among Americans. It has compelled us not only to recognize our fragile vulnerability, but to reaffirm our basic unity. I am bemused by the new crop of civil libertarians the crisis has awakened. They are a welcome sight, especially those who regularly vilified others who defended unpopular speech on the left and right. Talk show hosts and Members of Congress now often sound like card-carrying members of the ACLU.

I hope that the new found zeal for civil liberties carrier forward when the next bill to curtail them comes to the floor, or when the militia come at us from the left instead of the right.

As a young constitutional lawyer, I was put to the first amendment test when I was called on to defend racists and neo-Nazis. I really had no choice. Surely now we know that none of us do. Free speech is unequivocal, unpolitical, and indivisible.

## REAUTHORIZATION OF LEGAL SERVICES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, very soon now the Congress of the United States will be taking up the vexatious issue of the reauthorization of Legal Services. Over the years, the original purpose of this effort to help the poor has become warped and expanded, and sometimes described as out of sight from the original purpose. The shade of opinion as we sit here today ranges from an attempt to zero it out entirely to expanding even further the powers that already are vested in it.

We intend in our committee, in the Administrative Law Subcommittee of the Committee on the Judiciary, to take up this issue through a reauthorization set of hearings, possibly beginning next week. At that time we will let the American public know what these opinions are. Should we expand the powers of Legal Services or should we zero it out, or perhaps somewhere in the middle. To go back to the original purpose, to allow the poor to have access to the courts, should be the guiding light of what we finally do with Legal Services in our country.

□ 1115

## TRIBUTE TO FEDERAL EMPLOYEES

(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, I rise today in remembrance of the victims of the Oklahoma City bombing at the Alfred P. Murrah Federal Building and I wish to pay tribute to all Federal employees who are so dedicated in their service to our Nation.

At 9:02 a.m. on Wednesday, April 19, when the blast leveled half of the Alfred P. Murrah Federal Building, Federal employees were helping veterans receive benefits and other assistance they need; Federal employees were helping poor families afford decent housing and to one day own their own home; Federal employees of the Social Security Administration were helping seniors obtain retirement benefits they so rightly deserve, and Federal employees of the ATF and FBI were working to make our streets safer and our lives more secure.

Ironically enough, we saw the clearest evidence of the invaluable work of Federal employees after the Oklahoma City bombing. We saw Federal employees from FEMA go to Oklahoma city to help free victims from the rubble of steel and cement and help save lives. We saw Federal employees of the FBI quickly respond with an all-out manhunt which produced the prime suspect within hours of the bombing. We saw Federal employees here in Washington volunteering their accrued leave time for the benefit of the survivors of the bombing.

Mr. Speaker, it is the dedication of these Federal employees that truly makes our Nation a united one in times of crisis and hardship.

## REVOLUTION SWEEPING ACROSS AMERICA

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, it certainly is an honor to be here this morning, and it was an honor to be back in my district during the break and see the excitement that people had about where this country was going, where their government was going. And to follow up on what a few speakers have said before me, we are not antigovernment.

This revolution that is sweeping across Washington is not an antigovernment revolution. When Thomas Jefferson said that the government that governs least governs best, he was not saying that being antigovernment. He was saying it being pro-freedom, and that is what this has been about. That is what this

100 days has been about. And this is what we are going to do with the next 100 days and the next 2 years; we are going to restore the American dream and, yes, we must pay tribute to the Federal employees that not only lost their lives but also those that went out and sacrificed and worked throughout this tragedy.

But it is our purpose and our function and our goal to free all Americans from an overbearing centralized bureaucracy, so Federal employees and all citizens can enjoy the American dream and can look back to Thomas Jefferson's statement that the government that governs least governs best as a statement that does not decry Federal Government but praises freedom in America. That is what the American dream is about and that is what we are going to be doing the next 100 days, continuing to revive the American dream.

## THE NEXT 100 DAYS

(Mr. TATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TATE. Mr. Speaker, when I ran for office going door to door, people would always tell me, do what you said you were going to do. And that is exactly what the House Republicans did when they came to Congress: promises made, promises kept.

As I had town hall meetings throughout my district, talking to people, they said: We appreciate what you are doing. Do not listen to those special interest groups tell you do not do this, do not do that. Stick to your guns.

That is exactly what we are going to be doing over the next 100 days. We are going to take on the deficit. We are going to balance our budget. There is an $18,500 debt for every man, women, and child in this country. For my daughter Madeleine, that is unacceptable. She should not be saddled with an $18,000 debt.

The question really is going to be in the next 100 days, do we borrow or do we balance? Do we borrow or do we balance? The people of my district and the people of this country and the people of American have said they want Congress to balance its budget. That is exactly what we are going to do over the next 100 days.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the 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 vote, if postponed, will be taken after votes on the motion regarding a conference on H.R. 1158.

## EXPRESSING THE SENSE OF CONGRESS REGARDING A VISIT BY THE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 53) expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States, as amended.

The Clerk read as follows:

H. CON. RES. 53

Whereas United States diplomatic and economic security interests in East Asia have caused the United States to maintain a policy of recognizing the People's Republic of China while maintaining solidarity with the democratic aspirations of the people of Taiwan;

Whereas the Republic of China on Taiwan (known as Taiwan) is the United States sixth largest trading partner and an economic powerhouse buying more than twice as much annually from the United States as do the 1,200,000,000 Chinese of the People's Republic of China;

Whereas the American people are eager for expanded trade opportunities with Taiwan, the possessor of the world's second largest foreign exchange reserves;

Whereas the United States interests are served by supporting democracy and human rights abroad;

Whereas Taiwan is a model emerging democracy, with a free press, free elections, stable democratic institutions, and human rights protections;

Whereas vigorously contested elections conducted on Taiwan in December 1994 were extraordinarily free and fair;

Whereas the United States interests are best served by policies that treat Taiwan's leaders with respect and dignity;

Whereas President Lee Teng-hui of Taiwan, a Ph.D. graduate of Cornell University, has been invited to pay a private visit to his alma mater and to attend the annual USA-ROC Economic Council Conference in Anchorage, Alaska;

Whereas there are no legitimate grounds for excluding President Lee Teng-hui from paying private visits;

Whereas the Senate of the United States voted several times in 1994 to welcome President Lee to visit the United States; and

Whereas Public Law 103-416 provides that the President of Taiwan shall be welcome in the United States at any time to discuss a host of important bilateral issues: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President should promptly indicate that the United States will welcome a private visit by President Lee Teng-hui to his alma mater, Cornell University, and will welcome a transit stop by President Lee in Anchorage, Alaska, to attend the USA-ROC Economic Council Conference.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this concurrent resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes, and the gentleman from California [Mr. BERMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on Asia and the Pacific, this Member rises in strong support for House Concurrent Resolution 53, expressing the sense of the Congress that the United States should grant a visa to President Lee Teng-hui of Taiwan for a private visit to the United States to receive an honorary degree from his alma mater, Cornell University.

This Member commends the initiative of the author of this resolution, the distinguished gentleman from California [Mr. LANTOS]. This Member would also commend the chairman of the International Relations Committee, the distinguished gentleman from New York [Mr. GILMAN] for bringing this resolution before this body in a timely manner.

Action of the House International Relations Committee on this resolution has demonstrated overwhelming bipartisan sentiment that the United States should grant a visa to President Lee for such a private visit. On April 5, the Subcommittee on Asia and the Pacific and the full Committee on International Relations unanimously endorsed the resolution. It continues to be this Member's view that issuance of a visitor's visa to President Lee is not inconsistent with the United States "One China" policy which limits official contact with Taiwan. Moreover, this Member believes that issuance of the visa is only fitting considering our close economic ties with Taiwan and the democratic strides made by President Lee's government.

The United States pioneered, through the Taiwan Relations Act in 1979 and the establishment of the American Institute in Taiwan, the successful maintenance of unofficial ties with Taiwan. Even as the United States shifted its official recognition in 1979 from Taipei to Beijing, the Congress made it clear to the Chinese that the United States would maintain cultural, commercial, and other unofficial ties with Taiwan. Moreover, as mandated by the Taiwan Relations Act, the United States provides defense material and training to Taiwan to enable it to maintain a sufficient self-defense capability.

The question then is: Why the President of Taiwan would not be permitted to make a private visit to the United States to receive an honorary degree at his alma mater? The State Department's response is that, and I quote, "a visit by a person of President Lee's title and symbolic importance, whether or not the visit were termed 'private,' would unavoidably be seen by the People's Republic of China as removing an

essential element of unofficiality in the United States-Taiwan relationship." That may be the case, even though that is not an objective conclusion by the PRC, but that conclusion on their part should not be the determining factor in the administration's decision.

The State Department is obviously correct in noting that we have major interests in maintaining a positive relationship with Beijing. In fact this gentleman is committed to improving and deepening that relationship between the United States and the People's Republic of China. In several of my statements as chairman of this subcommittee, for example, this Member has stressed his view that we should not isolate or demonize China. But, at the same time, we cannot let Beijing dictate to us who can or cannot make a private visit to his alma mater in the United States. What this resolution is endorsing is a very reasonable and specifically limited exception from the current U.S. policy. The State Department seems to have ignored one key principle when making this decision. That principle is that our foreign policy, if it is to be sustainable with the American people and Congress, must meet the commonsense test. In this Member's view, refusing to grant a visitor's visa to the President of a thriving democratic friend of the United States, who would enter our country simply to receive an honorary degree at his alma mater, does not make sense. It is not a commonsense, foreign policy judgment. The resolution before us today would call for the administration to make an exception to its policy in this instance so that President Lee can visit Ithaca, NY, to receive an honorary degree from his alma mater, Cornell University.

Mr. Speaker, this Member will vote for House Concurrent Resolution 53 and urges all his colleagues to do the same.

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

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 53, which expresses the sense of Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States, passed out of the Asia and the Pacific Subcommittee on April 5 on an 8-to-0 vote and was voted out of the full committee on the same day on a 32-to-0 vote.

I was an original cosponsor of the resolution, along with my colleague, the gentleman from Nebraska [Mr. BEREUTER], chairman of the subcommittee, having written the Secretary of State urging a change in our policy.

President Lee, as the first native-born President of Taiwan, represents more than anything else a beacon of hope to Taiwanese eager to gain recognition for their accomplishments. Taiwan has emerged as a major world economic power, becoming the United States sixth largest export market and our second largest market in Asia after Japan. We sell about twice as much to Taiwan as we do to the People's Republic of China.

Taiwan, under the leadership of President Lee, has made dramatic political progress. Democratic elections have been held. In 1996, for the first time there will be direct elections for the President.

Despite these positive developments, we treat Taiwan as a second-class, not a world-class citizen. This resolution attempts to rectify that imbalance by demonstrating congressional support for a change in administration policy.

I think the administration is beginning to understand the need for a policy change. Last September the administration announced a welcome change in our policy toward Taiwan which included permitting high level official visits. During a meeting with the Chinese Foreign Minister this April, April 17, Secretary of State Christopher, according to the State Department, "made clear that the American public and particularly the American Congress do not understand the Chinese position opposing a Lee visit." He noted that "many people in Congress, including good friends of Beijing, do not understand why a visit to the alma mater to pick up an honorary degree would have to be seen as official in nature."

Allowing President Lee to visit the United States and officially to receive an honorary degree at his alma mater, Cornell University, should not be interpreted by the Chinese as a slap at them but rather a recognition of our continuing friendship with Taiwan. Nor should this be seen as an effort to undermine or alter the administration's One China policy. A change in our policy concerning a visit by the Taiwanese President does not and should not be seen by China as constituting a change in our policy toward China. Nothing in the Taiwan Relations Act or the joint communiques address the issue of high level visits.

Mr. Speaker, if the administration does not change its policy to permit President Lee to make an unofficial visit, I believe Congress will attempt to mandate a change in policy. House Concurrent Resolution 53 sends a strong signal of bipartisan sentiment on this issue that I hope the administration will heed.

I join with the gentleman from Nebraska [Mr. BEREUTER] in urging this body to pass this resolution unanimously.

Mr. Speaker, House Concurrent Resolution 53, "Expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States," passed out of the Asia and the Pacific Subcommittee on April 5 on an 8-to-0 vote and was voted out of the full committee on the same day on a 32-to-0 vote. I was an original cosponsor of the resolution. I have also written the Secretary of State urging a change in our policy.

Allowing President Lee to visit the United States unofficially to receive an honorary degree at his alma mater, Cornell University, should not be interpreted by the Chinese as a slap at them but a recognition of our continuing friendship with Taiwan. Nor should this be seen as an effort to undermine or alter the administration's One China policy. A change in our policy concerning a visit by the Taiwanese President does not and should not be seen by China as constituting a change in our policy toward China. Nothing in the Taiwan Relations Act or the joint communiques addresses the issue of high level visits.

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Despite these positive developments, we treat Taiwan as a second-class, not a world-class, citizen. This resolution attempts to rectify that imbalance by demonstrating congressional support for a change in administration policy: Let Lee come.

I think the administration is beginning to understand the need for a policy change. Last September, the administration announced a welcome change in our policy toward Taiwan which included permitting high level official visits.

During a meeting with the Chinese Foreign Minister on April 17, Secretary Christopher, according to the State Department, "made clear that the American public and particularly the American Congress do not understand the Chinese position opposing a Lee visit." He noted that "many people in Congress, including good friends, of Beijing, do not understand why a visit to the alma mater to pick up an honorary degree would have to be seen as official in nature."

If the administration does not change its policy to permit President Lee to make an unofficial visit, I believe Congress may attempt to mandate a change in policy. House Concurrent Resolution 53 sends a strong signal of bipartisan sentiment on this issue that I hope the administration will heed.

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

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to thank our good chairman of the Asia

and Pacific Subcommittee, the gentleman from Nebraska [Mr. BEREUTER], and the ranking minority member, the gentleman from California [Mr. BERMAN], for bringing this important resolution before us today. I also want to commend the author, the gentleman from California [Mr. LANTOS], for crafting this resolution, House Concurrent Resolution 53 regarding approval of a private visit by President Lee or the Republic of China on Taiwan.

Taiwan is a democracy, yet its President cannot visit our Nation.

There are no political prisoners in Taiwan, yet its President is prohibited from visiting our Nation.

When the Charter of the United Nations was signed on June 26, 1945, in San Francisco, the nationalist regime in China was one of the cosigners and founding members, yet the head of that Government is not allowed to visit our Nation.

This is unacceptable. This injustice must not be allowed to continue.

And I agree with the minority party in Taiwan, the DPP, that their Nation's President should be welcomed here in a way befitting Taiwan's stature, a visit to receive an honorary degree is a far cry from a visit to the White House.

If President Lee desires to accept an invitation to go to Cornell, then he should be allowed to go to Cornell.

The People's Republic of China can commit acts of aggression against citizens of the Philippines in the South China Sea and yet the State Department has nothing to say about that. But when a leader of a democratic nation wants to peacefully travel to the United States, we find a reason to intervene.

The authorities in Beijing continue to hold Wei Jingsheng, who was arrested after Assistant Secretary John Shattuck met with him, but the State Department does not prevent them from visiting the United States.

The authorities in Beijing continue to engage in proliferation of dangerous weapons to dangerous regimes but the State Department has not stopped visits by Chinese military personnel to our country.

Authorities from the Chinese puppet regime in Tibet have their visit to the United States paid for by USIA with State's approval, yet his holiness the Dalai Lama is given a cold shoulder by the State Department when he visits us.

Enough is enough. We have to put some balance back into our relationship with Taiwan and Beijing.

President Lee should be allowed to visit the United States and we urge the administration to approve his visit.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield 9 minutes to the gentleman from California [Mr. LANTOS], the sponsor of the legislation and the distinguished ranking member of the Subcommittee on International Relations and Human Rights.

Mr. LANTOS. Mr. Speaker, I thank the distinguished ranking member of the Subcommittee on Asia and the Pacific for yielding time to me.

Mr. Speaker, I want to commend the chairman of the subcommittee, the gentleman from California [Mr. BEREUTER], and the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for their strong support of this resolution. I think it is ironic, Mr. Speaker, that we are dealing with this issue today at a time when our administration is proposing principled and courageous action with respect to the terrorist regime of Iran. It seems to me that our administration deserves a great deal of support and commendation for its courageous and powerful move against the terrorist regime in Teheran at the same time it merits criticism for continuing an unprincipled and spineless policy towards our friends on Taiwan.

I should point out, Mr. Speaker, that this is not a new policy. The Reagan administration had the same unprincipled and spineless policy. The Bush administration had the same unprincipled and spineless policy. I profoundly regret that the current administration has chosen not to change that policy, so it is up to the Congress to change that policy.

In 1968 an enormously talented young scholar from Taiwan received a Ph.D. degree from one of our most distinguished universities, Cornell University. That man went on to become the President of our friend, the Republic of China on Taiwan. Now Cornell University has chosen to honor him with an honorary doctorate, and in an unconscionable fashion our Government would want to exclude this distinguished scholar and statesman from going back to his own alma mater to receive an honorary doctorate. This is a policy which is unacceptable to the Congress of the United States.

Some would argue, Mr. Speaker, that there are economic reasons why this policy should be unacceptable, and certainly Taiwan is one of our great trading partners. The small population of Taiwan is buying twice as much from the United States than do the 1 billion 200 million people on the mainland of China, but that is not my reason for submitting this resolution.

If Taiwan were to buy not a dime's worth of American products, as a matter of principle we should insist that President Lee come to Cornell to receive his honorary doctorate. I find it particularly galling that an administration which can tell our longstanding friend and ally, the United Kingdom, to go fly a kite and receive Gerry Adams in the White House—as I believe he should have been received in the White House—should kowtow to Beijing, a Government which distinguishes itself with an outrageous human rights record in China, in Tibet, and elsewhere. I think it is long overdue that we stop kowtowing to the Communist butchers in Beijing, and to stand on our own principles. It will be a proud day when the President of Taiwan visits his own alma mater and receives his well-deserved honorary degree, and I urge all of my colleagues on both sides to support this resolution.

Mr. BEREUTER. Mr. Speaker, I want to thank the distinguished gentleman from New York [Mr. GILMAN] for his outstanding comments.

Mr. Speaker, I now have the pleasure of yielding such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, and certainly one of the Members most knowledgeable about Taiwanese and Chinese relations, and I look forward to his comments.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California for yielding me this time, and I thank him for his yeoman work as the chairman of a subcommittee of the very important Committee on International Relations.

Mr. Speaker, I rise in the strongest support of this resolution, and I commend my friends, the gentleman from California [Mr. LANTOS and Mr. BERMAN] for bringing this very, very important resolution to the floor.

Mr. Speaker, the refusal by our Government to permit the distinguished President of the Republic of China on Taiwan to pay a private visit to the United States represents an assault against his dignity and our morality. President Lee has presided over a Democratic political liberalization in his country, a process which has seen Taiwan join the ranks of democratic nations, a process which will reach its culmination early next year when Taiwan holds a direct poplar election for President.

Mr. Speaker, the transition to democracy in Taiwan is without precedent in the 4,000 years of recorded Chinese history. This has been achieved with a minimum of confusion, a minimum of disorder, and certainly a minimum of violence.

Indeed, Taiwan has become a model of other countries to follow. But Mr. Speaker, for our country to have a policy of denying admission to someone of President Lee's statute is just an absolute disgrace. It is embarrassing. It is a blatant contradiction of our efforts to promote democracy around the world. That is why the resolution before us is so terribly important. I hope that the House of Representatives will speak today with one unanimous voice in expressing our desire, indeed, our demand, that President Lee be permitted

to visit the United States. Taiwan has suffered many indignities at the hands of the United States in our attempts to pacify and to curry favor with Beijing, but let us recognize once and for all that such weakness on our part does not impress Beijing at all. Let us take a positive stand in support of democracy by allowing President Lee to visit the United States. Here is one important instance in which American interest and American morality go hand in hand.

Mr. Speaker, I helped write the Taiwan Relations Act back in 1979. It was meant to protect one of the strongest democracies in the world which stood with us in the chain of defense against the spread of international atheistic communism around this world.

This resolution is terribly important. It should be passed today. Our President should know that even though this resolution is just an expression of the sense of Congress, if he does not go along with this we will come back with a bill that would have the effect of law. I suggest that our President follow through.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of House Concurrent Resolution 53, which calls on President Clinton to welcome a private visit by Taiwanese President Lee Teng-hui to the United States.

The Department of State policy to refuse any visit by the Taiwanese President is misguided. The Department reasons that the United States does not want to offend the sensitivities of the Government of the People's Republic of China, which lays claim to Taiwan as a renegade province. They even went so far as to prevent a stopover in Hawaii by President Lee last year on his way to Costa Rica.

Sometimes, the United States is prepared to run the risk of offending other nations, even our allies, in order to make a statement of principle. Despite strong objections from the United Kingdom, we admitted Gerry Adams, the leader of the Sinn Fein, to our country earlier this year. In fact, he received a level of attention that a head of state would envy, and the President even welcomed him to the White House on Saint Patrick's Day.

Why should the United States be more willing to offend a democratic ally than a totalitarian nation? Why do we want to pretend as if Taiwan does not exist by refusing to admit President Lee so he can receive an honorary degree at his alma mater Cornell University?

Welcoming President Lee will not jeopardize United States-Chinese relations, but would make an important statement about the future direction of United States-Chinese relations. I urge my colleagues to support House Concurrent Resolution 53.

Mr. BERMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from San Francisco, CA [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I commend the chairman of the subcommittee, the gentleman from Nebraska [Mr. BEREUTER], for his leadership in offering this amendment, this substitute, to the resolution of the gentleman from California [Mr. LANTOS] for President Lee. I also commend the chairman of the full committee for his leadership, ongoing for many years, on this important issue.

Mr. Speaker, the debate that we have had for many years in this House on the issue of China is a long and complicated one. Today many parties to both sides of that debate have come together behind this important resolution. It is important because it is about who we are and who will dictate to us who has the hospitality of the United States of America. Will that be determined by the American people, this Congress, this administration, or will it be determined in Beijing? I think it should be determined here.

□ 1145

In preparation for our colleagues coming back from the spring work recess, I sent a group of clips yesterday to each Member of the House called China Clips, our regular series, which goes into the three areas of concern that we have shared in this House on China: Violations of trade, violations of human rights, and the proliferation of weapons.

I call to my colleagues' attention two things: One is why is China always the exception to the administration's rules? Why is it as my colleagues have said that others who have led opposition in other countries are invited here and yet the President, the democratically elected President of Taiwan, educated in the United States, born in Taiwan, not even in China, mainland China, is not allowed to come?

We have heard people in the administration say, "We don't need to do anything to improve human rights in China because economic reform is going to take care of that. It's going to lead to political reform." It can. It may. There is no guarantee. But In Taiwan, it happened. And under the leadership of President Lee, it continues to happen, where political reform grows every day because of his policies.

How can we purport to support a principle of economic reform leading to political reform and in the very place that the leadership has allowed that to happen in Taiwan say to the President, "But you're not good enough to come into the United States and avail yourself of their hospitality?"

Another issue, because my colleague the gentleman from California [Mr. LANTOS] brought it out, is the issue of Iran. The President was commended for his policy in Iran and I support that. But in his comments, the President referenced Russia and what they were doing to sell to Iran, not referencing, and I call to my colleagues' attention something in the clips, "China in Rebuff to United States Defends its Nuclear Dealings with Iran."

If this is a problem, then let us deal with it, Russia, China, and the rest. But let us not let China violate human rights, trade and proliferation and then dictate to us whether the President of Taiwan can come into this country.

I support my colleagues' resolutions.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER], a member of the Subcommittee on Asia and the Pacific.

Mr. ROHRABACHER. Mr. Chairman, today we are sending a message to the world. We are sending a message to the people of Taiwan. We are sending a message to the people of China. We are sending a message to the dictators in Beijing.

Today we are extending a hand of friendship to President Lee of the Republic of China. We are doing so because his government on Taiwan has liberalized, has reached out to the opposition and permitted rights to exist there which are consistent with what we as Americans believe should be the rights of citizens everywhere.

We have seen democratization and a respect for human rights in the Republic of China that places that government now in the family of democratic nations.

What we do today is the first step in acknowledging that tremendous step forward that the people of the Republic of China have made, and congratulate the leadership of the Republic of China for believing in those values that are at the heart of the American system and at the soul of the American people.

We are also sending a message to the people of China. That message is on the mainland of China, those hundreds of millions of people who suffer under dictatorship, that we are on their side and we are not on the side of their oppressor. At the very least, the United States should always be on the side of those who long for freedom, long to live at peace with their neighbors but suffer under oppression and tyranny.

The regime in Beijing has sent its message to the world as well. Even though they are trading with the United States, even though their income of their society has increased dramatically, what comes from that kind of trade? We are told liberalization, democracy. But where is it? We have not seen it.

Do the people of Tibet feel freer or more secure because the Chinese Government has been permitted to trade

and have a $24 billion to $30 billion surplus with us each year? No, the people of Tibet feel the heel of the Chinese Army which is being armed now with the surplus that they have earned from trade with the United States.

The Tiananmen Square heroes whom we remember well are now in prison, or they have been exiled. There is no democracy. The people of Tiananmen Square still cry out for America's attention. But we do not hear them anymore.

And also, what else happens when you permit a dictatorship to make tens of billions of dollars' worth of revenue off of trade with the United States? What we see is a buildup of the Chinese military that is inexcusable. I recently returned from the Philippines, where they themselves felt the intimidation of Chinese militarism when the Chinese have been bullying them on the issue of the Spratly Islands.

We are sending a message today simply by reaching our hand out to a friend, President Lee, that American policy recognizes the distinctions that I have just made. To the people of Taiwan, to the Republic of China, we express our congratulations. You are our friends. To the regime in Beijing, we say, "Clean up your act, respect human rights, or we indeed will move away from you and into a better relationship with people who agree with our values."

I hope that President Lee will get his chance to come to the United States a friend of the United States. I thus ask my colleagues to join me in supporting House Concurrent Resolution 53.

Mr. BERMAN. Mr. Speaker, I yield myself 2 minutes.

I just want to make three points: one to my colleagues, one to the Chinese Government, and one to the administration.

I simply would remind my colleagues that this administration has actually done more than any of the previous administrations with respect to elevating its relationship with Taiwan. This is the first administration which has allowed high-level members of its Government to visit Taiwan. This is the administration that signed legislation last year passed by this Congress to allow Taiwanese-Americans to list Taiwan as their place of birth on passports, and in a whole variety of levels it has enhanced that cooperation.

To the Chinese Government, I simply remind that Government, we have many differences. Both the gentlewoman from California and the gentleman from California have spoken to those differences.

However, in and of itself the passage of this resolution does not speak to the question of whether our policy should be a one-China policy or a two-China policy or one China and one Taiwan policy. It deals very specifically with the question of President Lee making an informal visit, and it should not be construed in any other fashion.

The third point is to the administration. I think you will see, by virtue of the unanimity of feeling on this subject in the Congress, that this issue will not simply go away, that it will not end with a passage of a sense of Congress resolution, and that legislation will be coming that will seek to mandate this visit if the administration's policy does not change. I urge them to reconsider this aspect of their policy.

Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, I want to thank the distinguished ranking member of the subcommittee for his support and assistance in bringing this legislation to the floor. The same is true of the distinguished chairman, the gentleman from New York, and I especially commend my colleague, the gentleman from California [Mr. LANTOS], for his initiative in bringing this legislation to the floor, and indeed all of the speakers who have eloquently testified in support of the resolution before us.

I thank the gentleman from California [Mr. BERMAN] for his remarks regarding the fact that this resolution is not passed in contradiction to the one-China policy that has been the position of previous administrations and this administration. Indeed, we do not seek an additional confrontation with the People's Republic of China. It is this Member's view and the policy of the administration to encourage an improved relationship with the People's Republic of China.

But we also want to sustain and enhance our relationship with the Government of Taiwan, and indeed we want common sense applied in our foreign policy. We will not be intimidated by any kind of concern in eliminating an opportunity for a visit from President Lee to receive an honorary degree from his alma mater.

I urge my colleagues to give their unanimous support to House Concurrent Resolution 53.

Mr. PORTER. Mr. Speaker, the cold war is over and the United States is struggling to reshape its foreign policy. I believe there is a clear principle we should use as our guiding light in this effort—shared values.

We are the only remaining superpower, and we have an unprecedented opportunity to shed our old policies and base our relations with other nations on their willingness to embrace the tenets that are the founding principles of our country—democracy, human rights, rule of law, and free markets.

I believe the United States should cultivate relations with nations that share these values and are moving toward them. At the same time, we should make abundantly clear that we have no interest in cooperating with nor assisting nations that do not share our values.

One nation that clearly shares our values is Taiwan.

Taiwan has followed a pattern that I believe is the best path for the development of stable, deeply rooted democracies. Taiwan focused initially on economic growth, the development of free markets and capitalism, an aggressive financial sector, access to credit—in short, economic freedom. This base of economic freedom led to a growing middle class that demanded a greater say in government and greater personal freedoms.

The Taiwanese Government has responded positively and undertaken broad and deep reforms. The commitment to the values we hold dear is strong in Taiwan. Although there is still room for improvement—including a need for greater diversity in television broadcasting—I believe Taiwan is firmly on the path of democracy.

Taiwan should take its rightful place among all the nations of the world in trade, culture, science, finance, and diplomacy. We should be working to strengthen ties with Taiwan and help it promote its interests overseas. Taiwan should have a seat in the United Nations, should have its application to GATT adopted, and the status of the Taiwanese mission in Washington, DC, should be upgraded, and, as the resolution we are debating today states, the United States should grant President Lee a visa to visit us. It is outrageous that we have not done so.

I commend the gentleman from California for introducing this resolution and I urge Members to support this important statement of Congress' commitment to promote our values overseas.

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of Concurrent Resolution 53, to allow a private visit to the United States by Taiwan's President Lee Teng-hui. I have long supported the goals of this resolution, and I am greatly pleased that Congress is acting on this issue.

There are no longer any legitimate policy grounds for prohibiting the democratic leader of one of Asia's oldest republics from paying a private visit to the United States to visit his alma mater, Cornell University. American universities sometimes have the privilege of providing the formal education for future leaders from different parts of the world. It is only right that Cornell University be allowed to invite Mr. Lee back to recognize his contribution to public life in Taiwan by granting him an honorary degree.

Taiwan has done everything which we expect of a democratic society over the last years. It has free elections, a free press, and is a model of an open society with democratic institutions in an Asian context. Why not recognize and encourage these significant accomplishments by allowing this private visit?

Taiwan has also liberalized its economic policies, has built a resilient market economy, and has become a dependable trading partner. It is the United States' sixth largest trading partner, and buys twice as much annually from the United States as does the People's Republic of China.

President Lee has been invited to the United States on a private visit. Some are concerned that even a private visit would offend leaders in the People's Republic of China. So what? Why should we worry about offending the sensitivities of those leaders

whose actions have often offended our own sense of human rights and democracy?

Concurrent Resolution 53 will send a clear message to the administration and to the State Department that it is time for a change in this policy. It will also send a message to the rest of the world that the United States Congress appreciates and supports democratic political developments in Taiwan. I strongly urge my colleagues to overwhelmingly support it.

Mr. HAMILTON. Mr. Speaker, I rise in support of House Concurrent Resolution 53. I commend the gentleman from California [Mr. LANTOS] for his leadership and the committee for bringing this resolution to the floor in a timely fashion.

Clearly, a broad, bipartisan majority of Members favors the idea of a visit to the United States by President Lee. I wish to point out, however, that this resolution does raise complex issues concerning the United States relationship with China and Taiwan.

On the merits, I think a private visit by President Lee to his alma mater should not be a problem. He has helped bring democracy to Taiwan, and I would like to think that his American education played a part in that accomplishment.

The problem, of course, is the potential implication of a Lee visit for the United States relationship with China. For decades, the United States has had good relations with both Taiwan and China by maintaining an ambiguity about Taiwan's political status.

The Chinese Government has a firm position that Taiwan is a part of China. It rejects the idea that Taiwan is a sovereign entity. More and more, China rightly or wrongly believes that President Lee is working to create a Taiwan independent from China, and that he is doing so by making trips to places like the United States. China believes that any visit by President Lee to the United States would, by definition, be political. Whether the visit is called "private" is immaterial to China. Now, I disagree with how the Chinese view a visit by President Lee, but I believe we still need to understand China's perspective.

The United States has stated its policy that there is one China, whose Government is the PRC Government in Beijing. We also acknowledged the Chinese position that there is one China and Taiwan is part of China. For six administrations, the United States has sought both to develop relations with China and maintain and develop substantive ties with Taiwan. We have, for example, helped Taiwan build a defense deterrent. And as Taiwan has played a greater role in world affairs, the United States has adjusted the way in which it deals with Taiwan. United States cabinet-level officials in economic areas have visited Taiwan.

The point is that the United States shares important interests with China. Consequently, we should not ignore China's reaction on this issue. Right now, for example, the administration is engaged in sensitive negotiations with North Korea over what kind of reactor the North will accept in return for abandoning its nuclear weapons program. China reportedly is urging North Korea to accept a South Korean-model reactor and so defuse the current crisis. We need that kind of help. We also have an interest in peace and stability in the Taiwan Strait.

So, Mr. Speaker, I support this resolution. But I also hope that we can summon the creativity to manage this situation so that we may both express our historic friendship with Taiwan and, at the same time, preserve our interests. This visit should be truly nonpolitical in the way it is conducted. We should make clear to Beijing that a short visit by President Lee in no way changes the United States view of Taiwan's status. And I think it is clear that there needs to be some confidence-building between Beijing and Taipei so that neither side overreacts to the actions of the other.

Mr. OXLEY. Mr. Speaker, I rise in support of House Concurrent Resolution 53, of which I am an original cosponsor.

Given the fact that President Lee Teng-hui is the freely elected leader of the Republic of China on Taiwan—a United States ally and important trading partner—it would seem self-evident that he would be welcome at any time for private visits to the United States. Yet this is not the case. Frankly, President Lee has been subjected to some rather shoddy treatment by the Clinton administration, which, of course, is the impetus behind this concurrent resolution.

I want to make it clear that President Lee is a reform-minded democrat who is offering just the kind of leadership the United States should wish to encourage in Asia. While I am certainly in favor of maintaining a constructive relationship with the People's Republic of China, I see no reason why the two policies should be mutually exclusive. Surely the situation calls for a degree of tact and diplomacy, two qualities which this administration has lacked in its dealings with President Lee.

Again, Mr. Speaker, I support the resolution, and I hope the administration will take note of the position of the House.

Mr. TORRICELLI. Mr. Speaker, the decision to allow the elected leadership of Taiwan access to the United States was made when Taiwan decided to have free elections, a free press and pluralistic political systems. This isn't simply an issue to the people of Taiwan. As a matter of policy, the United States should never exclude the elected and legitimate leader of any nation seeking to come to our country. The views of nations with whom we have relations, and those nations that play a disproportionate role in world affairs, should always be heard by our Government. They can, however, never be controlling upon our Government.

The Government in Beijing has received all due deference. In the final analysis, it is the policy of the U.S. Government to allow all freely elected governments to come to this country and be heard. The people of the United States do not need to be protected from the views of freely elected peoples.

Finally, Mr. Chairman, I want to add that it would be an extraordinary statement that, after receiving in the last decade a range of leaders from Roberto D'Aubuission, the leader of the death squads in El Salvador, to Deng Xiaoping, the leader of the world's largest totalitarian government, that any freely elected official is denied access to our country. I hope this resolution, House Concurrent Resolution. 53 succeeds in convincing the administration of the strength of our bipartisan views. But I would remind the administration, if they do not after considerable negotiations, that I have a common resolution to amend the Taiwan Relations Act as a matter of law to allow access and visas to the United States. If discretion is not used properly by he administration, discretion will be lost by the administration. We will proceed with our amendment and change the law.

Mr. ORTIZ. Mr. Speaker, I rise to extend my remarks on House Concurrent Resolution 53, a resolution expressing the sense of Congress regarding a private visit by President Lee Teng-hui of the Republic of China to the United States. I was pleased to offer my strong support for this measure, and am delighted that the House of Representatives endorsed this important resolution.

This resolution is a sensible request. We should all recognize that the Republic of China is a full-fledged democracy, and its government policies conform to those of other democratic nations. Additionally, the Republic of China is one of the most important economic powers in the world. Specifically, the Republic of China has established a program of economic assistance to many underdeveloped nations, and has joined major international organizations such as the Asian Pacific Economic Cooperation [APEC] forum. The Republic of China has also been involved in international humanitarian relief efforts, such as helping the refugees of the Persian Gulf war. More importantly though, the Republic of China is willing to be a helpful partner in the international community.

While the United States does not want to jeopardize its relations with other governments, we should grant an exception to allow the President of the Republic of China to make a private visit to our country. The nature of the visit by President Lee Teng-hui, to receive an honorary degree from Cornell University, is a reasonable appeal, and should be so recognized by our government.

As Members of Congress, I would believe that we would want to maintain our relations with the Republic of China, and am pleased that the House passed this resolution.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COMBEST). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 53, as amended.

The question was taken.

Mr. LANTOS. 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.

## GENERAL LEAVE

Mr. BEREUTER. 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 53.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

## PERMISSION FOR CERTAIN COMMITTEES TO SIT ON TODAY DURING THE 5-MINUTE RULE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

The Committee on Banking and Financial Services;

The Committee on Economic and Educational Opportunities;

The Committee on Government Reform and Oversight; and

The Committee on International Relations.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and that I may include tabular and extraneous material, on H.R. 1158.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

### MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House, at the conference on the disagreeing vote of the two Houses on H.R. 1158, be instructed to agree to the the Senate amendment numbered 1 except for Senate action under title IV deleting the "Deficit Reduction Lock-Box", Senate language rescinding $100,000,000 from Veterans Administration medical care and construction and except for Senate action under chapter IV related to "Debt Relief for Jordan".

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Let me simply say that the new Republican leadership in the House has forced us to carefully take a look at a number of spending items and take a look at a lot of programs that needed reducing. That is good.

But if other Members heard what I did in my district the last 3 weeks, the public is concerned that in some cases this House is going too fast and going too far. They are concerned that while they voted Republican in the last election, they are worried that this body is producing legislation which is too extreme, that it is doing things that are not well-advised, not well thought out, and not fairly targeted.

I know that a lot of my Republican colleagues have responded by saying that they favor a more moderate course, and that they expect that the Senate will modify much of what the House has done to make it more moderate.

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This motion would give those colleagues a chance to put their votes where their words are, by supporting not a Democratic solution, but a modern Republican solution to the rescissions issues before us, moderate Republican position fashioned in the Senate that both parties can work from.

I think the problem with the House bill is, as it left the House, well, there are a number of problems. First of all, as the bill left the House, despite the fact that it contained the Brewster amendment, which required that the dollars which are saved be used for deficit reduction, the House Republican leadership nonetheless said these cuts would be used to help finance their tax bill. That tax bill, among other things, provides benefits for people making up to $200,000 a year, and it finances those tax reductions by eliminating help that we give low-income seniors to pay their home heating bills, and it also pays for those tax reductions for people making $199,000 a year by cutting back on investments on our kids' education and training.

That tax bill would also take us back to the good old days during which 47 of the largest corporations in this country paid not one dime in Federal taxes despite the fact that they made millions of dollars in profits. The House Republican leadership also insisted on continuing to allow the provision in the tax code which allows billionaires to escape taxation by renouncing their American citizenship.

This motion simply suggests that we accept the Senate priorities in the conference with roughly three exceptions. First, we would require that the conference stick to the Brewster amendment, which requires every dollar in this package to be used for deficit reduction rather than being used for another purpose.

Second, it would say absolutely no way will be accept the $100 million reduction in veterans' health care benefits which the Senate provided. We would insist on fully funding those programs.

And, third, this proposal would not buy into automatically the Senate provision of aid to Jordan. We would leave that issue up to the conference.

In essence, the Senate bill, fashioned in a bipartisan way, in a Republican-controlled body, is harder, much harder on pork than was the bill that left the House, and it is much kinder and gentler on kids and seniors.

So in essence I would simply say this: The bottom line on this motion to instruct is simple. If Members do not want to guarantee true deficit reduction through the Brewster lockbox, vote against it. If Members do not want to protect veterans' programs, vote against it. If they want to cut kids and seniors instead of pork, vote against it. But if Members think that we ought to do those three things, then join us in being tougher on pork and easier on seniors and kids. Join us in supporting and insisting that we fully fund veterans' health programs, and most of all, join us in insisting that every dime of budget cuts that are produced in conference actually will go to deficit reduction rather than going to finance that turkey of a tax bill which the House passed just before we recessed.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I respectfully rise to oppose the gentleman's motion. I am concerned that the gentleman seems to overlook the fact that this House spent 2 days debating this rescissions bill and then passed it. The House version of this bill provides for the American taxpayer roughly $12 billion in savings in 1995 appropriations by making $17 billion in cuts and $5.3 billion in additional spending for disaster assistance, $50 million for Jordanian relief, and miscellaneous items totaling an additional reduction of $361 million.

The point is that the House had an opportunity to debate the issues extensively. We voted on any number of amendments to the bill, and the bill ended up passing with relative ease, expressing the House's point of view that the rescission bill was a good one.

We heard arguments from the minority saying it doesn't do any good to

take this bill up in committee because after all, it will never pass the House. Then when we got it passed through the House, and then the arguments were of course it doesn't do any good to pass the House because the Senate will not take it up. Now of course the bill is passed in substantial conformance to the House's measure, and the argument is well, it doesn't do any good to send it to conference because the President will not sign it.

But a conference is based on compromise between this body and the other one. What the gentleman proposes is no compromise; it is a total abdication of what we passed in the House. The motion to instruct basically recommends that we recede on virtually every issue and every position taken by the Senate with the exception of the lockbox, the VA rescission, and the Jordanian aid.

My view of a compromise is not simply to throw up our hands after we have done the lion's share of the work and say OK, the other body came in relatively well, but they did it differently from us, so we will just take their position. No. I think, Mr. Speaker, that the House would be better represented if we would reject the gentleman's motion and in fact just stick to our guns and reach a genuine compromise with the other body.

The fact is, that it is ironic that the very three things that the gentleman from Wisconsin [Mr. OBEY] exempts are three likely areas where we would look favorably on the Senate position. So we may end up getting some agreement on the very things he does not want us to agree with them on.

But let the House do its work. Let us go ahead and name the conferees, go to conference, let the conference pound out the differences between both positions in the House and the Senate, not tie its hands, not bind it in any significant degree, not adopt the gentleman's motion. Let's find out what the conference can produce, and presumably I think that what we will find is that what it does produce will be passable in both the House and the Senate, and ultimately will be signed by the President of the United States because, in fact, what we will do jointly with the other body is going to be a very good bill, and it is going to mean that the American taxpayer, for the first time in many many years, is going to reap a savings of anywhere from $8 billion to $12 billion of prior years appropriations, which I think is terribly significant.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I take this time only to say that I am somewhat startled by the comment I just heard from my good friend from Louisiana. He indicated that the House would be most likely to accept the three Senate provisions that I have indicated we would not insist on supporting. Did the gentleman really mean that we are inclined to accept a $100 million reduction in appropriations for veterans' health care? Did he really mean that the House is inclined to accept the Senate language which guts the Brewster amendment which attempts to guarantee that the money would be used for deficit reduction rather than used to finance the tax package?

If that is the case, then I think the gentleman outlines most clearly why we do need to support and vote for this recommittal motion, because I know very few Members certainly on this side of the aisle who would be comfortable with admitting ahead of time that they want the House to acquiesce in the Senate gutting of the Brewster amendment. And I certainly do not think I would, and for instance acquiesce in the reductions that were made in veterans' health care. So I think that outlines all the more reason to support the recommittal motion.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that I am prepared to let the conference work its will on all of these issues without prejudging it. I was using the statements that the gentleman referred to simply as examples of where we could possibly end up, but the fact is, please do not bind or prejudge the outcome of this conference at all. We are going to have a lot of good Members who are going to be participating in this conference, and they have all got individual views on how the conference should come out.

I was very, very, pleased by the product of the conference between the House and the Senate on the last rescission bill when we provided the military with $3 billion in additional funds for their readiness shortfall, and at the same time paid for that readiness shortfall with rescissions that were half out of defense and half out of nondefense appropriations. So we have done a good job already. We have a track record established by the last conference, and I think that all indications are that we can have a very fruitful and successful conference hopefully that will not take too extremely long and come back to the House with something that a majority, and I stress a majority of the Members, hopefully a good, sizable combination of both Republicans and Democrats can indeed support.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will take just 1 minute, and then I am happy to yield back. I would simply say that I think we need to understand that what the Senate was able to do under moderate Republican leadership, what the Senate was able to do, is to reduce the cuts that were made in programs to seniors and programs for kids by making deeper reductions in pork items in the budget. It seems to me that moderate Republicans in the Senate have demonstrated they can produce a more civilized and more balanced bill and we ought to go along with that, with the exception of the three items I have laid out.

And so I would urge adoption of the motion.

Mr. Speaker, I yield back the remainder of our time.

Mr. LIVINGSTON. Mr. Speaker I oppose the gentleman's amendment and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COMBEST). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 187, nays 207, not voting 40, as follows:

[Roll No. 303]

YEAS—187

| | | |
|---|---|---|
| Abercrombie | Durbin | Kanjorski |
| Andrews | Edwards | Kaptur |
| Barcia | Engel | Kennedy (MA) |
| Barrett (WI) | Eshoo | Kennedy (RI) |
| Bellenson | Evans | Kennelly |
| Bentsen | Everett | Kildee |
| Berman | Farr | Kleczka |
| Bevill | Fattah | Klink |
| Bishop | Fazio | LaFalce |
| Bonior | Fields (LA) | Lantos |
| Borski | Filner | Levin |
| Boucher | Flake | Lewis (GA) |
| Brewster | Foglietta | Lincoln |
| Brown (CA) | Foley | Lipinski |
| Brown (FL) | Ford | Lofgren |
| Brown (OH) | Fox | Lowey |
| Bryant (TX) | Frank (MA) | Luther |
| Cardin | Frost | Maloney |
| Chapman | Furse | Manton |
| Clayton | Gephardt | Markey |
| Clement | Gibbons | Mascara |
| Clyburn | Gonzalez | Matsui |
| Coleman | Gordon | McCarthy |
| Collins (IL) | Gunderson | McDermott |
| Collins (MI) | Gutierrez | McHale |
| Condit | Hall (OH) | McKinney |
| Costello | Hall (TX) | McNulty |
| Coyne | Hamilton | Meehan |
| Danner | Harman | Meek |
| de la Garza | Hastings (FL) | Mfume |
| Deal | Hayes | Miller (CA) |
| DeFazio | Hefner | Mineta |
| DeLauro | Hinchey | Minge |
| Deutsch | Holden | Mink |
| Dicks | Hoyer | Mollohan |
| Dingell | Jackson-Lee | Montgomery |
| Dixon | Jefferson | Moran |
| Doggett | Johnson (SD) | Morella |
| Dooley | Johnson, E. B. | Murtha |
| Doyle | Johnston | Nadler |

Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NAYS—207

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Roth
Royce
Salmon
Sanford
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torricelli
Upton
Vucanovich
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—40

Ackerman
Baesler
Baldacci
Barton
Becerra
Bilirakis
Browder
Buyer
Clay
Conyers
Cramer
Dellums
Diaz-Balart
Gallegly
Gejdenson
Geren
Green
Greenwood
Hilliard
Jacobs
Laughlin
Linder
Martinez
Menendez
Metcalf
Moakley
Ney
Owens
Parker
Payne (NJ)
Pombo
Quinn
Rogers
Ros-Lehtinen
Roukema
Saxton
Thompson
Tucker
Waldholtz
Wise

□ 1230

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Barton against.

Mr. BONO and Mr. COOLEY changed their vote from "yea" to "nay."

Messrs. PASTOR, CONDIT, and EVERETT changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, on rollcall No. 303, I am inadvertently recorded as an "aye" vote, and I should have been recorded as a "no." So I would like to have that noted for the RECORD.

PERSONAL EXPLANATION

Mrs. WALDHOLTZ. Mr. Speaker, I missed rollcall No. 303 due to an inoperative light calling us to vote. Had I been here, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, today I was unavoidably detained in flying back to Washington from Houston and missed rollcall vote No. 303. Had I been present, I would have voted "aye."

## APPOINTMENT OF CONFEREES

The SPEAKER pro tempore (Mr. COMBEST). Without objection, the Chair appoints the following conferees on H.R. 1158: Messrs. LIVINGSTON, MYERS of Indiana, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, and DELAY, Mrs. VUCANOVICH, and Messrs. LIGHTFOOT, CALLAHAN, OBEY, YATES, STOKES, BEVILL, FAZIO of California, HOYER, DURBIN, COLEMAN, and MOLLOHAN.

There was no objection.

## EXPRESSING THE SENSE OF CONGRESS REGARDING A VISIT BY THE PRESIDENT OF THE REPUBLIC OF CHINA ON TAIWAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 53, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER], that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 53, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 38, as follows:

[Roll No. 304]

YEAS—396

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bellenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
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
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
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
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo

| | | |
|---|---|---|
| Markey | Petri | Spratt |
| Martini | Pickett | Stark |
| Mascara | Pombo | Stearns |
| Matsui | Pomeroy | Stenholm |
| McCarthy | Porter | Stockman |
| McCollum | Portman | Studds |
| McCrery | Poshard | Stump |
| McDade | Pryce | Stupak |
| McDermott | Quillen | Talent |
| McHale | Radanovich | Tanner |
| McHugh | Rahall | Tate |
| McInnis | Ramstad | Tauzin |
| McIntosh | Reed | Taylor (MS) |
| McKeon | Regula | Taylor (NC) |
| McKinney | Reynolds | Tejeda |
| McNulty | Richardson | Thomas |
| Meehan | Riggs | Thornberry |
| Meek | Rivers | Thornton |
| Metcalf | Roberts | Thurman |
| Meyers | Roemer | Tiahrt |
| Mfume | Rohrabacher | Torkildsen |
| Mica | Rose | Torres |
| Miller (FL) | Roth | Torricelli |
| Mineta | Roybal-Allard | Towns |
| Minge | Royce | Traficant |
| Mink | Rush | Upton |
| Molinari | Sabo | Velazquez |
| Mollohan | Salmon | Vento |
| Montgomery | Sanders | Visclosky |
| Moorhead | Sanford | Volkmer |
| Moran | Sawyer | Vucanovich |
| Myers | Scarborough | Waldholtz |
| Myrick | Schaefer | Walker |
| Nadler | Schiff | Walsh |
| Neal | Schroeder | Wamp |
| Nethercutt | Schumer | Ward |
| Neumann | Scott | Waters |
| Ney | Seastrand | Watt (NC) |
| Norwood | Sensenbrenner | Watts (OK) |
| Nussle | Serrano | Weldon (FL) |
| Oberstar | Shadegg | Weldon (PA) |
| Obey | Shaw | Weller |
| Olver | Shays | White |
| Ortiz | Shuster | Whitfield |
| Orton | Sisisky | Wicker |
| Owens | Skaggs | Williams |
| Oxley | Skeen | Wilson |
| Packard | Skelton | Wolf |
| Pallone | Slaughter | Woolsey |
| Pastor | Smith (MI) | Wyden |
| Paxon | Smith (NJ) | Wynn |
| Payne (NJ) | Smith (TX) | Yates |
| Payne (VA) | Smith (WA) | Young (AK) |
| Pelosi | Solomon | Young (FL) |
| Peterson (FL) | Souder | Zeliff |
| Peterson (MN) | Spence | Zimmer |

NOT VOTING—38

| | | |
|---|---|---|
| Allard | Gallegly | Parker |
| Baesler | Gejdenson | Quinn |
| Baldacci | Greenwood | Rangel |
| Barton | Hilliard | Rogers |
| Becerra | Jacobs | Ros-Lehtinen |
| Bilirakis | Largent | Roukema |
| Boehner | Linder | Saxton |
| Browder | Martinez | Stokes |
| Clay | Menendez | Thompson |
| Conyers | Miller (CA) | Tucker |
| Cubin | Moakley | Waxman |
| Dingell | Morella | Wise |
| Fattah | Murtha | |

□ 1250

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 370 AND H.R. 97

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of two bills, H.R. 370 and H.R. 97.

The SPEAKER pro tempore. (Mr. COMBEST). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated in the House by Mr. Edwin Thomas, one of his secretaries.

## RESCISSION PROPOSALS AFFECTING THE DEPARTMENT OF JUSTICE, THE DEPARTMENT OF TRANSPORTATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three rescission proposals, totaling $132.0 million.

The proposed rescissions affect the Departments of Justice and Transportation, and the National Aeronautics and Space Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1995.*

## CONDEMNING THE BOMBING IN OKLAHOMA CITY

Mr. LUCAS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 135) condemning the bombing in Oklahoma City, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 135

Whereas on Wednesday, April 19, 1995, a car bomb exploded outside the Alfred P. Murrah Building in Oklahoma City, Oklahoma, collapsing the north face of this 9-story concrete building, killing and injuring innocent and defenseless children and adults;

Whereas authorities are calling this the "deadliest terrorist attack ever on United States soil";

Whereas Federal law provides for the imposition of the death penalty for terrorist murder; and

Whereas additional antiterrorism measures are now pending for consideration in the United States House of Representatives: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) condemns, in the strongest possible terms, the heinous bombing attack against innocent children and adults at the Alfred P. Murrah Federal Building in Oklahoma City;

(2) sends its heartfelt condolences to the families, friends, and loved ones of those whose lives were taken away by this abhorrent and cowardly act; and expresses its hopes for the rapid and complete recovery of those wounded in the bombing;

(3) applauds all those courageous rescue and volunteer workers who are giving unselfishly of themselves, and commends all law enforcement officials who are working determinedly to bring the perpetrators to justice;

(4) supports the President's and the United States Attorney General's position that Federal prosecutors will seek the maximum penalty allowed by law, including the death penalty, for those responsible;

(5) commends the rapid actions taken by the President to provide assistance to the victims of the explosion and for promptly beginning an investigation to find the perpetrators of this crime, and it urges the President to use all necessary means to continue this effort until the perpetrators and their accomplices are found and appropriately punished; and

(6) will expeditiously approve legislation to strengthen the authority and resources of all Federal agencies involved in combating such acts of terrorism.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. LUCAS] is recognized for 1 hour.

GENERAL LEAVE

Mr. LUCAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 135.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LUCAS. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to my friend and colleague, the senior member of the Oklahoma House delegation, the gentleman from Oklahoma, [Mr. BREWSTER], pending which I yield myself such time as I may consume.

Mr. Speaker, I truly wish the first bill that I had managed on the House floor would have been anything other than the resolution that we have before us today. I would like to thank the leadership on both sides of the aisle for allowing the House to consider this measure in such an expeditious manner. Over the next hour we will talk of lost innocence, tragedy, death, resilience, human spirit, and rebuilding. I thank my colleagues for taking part in this debate.

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

Mr. BREWSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great sadness that we have this resolution before the House today. I wish we were not here. I wish the tragic disaster that happened last April 19, had not happened.

The deadliest terrorist attack that ever happened on America's soil happened in Oklahoma City.

This cowardly act killed more than 138 people, including 15 children. Over 40, including 4 children are still missing. Over 465 people were injured in the blast.

Mr. Speaker, it becomes very personal when you see and know the individuals affected. I have lost friends, and many of my friends have lost loved ones. I have attended memorial services and seen the pain—undescribable pain—on these innocent faces. Children who have lost a parent; parents who have lost their children. Families torn apart from the senseless act of terrorism.

The healing process will be long and difficult. Just today, Mr. Speaker, I read a letter written by one of the victims of the bombing. Susan Farrell, a 37-year-old attorney for HUD who grew up in Chandler, OK, was in the building during the explosion. She had written me only 2 days before the bombing asking for support for the Legal Services Corporation.

The shock waves from this cowardly act will long be felt in the heart of Oklahomans, and in the heart of Americans. April 19 has been burned into our history books as a day to remember the lives lost, the children who never saw another birthday, the families who felt the pain, and the innocence left behind in Oklahoma.

Mr. Speaker, today I stand proud to be an Oklahoman. Countless volunteers and workers have donated much of their time to help those suffering and help in the relief effort. I recall listening to those early news reports that continued to praise Oklahomans for being so kind, and reporting with shock that these citizens reached out with everything they had to help the victims. I was not surprised at the outpouring of love and support. Oklahomans are a proud and honorable people.

I want to also recognize the outpouring of all Americans. Relief groups traveled from all over the country to help Oklahomans in their time of need. Those people, and their efforts will not be forgotten.

It has been additionally heartwarming to hear the remarks by President Clinton, Rev. Billy Graham, Gov. Frank Keating and his wife Cathy, and Mayor Ron Norick throughout this tragedy. All have reached out to comfort and console those families and let them know this evil act will not be forgotten.

Mr. Speaker, this resolution today expresses our condolences, sympathies, and prayer for the families of the victims, to the injured and also for the deceased. We pray for them and we want them to know of our outrage for the crime and our compassion for those individuals as well.

The resolution states our strong support for the President and the law enforcement officials who are doing everything within their power to apprehend and try and punish those people who are responsible, and it states that we support the President and the Attorney General as they say this is certainly a case in which the death penalty is appropriate.

This resolution also goes further to thank the volunteers and the countless people who have put so much into easing the pain.

In the aftermath of this terrible tragedy, we must be very careful not to go too far as we respond legislatively. We cannot be too careful when considering legislation which impacts every American—balancing constitutional rights with protections needed to prevent this event from happening again should be weighed very carefully

Mr. Speaker, I urge this House to first focus on finding those people responsible and punish them as swiftly as possible. I also urge this House to show compassion and assistance for the families whose lives have been shattered by this blast, and for those families who still have loved ones missing in the wreckage. And, finally I urge this House to thank and support the law enforcement officers, rescue workers, fire officials, volunteers, political leaders and so many other tireless efforts by all Americans.

We want them to know we support them and appreciate their efforts. We appreciate the sacrifices they made to show that good can overcome evil. I think we have seen that in my State. I am very proud of Oklahoma, and our country, as a result.

□ 1300

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

Mr. LUCAS. Mr. Speaker, I yield 5½ minutes to my colleague, the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, everyone who was in this country in 1941 knows where they were on Pearl Harbor day. Everyone knows where they were when the *Challenger* blew up as it was launched from Cape Canaveral. And everyone in Oklahoma will always know where they were at 9:02 in the morning on April 19, 1995.

The shock from that blast was felt as far as 55 miles away. I myself was in a building 8 miles away and people were afraid from the shaking of it that it was going to come down as well.

We have all seen the depictions on TV, in the newspapers and in magazines about what happened there, but it does not capture it. If anyone on this floor has not seen some of the pictures, I have brought a collection. But nothing can convey what really occurred and to how many people it happened.

But if you see someone from Oklahoma with tears in their eyes right now, you cannot tell when it is tears of sorrow and when it is tears of pride. For our State, our city, our community has united like I believe no one has ever seen before in the face of a common disaster.

When the workers came in, and we are so grateful they did, from nearby Maryland here, from Virginia, from California, from Arizona, from Minnesota, from Texas, from all over this country, they came together with help, and we say thank you. To the brave workers who were there on the scene, people passing by on the street that rendered immediate aid, that did not worry about danger to themselves, that rushed into the building that was still in the process of collapsing, and while there were fires still burning from cars that had exploded in the chain reaction of the blast, we say thank you.

A plane full of doctors on their way to a meeting in Texas turned around and came back to help with the disaster victims. Medical personnel were called all over.

Mr. Speaker, the sad thing was, after the first rush of over 400 injured people to the hospitals, they kept waiting. They kept waiting in the emergency rooms, they kept waiting in the downtown area. They kept waiting for more victims of about 200 people still known to be missing and, Mr. Speaker, the other injured never came, because they were the ones whose bodies were left shattered and torn in the rubble.

Our city has responded with outreach to the families, to the ones left behind. People could not all be rescue workers, could not all go down and dig through the rubble, could not all be part of the investigation. So they said, what do you need? Do you need people to go out and comfort the families? We'll do it. Do you need to take care of the rescue workers? We'll do it. Not out of Government response but just from private citizens.

About 100,000 meals were donated, from all over the community. If the rescue workers needed something to pick through the rubble, whether it be shovels, whether it be leather gloves, knee pads because they had to crawl through, flashlight batteries to try to dig through the cavern underneath, they just mentioned it, and it materialized downtown. No procurement process, no worry about payback. Just private citizens trying to do everything they could to help.

This is the spirit of brotherly love that we believe in in Oklahoma. We are grateful that all political differences were set aside. When we held a memorial service a week ago Sunday, the President and First Lady came in, half of the Cabinet came in, and they were received out of the respect of their concern for us and the dignity that is due their office.

About 20,000 Oklahomans came together, only 11,000 could fit in the building, the rest had to wait outside, to honor the dead, their families, our State, our city, and our Nation.

Mr. Speaker, it was not just the Federal building. We have probably 19 buildings in downtown Oklahoma City that are going to have to be razed because of the structural damage. We have hundreds of others with degrees of damage because that was how tremendous the blast was.

One of the saddest things may be that a church immediately across the street to the east of the Federal building, in the midst of the shattered stained glass windows and the crumbling brick, they have had to take a church, a house of God, a house of worship, a house of prayer, and use it as the morgue to take care of the victims.

Mr. Speaker, I wear a ribbon and all true Oklahoma people are wearing ribbons in honor of the things that are being done. We want to say thank you.

We want to say thank you for everything everyone has done. If you come to Oklahoma City, and I hope and pray that you will have an occasion to do so, to meet the people that fit the title of being in the heartland of America, you will find that in addition to all the ribbons flying, there are signs all over our town, and they say God bless Oklahoma City.

Mr. Speaker, I know He does. It says above you there and above the flag, in God we trust. Mr. Speaker, there is no other way we could have made it. We want to thank the Lord, as well as the people of this country, for the blessings that He has given us to make it through.

Mr. BREWSTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I join all my colleagues, particularly those from Oklahoma, in condemning of the bombing of the Federal office building in Oklahoma City and in support of this resolution.

To the families and friends of the victims, I extend my heartfelt sympathies and those of every resident from California's South Bay. To the thousands of rescue workers who combed through the destruction looking for trapped individuals, I extend deepest thanks and appreciation for a job well done.

The gentleman from Oklahoma [Mr. ISTOOK] has eloquently acknowledged and thanked many States for sending help. Among the rescue workers descending on Oklahoma City were two Torrance, CA fire fighters, Mark Andersen and Ian Burnett. Like hundreds of others, both men put their lives and safety at risk searching the devastation for victims of the bombing.

But while other workers exhausted themselves cutting re-bar with bolt cutters in their search for survivors, Andersen and Burnett easily sliced through the re-bar using Life Shears, a cutting tool developed by Hi-Shear Technology Corp., also of Torrance. The 20-pound, 18-inch long tool originally was designed for the military to cut communications cables. Andersen worked with Hi-Shear to adapt it to fire and rescue work. It uses a bullet-like propellant to shoot a sharp blade through the re-bar.

Rescue workers from other agencies were dazzled by the tool, so much so that the Federal Emergency Management Agency requested 40 additional Life Shears be sent to the bombing site. FEMA also advised other fire departments nationwide to buy the tool.

Funding for the development of Life Shears came from the Technology Reinvestment Program [TRP]. It is one of the many examples of the application of defense technology to civilian use.

Out of this tragedy came stories of heroism, selflessness, and compassion. It also became the venue for demonstrating technologies that can save lives.

Mr. Speaker, let's hope we can prevent incidents of this enormity, but let's also pledge to be prepared in the event of any future natural or human-made devastation. In doing so, we can save lives and ease the difficult burden of rescue workers.

Mr. LUCAS. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, the tragedy in Oklahoma City is the most horrific act of terrorism and violence ever to have occurred within the borders of our great Nation. I have been at the site several times and I have seen the destruction firsthand.

Yesterday afternoon I made a few remarks at the funeral of a dear friend, Clarence Wilson, who was the general counsel for HUD there in Oklahoma City. We lost more than two dozen residents in my district, including an 18-month-old child in Chickasha, OK.

My heart goes out to all the victims and all the people that are involved in this tragedy. Nothing can replace the loss, and only a lot of time, love, and prayers can begin to heal the wounds.

As the father of five healthy, vibrant children, I cannot imagine anything worse than losing a child. The sight of the fireman carrying Baylee Almon will be forever etched in the minds of Americans.

In the face of tragedy, once again the heart of this great Nation is shown to be strong and compassionate. The whole country has unified to support us, and the relief efforts have been tremendous. The support for our emergency service people, police, the fire, EMSA, Red Cross, the FBI, has been overwhelming. This has to be one of the most unifying, coordinated efforts we have ever seen.

I saw America firsthand from a bird's-eye view. I saw America respond not as Republicans or Democrats, not as rich or poor, not as black or white, not as man or woman, but I saw this country respond in a difficult time as Americans.

I want to say thank you, America, from the bottom of our collective hearts. If the perpetrators of this crime meant to send us a message, we have one for them: We will seek you out, and make sure you pay for the senseless tragedy.

As a member of the Committee on National Security, I will work to make sure our security is strong within this country as well as strong outside of this country.

However, one note of caution. During a senseless tragedy such as this, we must avoid recklessly affixing blame on people or groups who might be convenient targets for finger-pointing. This crime is being investigated by the appropriate law enforcement authorities and they will bring the perpetrators to justice.

□ 1315

We cannot allow the insanity of a few to become a justification for watering down the Bill of Rights. In short, we need to ensure that Washington-based elitists don't use this situation as a pretext for declaring open season on those with opposing views or God forbid—establishing a police state.

If we succumb to the fear, the bomber will have won. If we politicize the situation, the bomber will have won. If we abrogate our civil liberties and trample the Constitution, the bomber will have won. If we live with constant second-guessing and paranoia, the bomber will have won. If we allow people to label those with opposing views as hatemongers, the bomber wins. If we can't declare with resounding unanimity that this is still the greatest place in the world to live, the bomber will have won. We cannot allow the bomber to win.

Mr. Speaker, I've never been more proud to be an Oklahoman and an American and I ask God with a prayerful heart, to give this Congress and the President the wisdom and understanding to act responsibly and decisively in the coming weeks to do our best to try and ensure that this will never happen again. I urge support for this resolution.

Mr. LUCAS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Speaker, I have sat and listened to my colleagues say the things that need to be said, and to recognize both the tragedy as well as the compassion that came about through this land as a result of the bombing in Oklahoma City.

I would reinforce what has been said in terms of our reaction, that it should be measured and based on facts and not on emotion.

But I think most of all what we should recognize is what has happened to us with this bombing. One of the things we have done is we have devalued life in this country and we have

brought it to a point where we no longer will value the lives of the very people that worked to make this country great.

Those that brought about this tragedy will be found and punished. But we should all reflect and have some introspection on what has happened to us as a society as we have devalued life both at the beginning and at the end.

Oklahoma will recover. Hearts will be scared and lives will be lived out in the memory of these individuals. But let it not be for naught. Let this be a turning point where we recognize that these people are no longer with us because of the loss of respect for human life.

Mr. LUCAS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Speaker, first I want to thank our colleague from Oklahoma, Mr. LUCAS, for offering this resolution. I rise in strong support.

Mr. Speaker, for the last 9 years in this Congress I have worked the issues of fire and life safety and emergency response and have been on every major disaster the country has had, from the Loma Prieta earthquake, the wildland fires, Hurricanes Hugo and Andrew, the World Trade Center bombing, but perhaps none has been more outrageous than the recent disaster in Oklahoma City. It is the worst from the standpoint of the outrage, Mr. Speaker, because of the way it was done, because of the victims upon whom this disaster was perpetrated.

But the thing in each of these incidents and every major incident that the country faces every day is the same, and that is the dedication and tenacity of the emergency response officials in this country. One and one-half million men and women across America from Chief Morris from the Oklahoma fire department and Assistant Chief John Hansen were there to answer the question.

Last Wednesday evening, as we have done for the last 7 years, we honored the national fire emergency responders, with 2,000 leaders from across the country at the Hilton here in Washington. We did a live video linkage with the mayor and the chief emergency response officials from Oklahoma City as we gave them our highest award, paying recognition for the work that they have done. They are typical of the emergency response community in this country and we need to recognize them.

But, Mr. Speaker, there are lessons that we need to learn from these incidents. Following the World Trade Center bombing, Mr. Speaker, I wrote to President Clinton and asked him to convene a special task force on disasters in America, especially those that are caused by terrorism.

The House responded. We convened a bipartisan task force that met for 5 months last year and came up with specific recommendations.

The day after the Oklahoma City disaster I again wrote to President Clinton. Mr. Speaker, I include that letter in the RECORD at this point.

The letter referred to follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 20, 1995.*

President WILLIAM CLINTON,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: In light of the tragic bombing in Oklahoma City, I write to urge that you convene a White House Conference on Disaster Preparedness and Response and appoint a Presidential Task Force to follow up with recommendations for legislative and administrative action.

As founder of the Congressional Fire and Emergency Services Caucus, I have long advocated the improvement of federal disaster mitigation and response. I believe we must look at the situations which we have faced in past disaster scenarios—from the World Trade Center and Oklahoma City to the California earthquake and the Midwest floods—and apply the "lessons learned" to future planning and response efforts.

Following the bombing of the World Trade Center, I called for the creation of Disaster Task Force and laid out several recommendations of my own. You may recall that Governor Mario Cuomo endorsed those proposals. I also urged federal action on disaster response after the California Earthquakes, Florida hurricanes and Midwest floods. Congress responded by establishing a bipartisan Disaster Task Force on which I served. The Task Force produced numerous recommendations for improving national disaster mitigation and response.

As a result of these past efforts, FEMA is today far better organized and prepared to deal with crises than it has been in the past. I appreciate the Administration's support for reform, and applaud you for the accomplishments to date. However, as recent events indicate, much remains to be done. We must build on the progress we have made and undertake a broader, more comprehensive review to address a full range of disasters.

We now need to bring together top disaster planning experts from across the nation with policy makers from all levels of government so that we can craft recommendations for increasing coordination of federal, state and local efforts in mitigating and responding to natural and manmade disasters, including those provoked by terrorists. I look forward to your leadership and support in this regard.

Sincerely,

CURT WELDON,
*Member of Congress.*

In that letter I asked the President to convene a White House Conference on Disasters, with a special focus on terrorism, to be followed by a White House executive committee that would work to implement legislative and administrative changes to allow us to better respond to disasters like this around the country.

Mr. Speaker, FEMA has improved, and the Federal Government has improved, in the way that we assist local officials, but much more has to be done, much more can be learned, and I would hope that the best tribute that we could pay to all of those who fell victim to this terrorist act in Oklahoma City would be to put into place a process through which we can improve the ability for emergency responders to deal with similar situations in the future.

Because, Mr. Speaker, we know there is going to be another time, we know there is going to be another disaster, we know there is going to be another bombing, and we have to be prepared to mitigate, to deal with, respond to, and pay for those disasters, and the best way to do that is to conduct an ongoing review and make comprehensive recommendations about that response process.

Mr. Speaker, I thank my colleagues for yielding me the time.

Mr. BREWSTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time.

Mr. Speaker, I join in the sadness and sorrow of the gentleman from Oklahoma, and I rise to express my strong support for this resolution that condemns the bombing attack on the men, women, and the children of the Alfred P. Murrah Federal Building in Oklahoma City.

This resolution sends a message that the Congress joins with the administration, no resolution can send it as strongly as every Member feels it or as every American feels it, but support for using all necessary means to find and bring to justice all those responsible for this unspeakable act.

As a member of the Committee on Appropriations I want to express my commitment to providing whatever resources are necessary to bring all those responsible to justice. And let no one be uncertain that punishment for anyone else who might try such as act in the future will also be swift and as severe as the law allows.

My prayers and the prayers of everybody in this Chamber and throughout this country are with the victims in Oklahoma, with their families, and with their friends and with their colleagues.

As a longtime supporter of our Nation's civil service, I am especially saddened, Mr. Speaker, by the horrific impact that this tragedy has had on the more than 500 Federal employees who worked at that building, and almost 2 million more who work around this country on behalf of their fellow citizens.

In my view, Mr. Speaker, Federal workers are one of our Nation's greatest assets. This ironically is Public Service Recognition Week, that special week each year when we recognize the enormous contribution that public employees at all levels of government make to the national well-being.

Like the Federal buildings scattered throughout the Nation, the Murrah

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Building was a microcosm of government. The jobs there reflect the broad spectrum of services that Americans expect from the Federal Government:

One hundred twenty-five workers at a Housing and Urban Development office to help citizens realize the greatest of Americans dreams—home ownership and affordable housing.

Sixty-one Social Security Administration employees getting benefits out and resolving questions and problems for the citizens of Oklahoma. At least 11 of those employees are dead, along with many of the estimated 35 members of the general public who were in the Social Security Administration office at the time of the blast.

Twenty-five Federal Highway Administration employees keeping transportation projects so critical to our economy and to our citizens on track.

Twenty-two Department of Agriculture employees giving aid and information out to farmers so that all Americans can have affordable, healthy food.

Seventeen Marine Corps employees who I am confident never thought that their little Oklahoma recruiting office would be blown up as if it were in a war zone. I understand that a group of New York firemen who had joined in the rescue effort, who are also Marine reservists, saluted as they carried one of their own from beneath the crushed concrete.

And perhaps, Mr. Speaker, most disturbing, the law enforcement officials who were stationed in the Murrah Building from the Secret Service, the Customs Service, the Drug Enforcement Administration, and, yes, the Bureau of Alcohol, Tobacco and Firearms. ATF employees stationed in the building not only assisted in the rescue efforts but have worked with ATF's two national response teams that were deployed to Oklahoma City immediately after the bombing.

These are not nameless, faceless bureaucrats as some would project to the American public or folks that are just the enemy who we want to get who are what we want to undermine, get rid of them. America relies on these heads of families, these mothers of children, these children of others.

Their desire, Mr. Speaker, is to serve and is exemplified by an incredible news clip shared with me by the Department of the Army. Written by Tonya Riley-Rodriguez, it reads:

He stood beneath a tree which survived the blast and took a long drink of bottled water.

I'm going to be here until they all—come home, "said Staff Sgt. Don M. Majors, a U.S. Army nurse recruiter.

I have worked in this building for 5½ years, and I knew everybody."

He slipped a surgical mask back up to his sweat-and-dirt-covered face, ineffectually wiped at a streak of plaster on his forehead, and turned to go under the collapsed building again. He wasn't sure how long he had been searching that day. "Maybe 13 or 14 hours," he offered.

Mr. Speaker, this is the type of dedication we have seen from so many people in Oklahoma City since April 19. It is the spirit that so many Federal workers bring to their job day after day.

As we pass this resolution condemning this horrible act in Oklahoma City, I hope that all Members of this body will join with me in recognizing the tremendous commitment of Federal employees in Oklahoma City and across this Nation. And, yes, remember the brave citizens of Oklahoma and Oklahoma City. They are our brothers and they are our sisters, and if they are attacked, we are attacked. They are fellow Americans.

Let them know in Oklahoma that we are with them, let them know in Oklahoma, my friends who represent that great State, that we will march with you side by side to ensure their safety and to ensure that whatever is within our ability to make them whole, and only God can do that, of course, we will do.

I thank the gentleman for his time.

□ 1330

Mr. BREWSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority floor leader.

Mr. GEPHARDT. Mr. Speaker, I rise today to urge my colleagues to support this resolution, to express the profound sadness and anger of this House at the bombing which shook Oklahoma City on April 19.

Mr. Speaker, none of us in this Chamber can fully comprehend the pain and sorrow of those who lost friends, loved ones, and even precious young babies at the hands of the terrorists. To them, our words mean little, if anything. But hopefully our deeds will not, and we must pledge every measure of support and justice of which we are capable.

But the fact is for all that was taken from us in Oklahoma City 13 days ago, there were many things that can never be taken away, the courage of those who risked their lives to come to the aid of the victims, the fierce determination of the Government workers and rescuers who showed us by their service that there is something more meaningful in all of this than the poison of the violence and the destruction.

Mr. Speaker, the attack on Oklahoma City may have been un-American, but the outpouring of support and help and prayer was uniquely American. It showed a strength of spirit that cannot be dulled by any injustice or any evil intent.

But make no mistake, what happened in Oklahoma was an unforgivable act of cold-blooded cowardice. There is no posture or principle which justifies the ruthless killing of innocent people and innocent children. There is no cause or commitment which excuses random death and destruction.

This is why we have to do more than just convict those responsible for this act of violence and bringing them to swift and certain severe punishment. We must serve warning to all who would use extremist means to advance their extremist thoughts and ideas: We will use the full force of our laws to find them, to punish them and rid our society of their hateful acts, and when those laws are not enough, we will write tough new laws to rein in their wanton bloodshed and terrorism.

So I urge all of our Members to stand together to voice our outrage at this hateful action, and then with the U.S. Congress truly united in spirit, with our hands joined and our commitment clear, we can get down to the real business at hand, providing the relief that the victims of Oklahoma City deserve, and then passing the laws that will help make such atrocities a closed chapter in our Nation's history.

As the father of three children, I cannot imagine, I cannot imagine the sorrow of the parents and the relatives of those children. This has to be the worst act of violence in the history of our country.

It must not stand. We must find the good in this evil act, and I will work tirelessly with all of our Members on both sides of the aisle to make good of this great evil.

Mr. LUCAS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I have always been proud to call myself an Oklahoman, and Okie born and bred, but I do not think I have ever been prouder than since the time of the bombing, to see the outpouring of love and compassion not only for the families who lost loved ones in the Murrah Federal Building, but also for the compassion, love, and concern that has been shown by Oklahomans for rescuers that have come in to risk their lives in a rescue effort to find those that still might be found under the crumbling concrete and twisted steel, willing to risk life and limb to go in there, and the compassion that has been shown not only by Oklahomans but for Americans all across the country has reinstilled my faith in the things that have made this country great.

In fact, I think that it has proven once again that it is oftentimes in tragedy like this that the American spirit is galvanized once again.

Mr. Speaker, I would just like to say that my prayer for Oklahoma, in fact, for this entire country is that in reaction to the bombing that took place on April 19 that we would not recoil in fear, a desperate reaction to a desperate act, that we would not recoil in fear but, in fact, we would step out in faith as a reaction to this tragic occurrence, that we would reaffirm our faith

in a free and open society, that we would recognize that the price of our freedom is also responsibility, that there is no greater country, no freer country, no more prosperous country in the history of this world than the United States.

In closing I would say that our prayers are with those families who lost loved ones April 19, that they, too, would be surrounded by the peace that passes all understanding.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a proud fifth generation Oklahoman. My family has tilled and toiled in the soil of western Oklahoma for over 90 years.

When you come to Oklahoma, you will encounter big-hearted folks who will meet you with a smile and a warm greeting on a downtown sidewalk. We Oklahomans are known for our perseverance, fortitude, and our compassion.

We have weathered great droughts, the Great Depression, feast and famine, business boom and bust. Our mettle has been tested, our endurance challenged in good times as well as the bad. Never have these attributes been more evident on a local or international stage than in the past 13 days.

On Wednesday morning, April 19, at 2 minutes after 9 o'clock, America's heartland lost its innocence. The bombing in downtown Oklahoma City was a cowardly act of tragic proportions with no justification.

Mr. Speaker, I come here today to ask all of my colleagues to join me in expressing outrage at and condemnation of the bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City.

I pray for the hundreds of injured and their families, friends, and loved ones. I pray for the rescue teams, the doctors, the nurses, firefighters, police officers, and other volunteers from all across the Nation who came at their own expense and who continue to work tirelessly to this very hour. These are truly God's chosen people for Oklahoma at this time.

And, yes, I pray for our Nation that we might be able to heal.

So now, Mr. Speaker, I ask that my colleagues join me in sending a message of heartfelt condolences to the families of the 140 that have been confirmed lost and the dozens still missing among the rubble.

I, like you and the Nation as a whole, will never forget that scene of devastation, the death, the suffering, and, most of all, the innocent children. I cannot begin to express the heartbreak and sense of helplessness one feels when faced with such a gruesome scene.

Many mothers, fathers, grandparents, spouses, and some children are still missing, making it difficult, if not impossible, for our families and communities as a whole to bring this disaster to a close.

So many wonderful, productive lives were destroyed. Although we know the children who thought they were safe in the haven of that day care center on the site are in God's arms now, I pray for their families. These were vibrant lives, some of considerable accomplishment, others with so much potential yet to be realized, senselessly and needlessly snuffed out for no just or conceivable reason.

Let us express our hopes for a rapid and complete healing of the wounded.

Let us join in commending the rapid response taken by the President to provide assistance to the victims and aid to our battered city. We commend his resolve and prompt action in the investigation, to seek, find, and apprehend the perpetrators of this act.

Let us join together and send a strong and unambiguous message to any individual or group who may contemplate another such massacre in your city or town, such evil acts will not be tolerated, and to those involved in this horrendous act, your actions will result in your swift and certain punishment. We must allow no mercy to those who allowed no mercy to others.

Mr. Speaker, I will close by citing a spontaneous tribute to the victims of this massacre which is formed along the perimeter around the largest crime scene in American history. A mound of wreathes and flowers and teddy bears and tear-stained poems have been laid with origins literally from around the world paying tribute to the hundreds of perished and wounded.

One particular offering which speaks, I believe, so simply, yet so eloquently, for all Oklahomans consists of a teddy bear with a paper heart attached bearing in crayon an inscription that reads as follows: "Oklahoma, broken-hearted, yes; broken spirit, never."

Ms. WATERS. Mr. Speaker, I wish to express my most profound sympathy for the victims of the tragic bombing in Oklahoma City during the congressional work period.

I can think of no more hateful, cowardly act than to ruthlessly bomb a Federal building while hundreds of hard-working Americans are doing their jobs.

I cannot imagine the grief, or express in words, how difficult a period this must be for those who knew and loved the victims of this terrible attack. Losing a loved one is hard no matter what the circumstances. The evil which led to the loss of life in Oklahoma would only make the grieving process more difficult.

I am hopeful that the Federal Government will continue its swift, aggressive action to locate the suspects in this horrifying case. I join with the millions of Americans who are encouraged by the Justice Department's urgent efforts to see justice served. We can only hope that the case is solved and those who are responsible for this heinous crime are severely punished.

The most important issue facing America today is the need to stop the violence which is tearing society apart. Violence begets violence. The thought that an American citizen would kill other American citizens defies reason and sanity. But the thought that the State, in response, would kill the perpetrator of this crime troubles me deeply as well.

My thoughts are with all of those whose lives have been touched by this terrible tragedy.

Mr. QUINN. Mr. Speaker, I rise today in strong support of House Joint Resolution 135, which condemns the bombing in Oklahoma City.

This resolution condemns the terrorist-fashioned bombing of a downtown Federal office building in Oklahoma City, denouncing it as an "abhorrent act of cowardice." Also, the resolution expresses congressional support for the President's and Attorney General's efforts to pursue all possible means of apprehending and punishing the responsible parties.

Today, I met with Congressman BILL MCCOLLUM, chairman of the House Judiciary Subcommittee on Crime, to discuss antiterrorism legislation. Specifically, we conferred about my pending legislation, the Restricted Explosives Control Act, which I introduced in an effort to diminish the incidence of domestic terrorism.

I join all of my fellow colleagues in the House of Representatives and extend my deepest sympathies to all of the families in Oklahoma City. Our prayers and thoughts will be with you all in the days and weeks to come.

Mr. HYDE. Mr. Speaker, this resolution is an expression of this body's outrage at the manifestation of unmitigated evil that was visited upon Oklahoma City, its people, and our Nation on April 19.

It also provides us with an opportunity to recognize the real spirit of America and the underlying greatness of this Nation. Exhibited in the aftermath of that horrific event was the friendship and fraternity of our citizens, which, sad to say, is only typically publicized in situations of national crisis. We need to remind ourselves that such acts of personal and national virtue and heroism occur daily in this country as Americans fulfill their obligations of citizenship, through voluntarism, sacrifice, and charity. When catastrophe strikes, however, we are refreshed by the benevolence of those acts, undertaken with spontaneous enthusiasm and profound grace.

The Oklahoma City bombing has reached the heart and soul of America, evinced by the generous outpouring of love and prayers for the people of Oklahoma City and the families burdened by the scars of injury and death. Almost immediately hundreds of rescue workers from across America voluntarily flocked to that city to provide many unselfish hands in rescue efforts. Hundreds of Americans gather quietly near the Murrah building trying to do their part, however they might: through prayers, deeds, or both. Americans throughout this land are expressing their sorrow and solidarity with the people of Oklahoma City in ways that are at once poetic and meaningful.

Many have sought to find an explanation for the causes for that awful act of cowardice, but there is really only one explanation for it: diabolical individuals intent on damaging society by hurting hundreds of innocent lives. The depraved events of Oklahoma City are a humbling reminder of our own vulnerability. We

should abide by what Lincoln called the "better angels of our nature" and defeat the attempts to define ourselves by the ravings and actions of evildoers and fanatics.

We bring this resolution to the floor to pay our respect to the victims of this disaster and their grieving families. The magnitude of their personal losses, and the violence felt by so many, dwarfs our effort to put emotions and empathy into words.

Later this month, the Judiciary Committee will consider comprehensive legislation directed at combating terrorism from whatever source. Lest our people be concerned, strengthening our law enforcement capabilities in this regard does not require a restriction of our civil liberties and constitutional protections. Congress is quite capable of striking the delicate and necessary balance between our constitutional guarantees and the Government's need to secure the safety of its citizenry. The legislation will not work a forfeiture of our citizens' cherished liberties. It will honor the victims of Oklahoma City and will attempt to diminish the possibility of repeated terrorist attacks in the future.

Mr. TEJEDA. Mr. Speaker, I join my colleagues today in supporting House Resolution 135, a resolution expressing this House's condemnation of the recent atrocity in Oklahoma City. We cannot begin to measure the damage from this senseless act of cowardice, but we can see the pain on the faces of survivors and the families of those who perished on the morning of April 19, 1995.

We in the U.S. Congress express our outrage, our horror, that anyone could even conceive of this plan, let alone carry it out. This was not an attack on a building, on a faceless Government, but on its people, on all of us. The bombers deliberately and cruelly decided to detonate the bomb at a time calculated to maximize the loss of life. And that loss has been real and tragic.

Our hearts go out to the people of Oklahoma who have endured the brunt of this tragedy. But one of the all too many who lost their lives that morning was a native of San Diego, TX, a small, closely-knit town in south Texas. Antonio C. Reyes, who was 55 years old, was identified this past Saturday as a victim of the bombing. Mr. Reyes served the U.S. Navy for more than 20 years before joining the Small Business Administration and then the U.S. Department of Housing and Urban Development. Mr. Reyes was at work on the eighth floor of the Alfred P. Murrah Federal Building at the time of the explosion. He gave of himself, not only to his country, but also to his community by supporting tutoring programs, local children's and music festivals, scholarships for Hispanic students, and community development. He was a leader, expressing concern for the Hispanic community through positive action.

Shortly before learning that Mr. Reyes was confirmed among the dead, his family gathered this past Saturday night at St. Francis De Paula Catholic Church for a Rosario de Ragación, praying for mercy and strength. His sister, Elma Garcia, still lives in San Diego, and his other siblings live in Corpus Christi and Alice in Texas, Phoenix, AZ, and Pensacola, FL. He leaves behind his wife of 35 years, Dora Reyes, a son and daughter, and two grandchildren. I am sure that I speak for all men and women of good will in this country in wishing the family our condolences at this terrible time.

We cannot know the depth of pain or loss experienced by the Reyes family and the scores of other families who now mourn for lost parents, siblings, and children. But we can send a message today, to those who perpetrated this cruelty, and to those who might contemplate future similar acts of violence: We reject this terror, we will not let it stand, and we will take appropriate action to find you and convict you. This tragedy has exposed within the fabric of our body politic a dangerous element, a cancer, that must be countered not just with effective law enforcement, but also the best of the American spirit—our shared vision of a democratic republic, a pluralistic society where rights are balanced with responsibilities. From this dark hour, let us join hands and commit ourselves to renewing our communal spirit.

Mr. FOGLIETTA. Mr. Speaker, I rise to speak in favor of this resolution.

We all mourn for the mothers, the fathers, the sons, the daughters, the children, who were lost, or who lost loved ones in this tragedy.

When we condemn the Oklahoma bombing, we also must condemn the way speech has become so mean and provocative in America. I agree with President Clinton when he says that words matter. When talk radio show hosts tell their listeners where to aim when shooting a Federal agent. When political consultants advise their clients to call their opponents traitors. When Members rise on this floor and call our President—and he is "our" President—a turncoat who gives aid and comfort to the enemy. These mean words have consequences.

Without violating the Constitution, we must give law enforcement the weapons they need to stop domestic terrorism—but we must disarm and condemn another weapon—angry, venomous, incendiary, rhetoric.

Mr. MFUME. Mr. Speaker, I rise today to express my outrage, my sorrow, and my sincere condolences to the victims of the Oklahoma City bombing and their families. The bombing 2 weeks ago was a heinous act of cowardice which will hopefully never be repeated.

We are all shocked, as we should be, any time innocent lives are taken. Yet the magnitude of the devastation in Oklahoma City, as well as the massive number of innocent lives that were lost, has left many of us shaken to the core.

The fact that the target of the bombing appears to be Federal employees makes this act even more reprehensive and repulsive to me. As many of my colleagues know, I represent roughly 35,000 Federal employees, many of whom are not just my constituents, but also my neighbors and my friends.

It is my experience that Federal employees deserve our gratitude, they deserve our admiration, and they deserve our respect. They do not deserve to be terrorized.

As most Americans know, Federal employees play an integral, albeit often invisible, role in our daily lives. Federal employees make sure that our senior citizens get their monthly Social Security checks and that our veterans get the care and treatment they need. Federal employees are responsible for printing out money and insuring it when we make deposits at a bank. Federal employees protect our borders and make sure the food we eat is safe. In short, Federal employees spend their days and often their nights making sure that our Government performs its duties.

Furthermore, the American civil servant is perhaps the best Federal employee in the world. All one needs to do is travel abroad to see that American Federal employees are second to none in terms of their devotion to the job, their initiative, and their belief that they are serving their communities as well as their Nation.

I am glad that we are taking the time today to discuss this tragedy and to let the American people know that the abhorrent behavior of a few irrational people in Oklahoma City is repulsive to us as well as our constituents. I am also glad that the American public, if they are following this debate, is aware that every Member of Congress, regardless of their ideology or party affiliation, condemns this act of terrorism.

The irony of the attack on Oklahoma City is that according to the reports we have been receiving, the primary suspects refer to themselves as "American patriots." This is offensive, not only to the American public, but especially to the people who, since the bombing, have proven themselves to be the true American patriots.

I submit to you that the true American patriots are the men, women, and children who gave their lives in Oklahoma City, as well as their families whose loss we can only imagine; they are those who ministered to the lucky few who survived; and they are the people who are still trying to dig through the rubble to find any remaining victims. It is a true American patriot who, in the last 2 weeks, has made it clear that this act of terrorism is not acceptable and will not be tolerated.

Mr. POSHARD. Mr. Speaker, on behalf of the people of the 19th District of Illinois, I rise in support of the resolution and to extend our sympathies to the people of Oklahoma City and the State of Oklahoma. I especially want my friends and colleagues in the Oklahoma delegation to know that we have been enormously moved by the courage and the character of the people they represent.

The people of my district have held public worship sessions and organized fund raising drives to assist the people of Oklahoma City. I imagine that most have also spent time in private, quiet, personal reflection. Our thoughts and prayers are with every family which lost a loved one or is still caring for the injured. We wish them God speed in their efforts to recover physically and emotionally.

Buildings can be destroyed—but the human spirit cannot be broken. It was an awe-inspiring sight to see people reach across all of the boundaries of daily life, the political, ethnic, and religious differences which sometime separate us, to reach out and care for one another as fellow citizens, as fellow human beings, as people in need of comfort and love. The terrorist could bring their world crashing down around them—but their spirit would rise above the wreckage.

Mr. Speaker, I do not know what forces conspired to produce this action. I am confident the perpetrators will be brought to justice. But I do know that I am deeply concerned about the growing anger and hatred we hear in our voices and see played out in our actions. Democracy does not survive on the extreme. It cannot survive in anarchy, nor in a police-state. It survives in the broad middle ground, accepting differences of opinion without considering those with whom we disagree as an enemy. We need to choose our words more carefully, and resist the temptation of demagoguery.

Last November, as I drove around the town square in a city in my district, I followed a vehicle which had a bumper sticker saying "I love my country, but fear my government. This government has its problems, but it is not the enemy of the people.

Our ability to agree and disagree in a free and open society is one of our greatest strengths. The right of free speech, thought and association is precious to every American. But along with that freedom comes the responsibility to respect other points of view and other deeply held beliefs.

We need to give people every assurance possible that within a free society we can hope to protect them from such attacks. I believe we can help put additional safeguards in place, through law or administrative action, which will help us protect the public without infringing on our Bill of Rights.

Mr. LUCAS. Mr. Speaker, I yield back the balance of my time.

Mr. BREWSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. COMBEST]. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Oklahoma [Mr. LUCAS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LUCAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 409, nays 0, answered "present" 3, not voting 22, as follows:

[Roll No. 305]

YEAS—409

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bellenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (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
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
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
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Schaefer
Schiff
Schroeder
Schumer
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
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—3

Scott
Waters
Watt (NC)

NOT VOTING—22

Baesler
Baldacci
Becerra
Bilirakis
Clay
Conyers
Cooley
Gallegly
Hilliard
Menendez
Moakley
Parker
Peterson (MN)
Quinn
Rogers
Ros-Lehtinen
Saxton
Scarborough
Thompson
Waxman
Wilson
Wise

□ 1400

Mr. OXLEY and Mrs. SEASTRAND changed their vote from "nay" to "yea."

Mr. WATT of North Carolina changed his vote from "yea" to "present."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. QUINN. Mr. Speaker, earlier today I was unavoidably detained in returning to the Capitol, and I missed three votes. I missed rollcall No. 303, H.R. 1158. I would have voted "yes." On rollcall No. 304, House Concurrent Resolution 53, I would have voted "yes." On rollcall No. 305, House Resolution 135, I would have voted "yes."

## PERSONAL EXPLANATION

Mr. COOLEY. Mr. Speaker, I was inadvertently detained and missed rollcall vote 305 on the resolution concerning the Oklahoma City bombing.

Had I been present, I would have voted "aye." I would like the RECORD to reflect my vote.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 123

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to remove the

name of the gentleman from Washington, [Mr. NETHERCUTT] as a cosponsor of House Resolution 123. His name was added by error.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from California?

There was no objection.

## HYDROGEN FUTURE ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 136 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 136

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 655) to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] will be recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 136 is an open rule providing for the consideration of H.R. 655, the Hydrogen Future Act. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Science.

The rule also makes in order as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the amendment shall be considered as read. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I would like to commend Chairman BOB WALKER and ranking minority member GEORGE BROWN for continuing their longstanding tradition of requesting an open rule for bills reported out of their committee. They set an example that I hope all committees will strive to follow whenever possible. As always, they did a great job.

Consumption of energy has grown at almost twice the rate of the growth of the population, and it is critical that we pursue the potential of alternative sources of energy such as hydrogen to address our long-term energy needs.

The Hydrogen Future Act authorizes appropriations for basic hydrogen research, development, and demonstration programs of the Department of Energy for fiscal years 1996, 1997, and 1998. The bill promotes Federal efforts to research hydrogen as an alternative fuel and ensures that hydrogen research is given priority by the Department of Energy.

Mr. Speaker, similar legislation passed the House by voice vote last Congress, and this open rule will allow Members the opportunity to address any concerns they may have.

Mr. Speaker, I urge adoption of this rule, and I reserve the balance of my time.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 1, 1995]

| Rule type | 103d Congress | | 104th Congress | |
|---|---|---|---|---|
| | Number of rules | Percent of total | Number of rules | Percent of total |
| Open/Modified-open [2] | 46 | 44 | 22 | 73 |
| Modified Closed [3] | 49 | 47 | 8 | 27 |
| Closed [4] | 9 | 9 | 0 | 0 |
| Totals: | 104 | 100 | 30 | 100 |

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 1, 1995]

| H. Res. No. (Date rept.) | Rule type | Bill No. | Subject | Disposition of rule |
|---|---|---|---|---|
| H. Res. 38 (1/18/95) | O | H.R. 5 | Unfunded Mandate Reform | A: 350–71 (1/19/95). |
| H. Res. 44 (1/24/95) | MC | H. Con. Res. 17 | Social Security | A: 255–172 (1/25/95). |
| | | H.J. Res. 1 | Balanced Budget Amdt | |
| H. Res. 51 (1/31/95) | O | H.R. 101 | Land Transfer, Taos Pueblo Indians | A: voice vote (2/1/95). |
| H. Res. 52 (1/31/95) | O | H.R. 400 | Land Exchange, Arctic Nat'l. Park and Preserve | A: voice vote (2/1/95). |
| H. Res. 53 (1/31/95) | O | H.R. 440 | Land Conveyance, Butte County, Calif | A: voice vote (2/1/95). |
| H. Res. 55 (2/1/95) | O | H.R. 2 | Line Item Veto | A: voice vote (2/2/95). |
| H. Res. 60 (2/6/95) | O | H.R. 665 | Victim Restitution | A: voice vote (2/7/95). |
| H. Res. 61 (2/6/95) | O | H.R. 666 | Exclusionary Rule Reform | A: voice vote (2/7/95). |
| H. Res. 63 (2/8/95) | MO | H.R. 667 | Violent Criminal Incarceration | A: voice vote (2/9/95). |
| H. Res. 69 (2/9/95) | O | H.R. 668 | Criminal Alien Deportation | A: voice vote (2/10/95). |
| H. Res. 79 (2/10/95) | MO | H.R. 728 | Law Enforcement Block Grants | A: voice vote (2/10/95). |
| H. Res. 83 (2/13/95) | MO | H.R. 7 | National Security Revitalization | PQ: 229–100; A: 227–127 (2/15/95). |
| H. Res. 88 (2/16/95) | MC | H.R. 831 | Health Insurance Deductibility | PQ: 230–191; A: 229–188 (2/21/95). |
| H. Res. 91 (2/21/95) | O | H.R. 830 | Paperwork Reduction Act | A: voice vote (2/22/95). |
| H. Res. 92 (2/21/95) | MC | H.R. 889 | Defense Supplemental | A: 282–144 (2/22/95). |
| H. Res. 93 (2/22/95) | MO | H.R. 450 | Regulatory Transition Act | A: 252–175 (2/23/95). |
| H. Res. 96 (2/24/95) | MO | H.R. 1022 | Risk Assessment | A: 253–165 (2/27/95). |
| H. Res. 100 (2/27/95) | O | H.R. 926 | Regulatory Reform and Relief Act | A: voice vote (2/28/95). |
| H. Res. 101 (2/28/95) | MO | H.R. 925 | Private Property Protection Act | A: 271–151 (3/1/95) |
| H. Res. 104 (3/3/95) | MO | H.R. 988 | Attorney Accountability Act | A: voice vote (3/6/95) |
| H. Res. 103 (3/3/95) | MO | H.R. 1058 | Securities Litigation Reform | |
| H. Res. 105 (3/6/95) | MO | | | A: 257–155 (3/7/95) |
| H. Res. 108 (3/6/95) | Debate | H.R. 956 | Product Liability Reform | A: voice vote (3/8/95) |
| H. Res. 109 (3/8/95) | MC | | | PQ: 234–191 A: 247–181 (3/9/95) |
| H. Res. 115 (3/14/95) | MO | H.R. 1158 | Making Emergency Supp. Approps. | A: 242–190 (3/15/95) |
| H. Res. 116 (3/15/95) | MC | H.J. Res. 73 | Term Limits Const. Amdt | A: voice vote (3/28/95) |

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 1, 1995]

| H. Res. No. (Date rept.) | Rule type | Bill No. | Subject | Disposition of rule |
|---|---|---|---|---|
| H. Res. 117 (3/16/95) | Debate | H.R. 4 | Personal Responsibility Act of 1995 | A: voice vote (3/21/95) |
| H. Res. 119 (3/21/95) | MC | | | A: 217–211 (3/22/95) |
| H. Res. 125 (4/3/95) | O | H.R. 1271 | Family Privacy Protection Act | A: 423–1 (4/4/95) |
| H. Res. 126 (4/3/95) | O | H.R. 660 | Older Persons Housing Act | A: voice vote (4/6/95) |
| H. Res. 128 (4/4/95) | MC | H.R. 1215 | Contract With America Tax Relief Act of 1995 | A: 228–204 (4/5/95) |
| H. Res. 130 (4/5/95) | MC | H.R. 483 | Medicare Select Expansion | A: 253–172 (4/6/95) |
| H. Res. 136 (5/1/95) | O | H.R. 655 | Hydrogen Future Act of 1995 | |

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding.

Mr. Speaker, we join our colleague from Tennessee in supporting the open rule for this bill. The hydrogen research enjoys bipartisan support. As our colleagues will recall, we passed a similar bill last August by a voice vote. Several amendments were considered at that time and four or five perhaps are expected to be offered today.

All of us, but perhaps especially those of us from regions such as southern California that have severe air pollution problems, are particularly interested in and fully support research that will lead to a clean burning, environmentally safe, energy source that is a viable substitute for fossil fuels. For that reason we support carefully written legislation that will give the impetus needed to determine whether or not hydrogen can be an energy source that is economically as well as environmentally acceptable.

We do, however, have some specific concerns about several provisions of the bill as reported. At a time of huge spending cuts in so many Federal Government programs, this bill provides for a steep increase in funding for hydrogen research. In fact, the bill authorizes more funding for the hydrogen program than either the Hydrogen Technology Advisory Panel, which advises the Department of Energy on hydrogen R&D activities, or the President requested.

An amendment will be offered by the gentleman from Massachusetts [Mr. OLVER] to reduce the authorization levels in the bill to those recommended by the panel. Interestingly, the advisory panel's experts believe that necessary research can be carried on with about $31 million less than what H.R. 655 authorizes.

While increasing annual spending on the hydrogen program dramatically, the Committee on Science imposes in this bill a cap on spending for the Energy Department's energy supply research and development activities.

That decision, which the chairman of the committee defends as the best way to make the bill deficit neutral, means that the Department will have to limit promising research in areas other than that to develop hydrogen technology, and with no guidance from Congress on where those cuts will be made. In fact, we have no way of knowing the true impact of this arbitrary spending cap.

As the ranking member of the Committee on Science, the gentleman from California [Mr. BROWN] has argued, instead of imposing the cap, we should be making a rational judgment about which programs should be cut to offset the cost of the hydrogen research program. The gentleman from California [Mr. BROWN] will offer an amendment to strike the cap so we will have the opportunity to debate this controversial provision.

Frankly, Mr. Speaker, we question these decisions even more because we are uncertain about how much interest there is in private investment in hydrogen research. As the additional views in the committee report on the bill note, if hydrogen were so promising and so near-term, we would have already seen much more private sector investment without perhaps requiring this much Government encouragement.

Finally, Mr. Speaker, I would just like to take a moment to commend the ranking member of the Committee on Science, Mr. BROWN, and the chairman, Mr. WALKER, for the good work they have done over the years, not only in this area, but also in so many vitally important to our future. As a former member of the Committee on Science myself, I know just how difficult this subject matter is they deal with, and just how few of us understand it as well as these two gentlemen do.

Mr. Speaker, we know that hydrogen is promising, even if its popularity or convenience as a major fuel is still uncertain. We support the open rule and encourage our colleagues to support it so we may proceed today with consideration of H.R. 655 and the amendments which may be offered to it.

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

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Tennessee for the time.

Mr. Speaker, I am pleased to rise in support of this open rule which provides for consideration of H.R. 655, the Hydrogen Future Act of 1995.

Our committee, the Committee on Science, has a long history of requesting open rules for this legislation, and I am pleased to join with my good friend, the gentleman from California [Mr. BROWN], the ranking minority member of the committee, to continue in that tradition with this open rule here today. I want to thank the Committee on Rules for the consideration they gave to our committee on this and for bringing forth the particular item under an open rule.

As I will discuss in more detail when we proceed to debate on the bill itself, the hydrogen research legislation will direct the Department of Energy to refocus more of its resources to basic research on this nonpolluting, abundant, renewable fuel. Great care has been taken to draft a bill which is budget neutral so as not to increase the deficit. We are interested rather in reprioritizing the Department's research efforts.

Mr. Speaker, the gentleman from California [Mr. BROWN] and I have shared a deep interest in hydrogen research during the time we have served together on the Committee on Science, and I am pleased we were able to move this bill through the committee so early in this session. I understand that he has some concerns about the funding provisions and that other Members may have amendments. I welcome that debate. I think it will help to clarify the bill and I am happy to support this rule to provide for the upcoming discussion.

Mr. Speaker, I urge adoption of the rule.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to rise in support of this legislation. I want to commend the chairman, Mr. WALKER, and the ranking member, Mr. BROWN, for the work that has been done trying to foster research and development into specific areas that I believe will help our country.

I was able to attach an amendment in the markup process that deals with section 7, the technology transfer area. It states that:

> The Secretary shall foster the exchange of generic nonproprietary information and technology developed pursuant to section 5 among industry, academia, and the Federal Government. The Secretary shall ensure that economic benefits of such exchange of information and technology will accrue to the United States economy.

Now, I know everybody is trying to finish this bill. It is a good bill. The

chairman has done a good job. But the language is that this exchange of information shall accrue to the benefit of the United States economy.

I have a little amendment that says in the report process, when they do all of the reports back to Congress, that they also give special emphasis to section 7 and let us know if there is an accrual of benefit to the United States economy.

□ 1415

From what I understand, the amendment is going to be accepted. I appreciate that. I think it strengthens the bill. I think it is time that Congress asked for these things, if the economy is supposed to be strengthened by our legislative action. Many times we do not ask to find out if it really happens. So in this case I am, and I am glad to see that perhaps we will enact it.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. COMBEST). Pursuant to House resolution 136 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 655.

□ 1416

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 655) to authorize the hydrogen research, development, and demonstration programs of the Department of Energy and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 30 minutes, and the gentleman from California [Mr. BROWN] is recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we consider on the floor of this House, H.R. 655, the Hydrogen Future Act of 1995.

Imagine a fuel which is unlimited in supply and is environmentally friendly. Imagine a fuel which produces no carbon dioxide or other noxious pollutants. Imagine a fuel that produces only water when it's burned. Imagine a fuel that can be produced entirely within the borders of the United States. Imagine a fuel that finds a virtually limitless supply in water. There is such a fuel and its name is hydrogen, the fuel of the 21st century.

Ever since the oil crises of the 1970's and the recent conflict in the gulf, Americans have been justifiably concerned that our energy supply is not guaranteed. This concern has been heightened by the fact that our hydrocarbon resources are limited, and it has been increasingly expensive to produce domestically.

The shipping and burning of hydrocarbon products has been a major cause of pollution. We all know the cost of dealing with the effects of pollution in terms of health care and restoring our environment. The Clean Water Act, the Clean Air Act, Superfund, and other legislation have generated numerous expensive regulations in an attempt to address health and pollution concerns. The use of hydrogen as a fuel would help solve these issues.

Hydrogen holds tremendous promise as an environmentally benign energy source. It is practically limitless in supply and the byproduct of its combustion is the same water that is used to produce this gas. Its common use faces large technical hurdles, however, especially in production and storage.

The Hydrogen Future Act will focus Federal research on the basic scientific fundamentals needed to provide the foundation for private sector investment and development of hydrogen as a fuel without increasing overall funding for the Department of Energy energy supply research and development programs.

During the 1980's and 1990's, the Committee on Science held several hearings on hydrogen. In 1989, the Renewable Energy and Energy Efficiency Technology Competitiveness Act, Public Law 100–218, directed DOE to provide a separate line-item for hydrogen research in its budget request. In 1990, Congress passed the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act, Public Law 101–566, which directed the Department of Energy to develop a hydrogen research program implementation plan. Then in 1992, section 2026 of the Energy Policy Act, Public Law 102–486, further addressed hydrogen research and development. The legislation we are considering today, H.R. 655, the Hydrogen Future Act of 1995, continues Congress' intent to prioritize hydrogen research.

H.R. 655 focuses the hydrogen program at the Department of Energy on basic research, development, and demonstration. The bill limits demonstration to validations of the technical feasibility of theories or processes.

The legislation requires a cost-sharing commitment by the private sector for any research, development, or demonstration project funded under the bill. It also requires that any financial assistance given under the bill: First, could not be obtained from the private sector, and second, must be consistent with GATT provisions on Federal cost-sharing.

The bill directs that the Department of Energy's hydrogen program should be a competitive, peer reviewed process, and that a percentage of the authorized funding be available for basic research into highly innovative technologies. Both of these provisions will ensure that people with new ideas have the opportunity to interact with DOE's resources and facilities.

Although this bill increases funding for hydrogen research, it is CBO certified budget neutral. H.R. 655 requires corresponding offsets to pay for hydrogen research by freezing the Department of Energy's overall energy supply research and development account at fiscal year 1995 levels. By offsetting funding from other DOE programs, the legislation does not ask the taxpayers to bear any additional costs.

The development of hydrogen as a fuel will also conserve our vital feedstocks of fossil fuels, freeing them solely to produce plastics, medical supplies, and other useful products. Using hydrogen in our cars, planes, and homes would also save billions of dollars in energy costs related to byproducts, pollution, regulations, and medical expenses. Hydrogen is the answer to fill the energy needs of our future. We are looking for a nonpolluting, abundant, renewable fuel. Hydrogen is that fuel!

After all, energy produced here in the United States grants security. Security not only from disruptive conflicts in the Middle East and elsewhere, but also financial security. More than half our trade imbalance is due to the import of oil. With domestically produced hydrogen as a fuel choice, we can substantially reduce our trade deficit.

So I would ask support for H.R. 655, the Hydrogen Future Act. It is good energy policy. It is good environmental policy. It is good research policy, and it is good budget policy.

This is exactly the type of futuristic technology-based solution to some old problems that face our society and have been so often addressed by regulation and subsidies in the past.

More precisely, it is a vision of an opportunity society that many of us in this country have been talking about over the last few weeks and over the last several years.

This is a chance to begin to live the vision. So I would ask the support of the Members for this bill.

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

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to be on the floor today on the first of what I

hope will be numerous Science Committee authorization bills. While H.R. 655, the Hydrogen Future Act, represents only a single, relatively small, energy R&D program, this bill is a good opportunity to begin to illustrate the importance of the Federal investment in science and technology.

I recognize that the majority of Members who serve here today have served less than two terms. So it is not surprising that many Members have very little information about the purpose, extent, or accomplishments of the Federal science and technology investment. As we tackle the task of cutting spending over the next few months, I am deeply concerned that science and technology funding will become a politically expedient sacrificial lamb for balancing the budget.

I know that the chairman of the Science Committee, the distinguished gentleman from Pennsylvania, shares those concerns and is working to educate his colleagues on the Budget Committee about the importance of science and technology funding. Indeed, the Federal Government's investment in science and technology has long had strong bipartisan support in recognition of their critical role in addressing such national needs as economic growth, environmental quality, defense, and health care.

The chairman and I have our disagreements in certain areas, as indeed we have on the bill before us. But we do share a belief in the fundamental importance of science and technology to a nation that seeks to remain preeminent in the next century. I look forward to working with him over the next few months to ensure that science and technology continue to receive a high priority in the national budget.

H.R. 655, the Hydrogen Future Act, augments a small, but important, program within the overall Government effort in research and development and continues a long tradition of bipartisan support for the development of hydrogen as an economically viable and environmentally friendly fuel. The committee passed the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act in 1990 on a bipartisan basis, and extended the program in the Energy Policy Act of 1992.

I want to commend the chairman, Mr. WALKER, for his efforts in bringing this bill through the committee and to the floor. Mr. WALKER and I have long shared a belief in the future of hydrogen. This bill represents Mr. WALKER's most recent effort in his long-standing support for hydrogen-related research and development within the Department of Energy. It will provide needed new focus and additional resources for the Department's programs.

As the gentleman from Pennsylvania has indicated in his remarks, hydrogen is a promising fuel with many potential applications for replacing more polluting energy sources. Hydrogen becomes particularly attractive if we can find a way to produce it using solar or renewable energy sources rather than from petrochemical feedstocks. The DOE, working with industry and academia, is working on a number of fronts which could provide critical breakthroughs to making hydrogen a cost-effective alternative to conventional fossil fuels.

While I generally support this bill and DOE's hydrogen research program, I have a number of procedural concerns and disagreements with several specific provisions. I would note that the administration has expressed similar reservations.

First, Mr. Chairman, I am disturbed that this bill is being brought to the floor ahead of a comprehensive energy research and development reauthorization. Hydrogen research is unquestionably an important program, particularly given the need to find replacements for fossil fuels which can meet our energy needs with less pollution. At the same time, DOE is supporting equally important research devoted to other promising nonfossil energy sources, such as solar energy, renewable fuels, and fusion. In addition, given our near-term dependence on fossil fuels, other DOE research programs designed to increase the efficiency of fossil fuels and reduce their polluting effects are also important. And research on nuclear fission designed to increase safety and reduce radioactive waste deserves continued support.

However, the bill before the Members today authorizes only a single DOE R&D program, which precludes us from setting priorities among all of the energy R&D programs. Members will have no opportunity today to reallocate energy R&D funds, a process that is all the more important given the fact that the total amount of funding for these programs may well be cut far below the President's fiscal year 1996 budget request.

Instead, Members are being asked to approve a 300 percent increase in the funding for a single energy R&D program—an increase well above the President's budget request of $7.3 million, and above the levels recommended by an independent, external advisory panel. Singling out hydrogen R&D for aggressive growth in a declining budget envelope suggests that hydrogen ought to be DOE's highest research priority. Members may or may not agree with that, but my point is that we will never know because Members will have no opportunity to vote on different priorities.

We need a balanced research portfolio that, taken as a whole, is most likely to provide us with cost-effective and reliable energy supplies for the future. For that reason, I am very reluctant to support the level of increases contained in the bill without a better understanding of the effect of such funding levels on other important DOE energy R&D programs. I understand that Mr. OLVER will be offering an amendment to reduce the authorization levels to a more reasonable level, which I will support.

Second, I cannot support the provision in the bill which limits the obligations for DOE's energy supply R&D funding at fiscal year 1995 levels for the next 3 fiscal years. This is simply bad policy masquerading as political cover. The cap was included so that supporters of the bill could claim that the increased funding authorized for hydrogen would be offset by unidentified cuts somewhere else in DOE's energy supply research and development activities.

But the cap won't even do what its proponents suggest. Instead, what it really does is cut $250 million across-the-board from the requested budget for dozens of DOE research programs and DOE's environmental clean-up efforts—programs that the bill does not even authorize. Yet the proposed increase in hydrogen research is only about $18 million the first year—and only if Congress appropriates, and the Department spends, the entire authorized amount. The fact is that the cap does not force DOE to spend more on hydrogen.

Further, as the Members well know, overall spending is controlled by the budget caps and the appropriations process. This cap isn't going to save the taxpayers any money; all it does is to tie our hands in trying to set budget priorities by creating artificial and arbitrary fences around some programs.

I intend to offer an amendment to strike section 10(b) of the bill which contains this limitation and will speak more about it at that time.

Finally, Mr. Chairman, I would note that this bill raises some interesting issues in the context of a broader debate about the best way to promote the economic and social benefits of this Nation's investment in science and technology. The gentleman from Pennsylvania has been very critical of a number of applied technology programs, like the Advanced Technology Program, at the Department of Commerce. ATP helps companies pursue novel ideas in advanced technologies—such as hydrogen—by supporting research, development, and demonstration activities at a 50-percent cost share. The chairman of the committee as well as other Members on that side of the aisle have argued that such programs are examples of "corporate welfare" that distort the market by having the Government pick and choose "winners and losers."

Ironically, in my view, H.R. 655 has many similarities to the ATP program. While the bill speaks specifically about basic research, the reality is that the major barrier to the increased use of

hydrogen as a fuel is an economic one. We know how to produce, store, and transport hydrogen; we know how it works as a fuel and how it can be used in fuel cells to generate electricity. What we need to learn is how to produce, store, and transport hydrogen more cheaply so that it can economically compete with other energy sources. To my ear, that sounds suspiciously like an applied technology program that does not differ dramatically from the ATP and other technology development and demonstration programs.

The language in H.R. 655 is a valiant effort to cloak this inconvenient point in semantic ambiguities. But it cannot be seriously questioned that the primary push of the technology effort must be to cut hydrogen's cost. Industry will never pick up the final stage of demonstration and commercialization unless the underlying Government-supported work shows that hydrogen production, transportation, and storage is not only technically feasible, but also economically attractive. Fortunately, H.R. 655 seems to authorize precisely such a program.

What ever our semantic disagreements, the important point is that the bill does represent another step forward in developing hydrogen as a national energy resource, and for that reason I support the bill. I could support it more enthusiastically if the amendments we offer this afternoon are adopted.

HYDROGEN/ATP COMPARISON

This table shows the great similarities between the Advanced Technology Program of the Department of Commerce and the Department of Energy's Hydrogen Research Program. At least as much as the hydrogen program, ATP focuses on long-term noncommercial research and development with potential for great scientific discovery. Also, it stops earlier in the development cycle than the hydrogen program. In short, if a Member supports the hydrogen program, he or she should support the ATP program as well.

| Hydrogen program | ATP program |
|---|---|
| Multi-year grants. Three to five year time horizon. | Multi-year grants. Three to five year time horizon. |
| Funds research, development, and demonstrations leading to production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications. | Funds high risk, high payoff research and development in fields identified by industry as critical to future success of key industries. Emphasis on generic technologies that can benefit whole industries. |
| Majority of research done by national laboratories. | Maximum of ten percent can be done by government laboratory. |
| Majority of industry grants so far to large business including Air Products and Chemicals, Praxair, and AD Little. | Grants evenly split between big business and small business. Big business and potential suppliers sometimes team together (e.g. auto industry). |
| No limit on size of grants | $2 million limit on grants to individual companies. |
| 20% industry cost-share for research and development. 50 percent cost-share for demonstration. | 50% cost-share minimum required for research and development. |
| Will fund incremental but important demonstrations such as increasing the efficiency of steam reforming of natural gas. | Pre-commercial scale demonstrations and improvements to existing products are ineligible for funding. |
| Has funded industry surveys | Marketing surveys and commercialization studies not eligible. |

□ 1430

Mr. Chairman, I yield 6 minutes to the gentleman form Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I would just like to congratulate the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] for their hard work on this important legislation.

H.R. 655 will support very, very vital work for us to look into the hydrogen field and research, development, and demonstration projects. This is a thoughtful bill. I think it has very important energy ramifications for this country's policies in the future.

We need to become more environmentally friendly. We need to find ways to produce and transport hydrogen more efficiently. As the gentleman from Pennsylvania [Mr. WALKER], and the former chairman, the gentleman from California [Mr. BROWN], have said so articulately, we know what many of the problems are, but we need to invest in ways to more efficaciously solve the problems we are faced with in transporting and delivering this very potentially vital source of clean burning energy to our country.

Mr. Chairman, I think that the gentleman from Pennsylvania [Mr. WALKER] has also talked in a very, very forceful way about the policy on the budget. He has said that we offset the increase in the budget, and as we are coming back from a break where we have heard in our town meetings that our constituents are very concerned about the deficit, we want to make sure that this does not call for tax increases, which it does not. We want to make sure that this policy has vision with relation to the rest of our Energy Department, the DOD, and the National Laboratories.

I would say that this is a very good bill, and I would encourage my colleagues to support it. I do have two concerns, not problematic, but concerns that I would just express to the distinguished chairman that I hope to work with him on over the course of the next few months. One would be that we do have a very, very good vision for hydrogen in this bill, but we do need to develop a vision for our Department of Energy.

We are bringing out today on the floor one splinter, one very small area of our energy policy. We need to come to the floor with our energy authorization bill. We need to do that both for reasons of the budget, because we are going to be cutting some programs and reorganizing some programs. We need to show the American people where our priorities are in terms of the National Laboratories, which National Laboratories as our treasures are we going to keep, which ones might we downsize, which ones can become more effective.

I have introduced legislation with respect to the National Laboratories. I look forward to working with the chairman and the chairman of the subcommittee on that legislation.

Second, Mr. Chairman, I would say I have a concern in terms not only of the vision but of the budget.

Mr. Chairman, as we bring one part of our policy on energy to the floor with an increase, how does this affect the other policies and programs within the Department of Energy? I think the chairman has articulated some of the ramifications and ancillary effects of those programs. We look forward in our hearings and in our markups in energy on our committee to continue to discuss these in broader ways, and in more specific ways. I congratulate the chairman of the committee for a thoughtful bill on new U.S. policy with hydrogen and look forward to voting for this piece of legislation.

Mr. WALKER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I thank the gentleman from Indiana for his statement. I just wanted to assure him, based upon the one concern that he raised with regard to overall authorizations, that it is our intention to move aggressively ahead in that area. As the gentleman knows, we have already held hearings in the subcommittees on a number of these programs, and our intention would be that as soon as the budget numbers are fairly firm, which should be within a matter of the next couple of weeks, that at that point the authorizing committees will be able to move with their authorizations. I share the gentleman's desire to see to it that those organizations are moving so they provide some guidance in the appropriations process, but also that they provide the kind of vision statement that I think we need to make in a tough budget situation. We need to begin to lay out how we are going to both balance the budget and at the same time maintain an aggressive science and technology policy for the country, and I think that is going to be some of the very, very instrumental work that the various subcommittees are going to be assigned to do. I am going to try to give those subcommittees the latitude that they need to work within budget caps, but to prioritize the science of this country in a way that makes sense within that budget constraint.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just say, and I know the gentleman has much more experience upon this committee than I do, I have only been on the committee since 1991, but as a member of the authorizing committee, I would hope that we could get this bill out to give guidance to the appropriators as to what the new priorities in this 104th Congress might be for spending on new technology, on programs

such as hydrogen. I think that the expertise shown by this committee in the past has been a very valuable one.

Also, the chairman and the ranking member would be not only working with the appropriators on the House side, but hoping to work with the Senators on the other side of the body so we do pass an authorizing bill. I think that is very important, not just institutionally, but given that the Members of that committee do have a great deal of expertise in this technology and in this field of science.

Mr. WALKER. Mr. Chairman, I would just say to the gentleman that that is certainly my hope, not only in the energy area but in the other areas of jurisdiction of this committee.

I would say to the gentleman that we are going to be bringing forth a budget document. That will have a series of assumptions in it. Those assumptions will simply assure that you can in fact meet the budget targets we are going to lay out, but they are only that, they are assumptions.

It is going to be the work of the authorizing committee to take those budget numbers and decide what the priorities are that our committee wishes to lay forth on the Nation. I think then that that will provide the kind of guidance that the appropriators will respond to, so there is going to have to be a lot of interactive work over the next several months here, but I think it is interactive work that will produce a far more stable policy than we have seen in the recent past.

Mr. ROEMER. Mr. Chairman, if the gentleman will continue to yield, I would only conclude by saying that as a Member of the Committee on the Budget, our distinguished chairman will be able to make sure that we get that floor time and have these authorization bills come to the floor on time.

Mr. WALKER. As I say to the gentleman, yes, I have had an opportunity to participate in the budget deliberations, but the budget deliberations should be seen only for what they are. They are a road map in terms of overall numbers, but it is going to be the work of our committee that is going to literally lay forth the policy, and I think that is the kind of important work this committee should be doing.

Mr. ROEMER. Mr. Chairman, I thank the gentleman.

Mr. WALKER. Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me continue that interesting discussion a little bit. First, I appreciate the dialog with regard to the need to move the authorization legislation ahead promptly, and I hope that the Chair of the Committee on Science will be able to do this.

As I think I have pointed out to him, the way the schedule has slipped here, we may not actually see Committee on the Budget numbers for at least the 2 weeks that the gentleman referred to, possible a little bit longer, and the window for authorization bills is going to be correspondingly shorter. I know the gentleman recognizes that.

If we have done all of the necessary preparatory work in the subcommittee and in the full committee, we can still move authorizing legislation, and I will assure the gentleman of my very strong desire to cooperate in this.

Again, Mr. Chairman, referring to the caps situation, however, authorizing bills are caps. Appropriators cannot exceed those limits when it comes to spending money. What the gentleman has done in this bill is to authorize one program and in effect cap that, but then in addition to that, he has capped more than 10 times as much that are not in the subject matter of this bill; in other words, other forms of energy supply R&D.

I would contend that is more appropriately done in the Committee on the Budget itself as it considers energy legislation, and I would make a bigger argument about it, and I will, probably, when my amendment comes up, but actually, as he well knows, the whole question may be moot if in fact the Committee on the Budget decides and the administration decides that we will have a reduction in energy expenditures over the next 3 years, in which case the cap, which I think is inappropriate to this bill, would nevertheless not have any impact, and I would see no harm in it at that point.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 655, and I commend the chairman and ranking member of the Committee on Science for bringing this measure to the floor. I do, however, have several reservations, and I believe that they are shared by many on the Democratic side of the aisle.

First, the bill elevates hydrogen research above all other research priorities at the Department of Energy. While I hope that hydrogen will be an important fuel in the future, I believe that other research and development programs in the Department are also important and deserve authorization.

Second, H.R. 655 caps spending in the Energy Supply Research and Development account at fiscal year 1995 levels. All of us want us to cut the deficit, but I do not believe any of us advocate placing arbitrary caps on programs without a discussion of their merits. The Science Committee had no hearing record on these programs on which to base a decision. I suspect that the cap might be a political tactic to prove that more money will not be spent by the Department to cover the increases mandated in this bill.

Finally, the increases authorized by the bill are higher than requested by an outside expert hydrogen advisory panel to the Department, and the Department has no plans to spend the additional funds. In this time of budget cutting, I cannot support sending money to programs that lack a plan to us it, while action plans are starved for proper funding.

I am hopeful that these points will be addressed in the debate, and I look forward to an improved bill to send to the Senate. Hydrogen research, development, and demonstrations are important to our Nation's future, and I support the program authorized in the bill.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I thank the gentleman from Florida for his statement. I understand his concerns. The only thing I would say to the gentleman is that the most recent update of the Hydrogen Technology Panel's numbers in fact indicate that that particular panel will have numbers that are more than what are in this bill, not less, so that we are in fact in the bill not coming up to what the panel is prepared to request.

I have a letter here from what particular panel at the University of Hawaii making that case, so I think we are in the right range here, anyway, Mr. Chairman.

Mr. BROWN of California. Mr. Chairman, I am pleased to yield 7 minutes to the distinguished gentlemen from Missouri [Mr. VOLKMER].

□ 1445

Mr. VOLKMER. Mr. Chairman, I wish to thank the gentleman for yielding me this time. I wish to use this time to engage in a colloquy.

Recently, there has been a lot of talk in this body about the appropriate Federal role in funding technology development, much of it coming from the other side of the aisle as an attack on what is called corporate welfare. This criticism is generally directed at programs that were started in the Reagan and Bush administrations, but which have been greatly expanded in this administration as a useful way to develop good, high-technology jobs in the future. I am talking here about programs like the Advanced Technology Program at the Department of Commerce and the Technology Reinvestment Program at the Department of Defense.

The Hydrogen Future Act is the first bill we have considered this year that would expand industry-Government partnerships in technology development. On its face, this bill seems to be aimed at promoting programs which are very similar to ATP or TRP.

I would like to inquire of the gentleman from Tennessee [Mr. TANNER], the ranking member of the Subcommittee on Technology of the Committee on Science, whether that is his understanding.

Mr. TANNER. If the gentleman will yield, I thank the gentleman from Missouri [Mr. VOLKMER].

It is my understanding, the purpose of the bill before us is to fund research, development, and demonstrations in a particular technology that the bill's authors have chosen; namely, hydrogen. This work will be done primarily through government-industry partnerships, with industry supplying a substantial share of the funding. This is the same general formula used by ATP and TRP, except that their focus tends to be much broader; that is, ATP is applicable to many different technologies besides hydrogen.

I would also like to add that the bill before us authorizes $31 million above the recommendation of the Hydrogen Advisory Panel. Although I support government-industry partnerships promoted by this bill at its recommended funding level, currently supported industry programs will be cut to pay for this inflated hydrogen program. Meaningful, constructive research at various labs around the country such as the Oak Ridge National Laboratory, Argonne National Laboratory, Los Alamos, and Lawrence Livermore will certainly have to pay the price.

Mr. VOLKMER. I notice that the report on the hydrogen bill contains six criteria that the committee leadership endorses for prioritizing Federal R&D funding. Would it be useful to measure both the hydrogen program and the ATP against these same criteria?

Mr. TANNER. If my colleague would continue to yield, I believe that it certainly would.

First let's look at the hydrogen program. It appears that the hydrogen program authorized by this bill generally meets these criteria, although there are some close calls. For instance, the bill as introduced authorized 15 different demonstration projects, including a hydrogen jet engine and economically feasible hydrogen vehicles. The bill before us today would still allow any of these demonstration projects to be funded. However, while the economics of these demonstrations may be questionable, the basic technology no longer seems novel. Therefore, this bill may in fact violate the committee's criterion related to technical feasibility.

On the other hand, if the hydrogen vehicles developed under this bill were to utilize novel, renewable energy technologies, then we would certainly conclude that the program is within the scope of these criteria for discovery.

Mr. VOLKMER. I agree with the gentleman that the hydrogen program authorized by this bill is a useful R&D program, but it is questionable whether all of these hydrogen activities are revolutionary or pioneering or that in fact they are not evolutionary advances or incremental improvements. For instance, I would note that the program currently has a cost-shared, noncompetitive contract with Air Products and Chemicals Corp. to increase the thermal efficiency of hydrogen production from hydrocarbons from 85 to 93 percent, an incremental 8-percent increase. This is useful, but it certainly could be considered incremental. It is not revolutionary, it is not pioneering, and, therefore, in my opinion would violate one of the committee's six criteria.

I would ask the gentleman, if the hydrogen program authorized by this bill barely meets the six committee criteria, how then would you rate ATP against these same criteria?

Mr. TANNER. I say to the gentleman from Missouri [Mr. VOLKMER], I believe ATP as currently structured easily meets the criteria. I have here an example from ATP's proposal preparation kit explaining what ATP does not fund.

They do not fund precommercial scale demonstration projects where the emphasis is on demonstration that some technology works on a large scale rather than on R&D.

They do not fund improvements of existing products.

They do not fund product development.

In short, ATP does fund the kind of long-term research and development which the committee report advocates.

Mr. VOLKMER. I totally agree. From my experience, ATP awardees tend to be real entrepreneurs. Most have been rejected by venture capitalists who are less entrepreneurial than they are.

Mr. TANNER. That is true. High-technology entrepreneurs have told us many times in hearings that ATP is the only U.S. program that is willing and able to meet their needs. Without ATP, they would have had to go overseas where foreign governments have established technology development climates that are more focused on future wealth than short-term profits.

Mr. VOLKMER. Am I missing something, then? Why do you think that some people have a philosophical problem with the ATP program but not with the hydrogen program?

Mr. TANNER. This is the very same question the entrepreneurs who testified before our committee raised. They have expressed dismay at this apparent inconsistency.

It seems to me that if you are for this hydrogen program and its approach, which I support at the recommended level, one would automatically embrace the ATP program enthusiastically. These programs are good for our country, they are good for our technological base, and they have proven their worth in the private sector. I hope that the Members will bear that in mind today as we vote and review and vote on the programs like ATP and TRP later this session.

Mr. VOLKMER. I wish to thank the gentleman for participating in the colloquy.

Mr. Chairman, I would like to pursue one other area that I briefly alluded to in the colloquy. That is, under the present program, the hydrogen program, a major billion-dollar corporation, multi-billion-dollar corporation has the largest grant for hydrogen under the energy program, and it is for only an incremental approval of producing hydrogen from hydrocarbons, to move it from 85-percent efficiency to a 93-percent efficiency.

Where is that corporation located? My understanding, from an article in the science magazine that I have, it is located in Allentown, PA, and that some of its facilities are in Pennsylvania and in other places. It is my understanding also it is the largest hydrogen producer in the whole United States, if not in the world.

Yet through its task force established to get more additional funds for hydrogen research, it comes here today to increase the amount that we give for hydrogen research so that they, this big company, billion-dollar company, can get additional up to $40 million for further research, not into pioneering research, not into something brand new, but just for developmental research.

At one time this bill, the original version of this bill, was even to give them money to come up with a better hydrogen-propelled motor vehicle. We have had hydrogen-propelled motor vehicles for a long period of time. That is nothing new at all. Why would we want to give millions of dollars more to a billion-dollar company? Mr. Chairman, I call that corporate welfare. I believe that any company that is this big can afford to do their own research.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

I would simply say that the colloquy that we just heard is the old order reasserting itself. It is interesting to note that the gentleman ignored the fact that this bill does concentrate on basic research and one of the complaints that he has is because the previous bill did not concentrate on basic research; this one does.

With regard to the corporation in Pennsylvania, I am surprised that the gentleman from Missouri feels so badly about the district of his Democratic colleague, the gentleman from Pennsylvania [Mr. MCHALE], getting a benefit out of programs that have previously been done. The fact is that the money in Allentown, PA, goes to the district of the gentleman from Pennsylvania, who I think would probably disagree with the gentleman and would be in favor of this particular bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I rise in support of H.R. 655. As a new member of the Committee on Science, it has been interesting to listen to

some of this debate today, but I must say that I have become more and more enthusiastic about the long-term potential of hydrogen as a fuel.

It has been said that what the mind of man can conceive and believe, it can achieve. I am convinced that long-term hydrogen power will happen, but I think it will happen faster if we give it this kind of a boost.

The numbers that we are talking about in terms of the appropriation are relatively modest. As the chairman of the committee just alluded to, we focus on basic research rather than applied research. I have also come to the conclusion now, as a new member of this committee, that basic research is an important function of the Federal Government.

In fact, a few years ago I had the opportunity to meet the gentleman from the 3M Company who developed the Post-It note. He said something I thought very important and very interesting. He said, "If we knew what we were doing, it wouldn't be research."

There is a lot of research that goes on in this country that can be funded in the private sector. On the other hand, there is a lot that cannot and would not happen if we did not give it some kind of a boost at the Federal level.

I have said, too, to some of my colleagues that a number of years ago we had a U.S. Senator from Wisconsin by the name of Proxmire. He was fond of giving out these Golden Fleece Awards. I think sometimes he probably did more harm than good with those Golden Fleece Awards, because many times he focused on basic research programs that the Federal Government was underwriting.

I would remind him and my colleagues that some of the research that is done is very hard to justify at that particular point in time. I do not think that this one of those programs. I think this is one that will be easy to justify, and I think that our children, our grandchildren, and future generations of Americans will be happy and glad that we were willing to make some sacrifice to see that this program was funded in 1995.

I support the bill; I think it is as strong as it needs to be; I do not think we need any amendments; and I hope we can send it to the Senate and ultimately perhaps to conference with the version that we have in front of us today.

Mr. BROWN of California. Mr. Chairman, I yield 1 additional minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, in reply to the words of the gentleman from Pennsylvania, it makes no difference to this gentleman where Air Products is located. It does make a difference to me that a corporation, a billion, billion, billion-dollar corporation, is coming to Washington and wanting a handout in order to help do some research that they have got fully enough money to do themselves.

It makes no difference to me where that corporation is located. It does make a difference to me that it is corporate welfare, and I do not believe in corporate welfare.

Mr. WALKER. Mr. Chairman, I yield myself 2 minutes.

I congratulate the gentleman from Missouri for his position on corporate welfare. I would simply point out to the gentleman again that it was he who suggested there was something sinister in the fact that this particular corporation was in Pennsylvania.

He was the one who raised that point, and I got the implication that it might have been directed at the fact that the gentleman from Pennsylvania is from Pennsylvania. The gentleman raised that point in the classic cheap-shot technique. In my view, he was in fact raising the geographic issue.

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It is also worth pointing out, I think, that in the particular case of the project that the gentleman talked about, I in fact wrote the Department of Energy myself questioning the grant of that contract that I do not believe was done on a competitive basis, and so therefore I have raised questions myself about that particular contract.

It is also worth noting to the gentleman that the actual research is being done in Texas under that program. Only the engineering is being done in Pennsylvania. The actual research work is being done in the district of another Democrat, the gentleman from Texas [Mr. BENTSEN]. So the gentleman was the one who raised the point.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I do not care where the research——

Mr. WALKER. Why did the gentleman mention Pennsylvania?

Mr. VOLKMER. I just made mention of it because the article that I read in the science magazine said that Air Products and Chemical Corporation is from Pennsylvania, Allentown, PA, is what it said.

Mr. WALKER. That is right.

Mr. VOLKMER. That is all I mentioned and I know it.

Mr. WALKER. The gentleman indicated, I reclaim my time, and the gentleman indicated that that might have some bearing on the fact that the legislation is on the floor.

And I am just saying that the gentleman is absolutely wrong, and he is even wrong with regard to his facts as to where the money is being spent. So I think that what we ought to do is talk about the substance of the bill. It is too bad the gentleman did not want to talk about the substance of the bill. The substance of the bill is that this is a hydrogen promotion program. It is in fact an attempt to make certain we have a good hydrogen program, and there may be lots of companies around the country that will benefit from that.

But this is a basic science program, something the gentleman seems to ignore. This is about basic research; it is not about corporate welfare.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I picked a good time to come, did I not? I will try to get us out of this ditch here.

I was on the Science Committee reluctantly, it is not one of my choices, but I am glad I am on it. I have really enjoyed it. The spirited debate here today has been fun.

But hydrogen research is something I knew zero about when I came to Congress. I am excited about it too. And I understand the concerns of the gentleman from California about the cap and present funding, but we have to make some suggestions that are good for the country.

And I am also against corporate welfare. There are some programs when analyzed over time I do not think have too good a report card grade about how we sent money to corporate America to develop energy sources of the future, but I think by capping the money we are making priority decisions, and that is what we need to do in the budget. We are putting $100 million over 3 years on hydrogen research, which means something else has to go. That is a political decision we have made up here, a bipartisan political decision that hydrogen is important.

In about 18 months we are going to get a report card back and we will be graded about our judgment. I am willing to stand up here today and I say it is a good expenditure of the money, a good priority too, and overall I think it will help our country.

One thing we cannot forget is we built airplanes and we built cars without any Government grants. Let us not get too far away from the idea in America that our best resource of the future is entrepreneurs in the private sector, but the Government does play a role. It should be a partner, but should not be the dominant partner.

This is not about corporate welfare in my opinion. But in 18 months we will see the success of this program. I am optimistic, but if we are wrong, I will be the first one to say we were wrong and we made a mistake. But given the knowledge I have now, I think it is a good bill and I think we should press forward.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time. I would say to the gentleman from South Carolina that it may be beneficial not to know anything about hydrogen research to be a part of this debate here today.

Mr. Chairman, I rise in general support of H.R. 655. As a scientist I support hydrogen research, and one of the last research programs I worked on in my academic career was in fact a hydrogen fuel cell research program, and it was one of the most promising ways to utilize hydrogen as a fuel.

The distinguished chairman of the committee claims that the Hydrogen Technical Advisory Panel has recommended more spending than is even included in H.R. 655, and indeed the distinguished chairman is correct if we include the demonstration projects that the HTAP believes should be done, but the distinguished chairman has opposed the inclusion of those demonstration projects and in fact they are not included in the legislation.

Under those circumstances, I wonder why we would be offering funding or defending funding as high as would include those demonstration projects. As an aside, I would say I believe we ought to be authorizing demonstration projects as proposed by the HTAP, but they are not included in the legislation and we should not be authorizing funding for them.

So a little bit later I am going to offer an amendment that would provide for exactly the amount of funding in this bill that would provide for the research and development that the HTAP calls for, that HTAP is essentially a peer review panel for the whole program. Peer review panels are something that the chairman very strongly supports, as I support also. But I would strip out of it in the amendment I will offer later funding which goes beyond what is authorized in the bill and what is recommended by the HTAP panel and its recommendations, and I will offer that amendment at a later time.

Mr. WALKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think the gentleman is sincere in what he said, but I have a letter here from the chairman of HTAP, the Hydrogen Technical Assistance Panel, Pat Takabashi, and he simply says there was an error made that the gentleman is now going to evidently try to compound. It says:

> I can see why there was an erroneous interpretation that HTAP was advocating a figure lower than the $25 million, $35 million, and $40 million sums indicated in 104–95. We should keep in mind that Year Zero's $7 million represented fiscal '94. Year One was a reflection of what we thought fiscal '95 (current year of expenditure) would be, and Year Two the first year of your bill. Thus, your $25 million is actually lower than the $28 million advocated in the HTAP report.

So, in fact, the chairman of the Hydrogen Technical Advisory Panel is saying that the figures used in our bill are actually lower than what their request is, and I think that should be a part of the debate as we move forward.

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

Mr. BROWN of California. Mr. Chairman, I yield myself the remaining 2 minutes.

Mr. Chairman, I regret that some of this debate has appeared to wander a little bit afield from the essence of the bill before us. I think we have pretty much concurred that the continued support of hydrogen research is a good thing to do, and that the bill will do it. There is some question about the exact level, which coincides with the recommendation of the advisory committee, but in the overall scheme of things that is not all that important.

In my opinion, the primary objection to the bill has to do with the extraneous matter of the cap on the energy supply research and development in general, and as I indicated in earlier debate, even that point may be moot because it will depend on whether additional changes are made through the budget process that would reduce the budget of the Department of Energy in that and other categories.

So let me just conclude by saying what we have here is an essentially good bill which I intend to support which is complicated by a few extraneous matters which have been attached by the gentleman from Pennsylvania [Mr. WALKER] in pursuit of his desire to constrain spending, which I think most of us would agree has merit, but I differ rather strongly with the methodology which he is using in order to achieve that end.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Hydrogen Future Act. Hydrogen research has long had broad, bipartisan support, and with good reason: Hydrogen has the potential to be a cheap, clean, and efficient fuel.

As one of the strongest environmentalists in this Congress, I believe we need to do everything possible to develop such resources. Regulation and improvements in internal combustion technology can only get us so far. Our greatest hope for a future of economic prosperity and environmental health is to develop new propulsion technologies, such as hydrogen.

This bill will bring government, universities, and industry together to conduct research on hydrogen in a way that would not happen without government involvement. And the bill ensures that the Government would be active only in research that would not occur absent its assistance. That is a sensible R&D policy directed at an important end.

Hydrogen research has not been a source of controversy in the past. And there is no technical reason that it should be controversial now. I urge all my colleagues to support this work to develop an environmentally benign fuel.

Mr. BROWN of California. Mr. Chairman, I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute now printed in the bill shall be considered under the 5-minute rule by sections, and pursuant to the rule, each section shall be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Hydrogen Future Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited and polluting;

(2) additional basic research and development are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel, because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society collectively benefiting from one of the great energy sources of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should continue; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

**SEC. 3. PURPOSES.**

The purposes of this Act are—

(1) to provide for a basic research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide for advice from academia and the private sector in the implementation of the Department of Energy hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

**SEC. 4. DEFINITIONS.**

For purposes of this Act—

(1) the term "demonstration" means a validation of the technical feasibility of a theory or process;

(2) the term "Department" means the Department of Energy; and

(3) the term "Secretary" means the Secretary of Energy.

**SEC. 5. RESEARCH AND DEVELOPMENT.**

(A) AUTHORIZED ACTIVITIES.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 and the Energy Policy Act of

1992, and in accordance with the purposes of this Act, the Secretary shall provide for a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the technical feasibility of using hydrogen for industrial, residential, transportation, and utility applications. In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of United States industry.

(b) SCHEDULE.—Within 180 days after the date of the enactment of the later of this Act or an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals for all interested parties (including the Department's laboratories) for carrying out the research, development, and demonstration activities authorized under this section. Within 180 days after such solicitation, if the Secretary identifies proposals worthy of Federal assistance, financial assistance shall be awarded under this section competitively, using peer review of proposals with appropriate protection of proprietary information. The Secretary shall use appropriations authorized by this Act that are not allocated for such awards to carry out research, development, and demonstration activities in accordance with the purposes of this Act.

(c) COST SHARING.—(1) Except as otherwise provided in section 6, for research and development proposals funded under this Act, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the proposed program. The Secretary may reduce or eliminate the non-Federal requirement under this paragraph if the Secretary determines that the research and development is of such a purely basic or fundamental nature that a non-Federal commitment is not obtainable.

(2) The Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration project under this Act to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this paragraph if the Secretary determines that the reduction is unnecessary and appropriate considering the technological risks involved in the project and is necessary to serve the purposes and goals of this Act.

(3) In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary shall include cash, and the fair market value of personnel, services, equipment, and other resources.

(d) CERTIFICATIONS.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990—

(1) the Secretary must certify that providing such financial assistance is consistent with the Agreement on Subsidies and Countervailing Measures described in section 771(8) of the Tariff Act of 1930 (19 U.S.C. 1677(8)); and

(2) industry participants must certify that they have made reasonable efforts to obtain non-Federal funding for the entire cost of the project, and that such non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activities under this section that unnecessarily duplicate activities carried out elsewhere by the Federal Government or the private sector.

**SEC. 6. HIGHLY INNOVATIVE TECHNOLOGIES.**

Of the amounts made available for carrying out section 5, up to 5 percent shall be used to support research on highly innovative energy technologies. Such amounts shall not be subject to the cost sharing requirements in section 5(c).

**SEC. 7. TECHNOLOGY TRANSFER.**

The Secretary shall foster the exchange of generic, nonproprietary information and technology, developed pursuant to section 5, among industry, academia, and the Federal Government. The Secretary shall ensure that economic benefits of such exchange of information and technology will accrue to the United States economy.

**SEC. 8. REPORTS TO CONGRESS.**

Within 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall transmit to the Congress a detailed report on the status and progress of the Department's hydrogen research and development program. Such report shall include an analysis of the effectiveness of such program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990. Such Panel shall also make recommendations for improvements to such program if needed, including recommendations for additional legislation.

**SEC. 9. COORDINATION AND CONSULTATION.**

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall coordinate all hydrogen research and development activities within the Department, and with the activities of other Federal agencies involved in similar research and development, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration. Further, the Secretary shall pursue opportunities for cooperation with such Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 as necessary in carrying out this Act.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) GENERAL AUTHORIZATION.—There are authorized to be appropriated, to carry out the purposes of this Act—

(1) $25,000,000 for fiscal year 1996;

(2) $35,000,000 for fiscal year 1997; and

(3) $40,000,000 for fiscal year 1998.

(b) RELATED AUTHORIZATIONS.—(1) For each of the fiscal years 1996, 1997, and 1998, the total amount which may be obligated for Energy Supply Research and Development Activities shall not exceed the total amount obligated for such activities in fiscal year 1995.

(2) Paragraph (1) of this subsection does not authorize the appropriation of any Federal funds.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 4, lines 14 and 15, strike "(including the Department's laboratories)".

Page 4, line 17, insert "The Secretary may consider a proposal from a contractor who manages and operates a Department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility." after "authorized under this section.".

Mr. BROWN of California. Mr. Chairman, this is essentially a technical amendment which I think the chairman of the committee has agreed to. It clarifies the question of whether a Department of Energy laboratory may compete for an award under this bill, and as I understand it this is in accordance with the gentleman's feelings about the bill.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I agree with the gentleman on this. The staffs did work together closely with the Department of Energy on these changes. I thank the staffs for that. I think it is a good amendment. The change will clarify the intent of the bill as to the language concerning the involvement of the Department of Energy laboratories with the hydrogen program.

The intent of the bill was to allow the laboratories to participate in Department programs, and this change reflects this intent. I would ask our colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by TRAFICANT: Page 7, line 8, insert ", with particular emphasis on activities carried out pursuant to section 7 of this Act" after "research and development program".

Mr. TRAFICANT. Mr. Chairman, during the amendment process and markup I was able to include language which says the Secretary shall ensure that economic benefits of such exchange of information and technology accrue to the U.S. economy.

My amendment simply says when we get a report back, as this bill requires, that it would give some emphasis to in fact if that accrual of benefit to the U.S. economy has occurred, and give us some information in that regard.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I am delighted to support the gentleman's amendment, and would urge other Members to do the same.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California, the distinguished ranking member.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding. We agree with the gentleman with regard to the need for this amendment, and have no objection.

Mr. TRAFICANT. Mr. Chairman, I ask for a vote in the affirmative.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 4, line 1, insert "basic" after "hydrogen energy".

Page 5, line 2, strike "and development".

Page 5, line 4, strike "20" and insert in lieu thereof "25".

Page 5, lines 7 and 8, strike "and development".

Page 5, line 11, insert "development or" after "related to any".

Page 5, line lines 13 through 21, strike "The Secretary may" and all that follows through "and other resources.".

Page 5, line 22, insert "AND REQUIREMENTS" after "CERTIFICATIONS".

Page 6, line 1, strike "certify" and insert in lieu thereof "ensure".

Page 6, lines 3 through 5, strike "described in section 771(8) of the Tariff Act of 1930 (19 U.S.C. 1677(8))" and insert in lieu thereof "as approved in section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511)".

Page 6, line 17, insert "basic" after "used to support".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is an amendment that will clarify the intent of the bill by conforming the bill language to the GATT language adopted in the Uruguay round.

The two main changes made in language reflect raising the 20-percent cost-share for research programs to a 25-percent cost-share as required by GATT, and changing the referenced GATT citation to the Uruguay round itself.

This language regarding Federal funding of research became effective January 1 of this year.

Staff has worked with the Department of Energy on the intent of this amendment.

I would ask my colleagues to support it.

Mr. BROWN of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, because this legislation provides for cooperative funding of research and development with private industry, it falls within the purview of certain GATT provisions which deal with this.

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And Mr. WALKER's amendment seeks to resolve the issue of whether or not this comports with GATT by the language which he has offered.

It is our view that in doing so he has created additional problems which need to be resolved that are going to be extremely difficult to resolve because of the fact that it is not clear exactly what the definition of some of the terms being used within the bill and within his amendment is. This situation is an interesting one, because it is the first time that we have had to attempt to reconcile legislation involving what might be considered legislation involving what might be considered U.S. Government subsidies to industry, and it is important that we do it in a proper way.

I had originally intended to offer some language which I thought would resolve this more effectively, but I have decided merely in this statement to try and clarify the situation and to express my hope that as we go forward that we can have further consultative process with the administration and that perhaps when the bill gets to the other body, as I hope that it will, we can resolve this issue of the proper language to accommodate the bill to the GATT provisions in a fashion which is satisfactory to the administration, to the Department of Energy and hopefully to those people who are trying to interpret GATT.

At this point, I am going to content myself with expressing my feeling that the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] does not resolve the problem and, hence, I am going to oppose it, but I will not ask for a rollcall vote.

Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Pennsylvania's amendment is intended to try to fix a problem in the bill that arises from new language in the GATT Agreement which we approved in the last Congress. The new GATT rules fix an upper limit on the amount of Government subsidies that can be given to certain kinds of industry-related research, development, and demonstration efforts.

Unfortunately, GATT's definitions of the key terms do not mesh with the terms "research, development, and demonstration" terms which we traditionally use, not only in this particular bill, but throughout the wide range of Government R&D programs. This bill marks the first time Congress has had to grapple with these difficult definitional problems. Unfortunately, this problem was only recently called to our attention, and we have not had much time to consider careful solutions.

The amendment offered by the gentleman from Pennsylvania attempts to force a rough solution to this delicate problem. To achieve superficial compliance with GATT, the amendment would treat all development activities under the bill as what GATT refers to as precompetitive development activities. It is certainly not clear to me that many of the activities which we would call development fall within the GATT term. Indeed, the GATT term seems much closer to the activities that we would traditionally call demonstration activities.

The net effect of this amendment would be to increase the private sector cost-share requirement for development activities, from the 20 percent set out in the bill as reported to 50 percent. In my view, the development stage of research is entirely too early to require such a large private sector cost share. At this point in the process, any potential commercialization of a product or process is entirely speculative, and the technical risks of failure are generally high. The result is that a high mandatory cost-share will drive industry away from investing in hydrogen development, with the exact opposite result of what the sponsors of this bill hope: Less innovation, less private sector investment, and slower progress toward the development of hydrogen.

My preference would have been to adopt an amendment which simply requires the DOE to administer the cost-sharing requirements in accordance with GATT, and leave to the administration the untidy task of determining precisely what compliance requires for the particular programs at issue. After all, this issue will have to be addressed by the administration under numerous other research and development programs, and we typically leave to the administration the task of interpreting and carry out our international obligations.

If this amendment is adopted, I would urge the distinguished gentleman to consult with the administration on this point as the bill goes forward and see if some better solution could be developed.

For the reasons noted above, I oppose the amendment, and urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLVER: Page 8, line 9, strike "$25,000,000" and insert in lieu thereof "$16,000,000".

Page 8, line 10, strike "$35,000,000" and insert in lieu thereof "$22,000,000".

Page 8, line 11, strike "$40,000,000" and insert in lieu thereof "$26,000,000".

Mr. OLVER. Mr. Chairman, we obviously have some contention here about numbers, but I think I am correct on the Record.

Mr. Chairman, this is a simple amendment. It reduces the authorized levels of spending in H.R. 655 by a total of $36 million over 3 years.

On March 1, 1995, the Hydrogen Technical Advisory Panel released its recommendations for the future of the hydrogen research program. The Hydrogen Technical Advisory Panel, or HTAP, is a panel of professionals from industry, universities, and government, specifically convened to provide expert advice to the Department of Energy on the development of hydrogen programs. This panel's work represents essentially peer review of the overall research program.

HTAP has adopted as its long-range goal that "hydrogen join electricity in

the 21st century as a primary energy carrier in the Nation's sustainable energy future," and HTAP has laid out a 20-year budget plan to achieve that goal.

My amendment simply adopts the level of funding proposed in the advisory panel's recommendations for research and development activities. As an aside, I believe we ought to also authorize the demonstration projects as proposed by HTAP, but since the bill does not authorize such demonstration projects, it would make no sense to authorize funds for those demonstration projects. Therefore, my amendment would authorize the hydrogen research program at the levels that have been listed in the amendment. It does not cut hydrogen research funding. In fact, it doubles the authorization for hydrogen research compared with current spending. However, my amendment does cut $36 million from the authorization levels proposed in the bill, and it is achieved by limiting the funding increase to what the people involved in the program, the industry and outside academics alike, have said they need.

So you can vote to save $36 million, and yet you can rest assured there is full funding for the research program as requested by the professional advisory panel, except, of course, for the demonstration projects which are not included in the authorization.

As a scientist, I support hydrogen research. In my academic career, I personally have done research on fuel cells, one of the most promising ways to utilize hydrogen as a fuel.

As a member of the Committee on the Budget, I do not see why anyone thinks we should spend more money than even proponents of the program think is needed.

The Members of this House have spent the last 100 days cutting spending. We have cut lunches. We have cut fuel assistance. We have cut safe drinking water moneys for our towns. We are going to spend the next 100 days cutting spending. We will cut the Department of Energy. We may even eliminate the Department of Energy.

So I challenge each Member then to figure out why we, on this first day back, are increasing spending on this program by at least 300 percent above the current program, and far above what the professionals in the field think is necessary.

Now, the gentleman from Pennsylvania, the distinguished chairman of the committee, will say that the budget cap in the bill will prevent increases in the hydrogen program from increasing Federal overall spending, but if the spending is unjustified, none of us should be mollified that it is offset by cuts to other programs.

Let us restore a measure of reasonableness to this program to adopt the advisory panel's recommendations and save $36 million.

I would urge Members to vote yes on the amendment, and I would point out the letter that is being circulated in regard to this expenditure level includes the demonstration projects, the moneys that are listed which are, indeed, numbers above the numbers in the authorization in the legislation that that recommendation from the HTAP includes the demonstration projects which are not authorized and which the chairman has opposed.

I would urge the Members vote to reduce this authorization to what is included as authorized in the legislation and to what the HTAP panel has recommended in their 20-year budget for the development of the hydrogen research program.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this particular amendment saves no money. There is no savings here. We are simply talking about how much money you are willing to put into a hydrogen research effort.

The whole intent behind this bill is to reprioritize hydrogen in the overall research scheme. Why is that necessary? Well, because hydrogen has had a very minor role. It is an energy source, an energy resource with a very, very great potential that has been virtually ignored by the Department of Energy.

Now, the gentleman tells us that he is doing this because of guidance from the Hydrogen Technology Assessment Panel. The fact is that the HTAP recommendations are higher than what is in the bill and very much higher than the amendment that the gentleman offers. Now, he says this relates to demonstration programs. I am not real hot on doing demonstration projects. The gentleman is absolutely right on that.

The fact is under amendments adopted in the committee, there are demonstration projects in the bill. Now, they have to be peer reviewed. They have to meet standards and so on. But the fact is the bill makes allowances for demonstration projects.

It is not one of the things I think is the greatest piece of the bill, but the fact is they are there.

But what the gentleman is really doing is he is cutting back on the prioritization of hydrogen. That is what his intent is. This is not saving any money because of the cap. It just simply is that he does not agree we ought to spend as much money prioritizing hydrogen. I think we ought to understand where he is going to put the money. He is going to put the money into solar R&D, which already gets $400 million. He is going to put the money into fusion that already gets $370 million. He is going to put the money into nuclear R&D that already gets $300 million.

Now, when you are talking about a $25 million hydrogen program, it is not even in the same league as these other programs, and yet what the gentleman is going to do is come out here and protect the old order, just keep everything in place that is now there, Keep spending money for things like fossil R&D and solar R&D, fusion R&D, nuclear R&D, and all of these kinds of things, all of the programs that have been prioritized over the past. The gentleman would say keep them in place, do not touch them, let us let the old order prevail. This is all fine and well.

We are actually attempting to do something that is a little different here. We are attempting to move away from the old structure of the past and build a program up that deserves a little bit of prioritization.

The gentleman does not want to move in that direction. I think that is sincere. He can be very sincere. If he is antihydrogen, he is antihydrogen. That is fine. Let us not suggest that what he is doing is in line with what the hydrogen program wants. The hydrogen program has said the figures they want is $28 million in 1996, $37 million in 1997, and in 1998 they want $48 million.

This bill does not give them as much as they are requesting, but the fact is it is in an order of magnitude that is little bit more and does begin to reprioritize the program. That is what I am attempting to do.

But we ought not accept anything in the gentleman's argument that suggests that he saves a dime. He does not save a dime with his amendment. All he does is he says that we are going to spend more money for things like solar and fusion and nuclear instead of spending it on hydrogen.

I just happen to think that is the wrong set of priorities, and the gentleman's amendment in that regard is the wrong direction to go. We ought to reprioritize our research. Our research has gone badly in terms of prioritization in the past. We ought to begin to reprioritize.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

I never mind being called correctly for what I am doing, but I must say that the thought-for-word ratio there is very low in the gentleman's comment.

I am not antihydrogen. I have said quite plainly in the beginning that I am prohydrogen research. I am even a scientist who has done research on fuel cell technology and hydrogen-based fuel cells. I am for hydrogen research.

I am not, as the amendment is very clear, so let us be quite, quite specific about this, when the gentleman says that I am for more nuclear R&D and solar R&D and fusion R&D, and whatever other R&D's he is talking about, my amendment does nothing of the sort. All it does is reduce the amount

in this particular authorization for the hydrogen research so that that comes from the essentially peer review panel, the HTAP panel which works on this.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. I continue to yield to the gentleman from Massachusetts.

Mr. OLVER. I would like to end this so the gentleman will have time to take part. I thank the gentleman for yielding.

Now, the gentleman says that there are demonstrations allowed in the legislation, but I would point out, and I am sure he agrees with this, that the demonstrations allowed in the legislation and authorized by the legislation are limited to the validation of the technical feasibility of theory or process and the demonstrations which are part of HTAP's program of their development of hydrogen as a fuel, the demonstrations are utility demonstrations, transportation demonstration, remote transportation production demonstration, clearly not related to the validation of the technical feasibility of theory or process.

And so the demonstrations that are included in their budget, in the HTAP-proposed budget are not authorized by the legislation, and we should not be authorizing money for the bill.

Mr. WALKER. I thank the gentleman for his opinion. The fact is we are trying to reprioritize some of the things going on in the program as well. All the gentleman is doing is cutting back our ability to do that. The gentleman is not reducing moneys overall, here.

The only reason I am saying what he is doing is protecting other R&D programs such as nuclear R&D is because they are in the same account. If, in fact, what we are doing is capping the account and the gentleman simply wants to spend less for hydrogen, the fact is what he is doing is giving more money to these old order programs. The only comment I am making is the old order would continue to stand tall in the gentleman's amendment, and instead of getting some new solutions with some new ideas, moving toward a new resource, that the gentleman would cut back on our ability to do that.

In my view, he is offering an amendment that is well below that which the HTAP panel has suggested are the right numbers.

Now, whether HTAP wants to spend those in ways different, my point is that all of that ought to be peer reviewed, that we ought to have a way of figuring out whether or not there is good science involved.

Reject the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. OLVER] has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. Mr. Chairman, I am not trying to expend more money on any of the other places.

We can make cuts in those, those places where it is appropriate to make cuts through the reprioritization of our expenditure programs which I think is what we are really trying to do, to reprioritize how the expenditures in the Department of Energy should go.

□ 1330

And the proposals here, even if correctly calculated, and taking out those demonstrations, which all the words aside, if demonstrations which are not of a nature that deal with the validation of the technical feasibility of the theory or process are not authorized in the legislation, then those demonstrations that the HTAP is suggesting ought to be done, which I think ought to be done actually; those are not possible to be done under the provisions of the legislation, and we should be authorizing money that is appropriately based upon the legislation that we are passing. I think we should be eliminating unnecessary spending wherever we can make that elimination.

Mr. BROWN of California. Mr. Chairman, does the gentleman from Massachusetts [Mr. OLVER] require any additional time?

Mr. Chairman, I will not prolong this unduly. I think that the gentleman from Massachusetts has propounded a reasonable amendment that would conform to our previous practice which is, in general, to try to authorize not higher than what has been suggested by the official technical advisor groups that are responsible for a particular program, or if it is a recommendation from the administration not higher than the administration has recommended. I am somewhat constrained in my enthusiasm for the amendment because I think I tend to agree with the gentleman from Pennsylvania [Mr. WALKER] that this is a program which has been underfunded in the past, but the amendment offered by the gentleman from Massachusetts [Mr. OLVER] in my opinion would comport with what I think is the view of most Members of the House, that we confined the increases in programs to those that can be justified on the basis of technical recommendations.

Now I understand the position of the gentleman from Pennsylvania [Mr. WALKER] is that his figures do comply with those technical recommendations. I am not wholly assured that they do, but he may be justified in that position.

On balance I would like to support the amendment of the gentleman from Massachusetts [Mr. OLVER] and ask for an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. OLVER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 214, not voting 19, as follows:

[Roll No. 306]

AYES—201

| | | |
|---|---|---|
| Abercrombie | Gordon | Parker |
| Ackerman | Green | Pastor |
| Andrews | Greenwood | Payne (NJ) |
| Barcia | Gutierrez | Payne (VA) |
| Barrett (WI) | Hall (OH) | Peterson (FL) |
| Bellenson | Hall (TX) | Peterson (MN) |
| Bevill | Hamilton | Pomeroy |
| Bilbray | Harman | Porter |
| Bishop | Hastings (FL) | Poshard |
| Bonior | Hayes | Rahall |
| Borski | Hefley | Ramstad |
| Boucher | Hefner | Rangel |
| Brewster | Hinchey | Reed |
| Browder | Hoyer | Reynolds |
| Brown (CA) | Jackson-Lee | Richardson |
| Brown (FL) | Jacobs | Rivers |
| Brown (OH) | Jefferson | Roemer |
| Bryant (TX) | Johnson (SD) | Rose |
| Cardin | Johnson, E. B. | Roybal-Allard |
| Chapman | Johnston | Rush |
| Clayton | Kanjorski | Sabo |
| Clement | Kennedy (MA) | Sanders |
| Clyburn | Kennedy (RI) | Sanford |
| Coburn | Kennelly | Sawyer |
| Coleman | Kildee | Scarborough |
| Collins (IL) | Kleczka | Schroeder |
| Collins (MI) | Klug | Schumer |
| Condit | LaFalce | Scott |
| Conyers | Lantos | Serrano |
| Costello | Levin | Sisisky |
| Coyne | Lewis (GA) | Skaggs |
| Cramer | Lincoln | Slaughter |
| Cunningham | Lipinski | Smith (NJ) |
| Danner | Lofgren | Spratt |
| de la Garza | Lowey | Stark |
| DeFazio | Luther | Stenholm |
| DeLauro | Maloney | Stokes |
| Dellums | Manton | Studds |
| Deutsch | Markey | Stupak |
| Dicks | Martinez | Tanner |
| Dingell | Mascara | Tauzin |
| Dixon | Matsui | Taylor (MS) |
| Doggett | McCarthy | Tejeda |
| Dooley | McDermott | Thornton |
| Duncan | McHugh | Thurman |
| Durbin | McKinney | Tiahrt |
| Edwards | McNulty | Torres |
| Engel | Meehan | Torricelli |
| Ensign | Meek | Towns |
| Eshoo | Metcalf | Traficant |
| Evans | Mfume | Tucker |
| Farr | Miller (CA) | Velazquez |
| Fazio | Mineta | Vento |
| Fields (LA) | Minge | Visclosky |
| Filner | Mink | Volkmer |
| Flake | Montgomery | Walsh |
| Foglietta | Nadler | Ward |
| Ford | Neal | Waters |
| Frank (MA) | Nethercutt | Watt (NC) |
| Frost | Oberstar | Waxman |
| Funderburk | Obey | Whitfield |
| Furse | Olver | Williams |
| Gejdenson | Ortiz | Woolsey |
| Gephardt | Orton | Wyden |
| Geren | Owens | Wynn |
| Gibbons | Packard | Yates |
| Gonzalez | Pallone | Zimmer |

NOES—214

| | | |
|---|---|---|
| Allard | Barr | Bereuter |
| Archer | Barrett (NE) | Berman |
| Armey | Bartlett | Biliraki s |
| Bachus | Barton | Bliley |
| Baker (CA) | Bass | Blute |
| Baker (LA) | Bateman | Boehlert |
| Ballenger | Bentsen | Boehner |

| | | |
|---|---|---|
| Bonilla | Gunderson | Myers |
| Bono | Gutknecht | Myrick |
| Brownback | Hancock | Neumann |
| Bryant (TN) | Hansen | Ney |
| Bunn | Hastert | Nussle |
| Bunning | Hastings (WA) | Oxley |
| Burr | Hayworth | Paxon |
| Burton | Heineman | Petri |
| Buyer | Herger | Pickett |
| Callahan | Hilleary | Pombo |
| Calvert | Hobson | Portman |
| Camp | Hoekstra | Pryce |
| Canady | Hoke | Quillen |
| Castle | Holden | Quinn |
| Chabot | Horn | Radanovich |
| Chambliss | Hostettler | Regula |
| Chenoweth | Houghton | Riggs |
| Christensen | Hunter | Roberts |
| Chrysler | Hutchinson | Rohrabacher |
| Clinger | Hyde | Roth |
| Coble | Inglis | Roukema |
| Collins (GA) | Johnson (CT) | Royce |
| Combest | Johnson, Sam | Salmon |
| Cooley | Jones | Schaefer |
| Cox | Kaptur | Schiff |
| Crane | Kasich | Seastrand |
| Crapo | Kelly | Sensenbrenner |
| Cremeans | Kim | Shadegg |
| Cubin | King | Shaw |
| Davis | Kingston | Shays |
| Deal | Klink | Shuster |
| DeLay | Knollenberg | Skeen |
| Diaz-Balart | Kolbe | Skelton |
| Dickey | LaHood | Smith (MI) |
| Doolittle | Largent | Smith (TX) |
| Dornan | Latham | Smith (WA) |
| Doyle | LaTourette | Solomon |
| Dreier | Laughlin | Souder |
| Dunn | Lazio | Spence |
| Ehlers | Leach | Stearns |
| Ehrlich | Lewis (CA) | Stockman |
| Emerson | Lewis (KY) | Stump |
| English | Lightfoot | Talent |
| Everett | Linder | Tate |
| Ewing | Livingston | Taylor (NC) |
| Fawell | LoBiondo | Thomas |
| Fields (TX) | Longley | Thornberry |
| Flanagan | Lucas | Torkildsen |
| Foley | Manzullo | Upton |
| Forbes | Martini | Vucanovich |
| Fowler | McCollum | Waldholtz |
| Fox | McCrery | Walker |
| Franks (CT) | McDade | Wamp |
| Franks (NJ) | McHale | Watts (OK) |
| Frelinghuysen | McInnis | Weldon (FL) |
| Frisa | McIntosh | Weldon (PA) |
| Ganske | McKeon | Weller |
| Gekas | Meyers | White |
| Gilchrest | Mica | Wicker |
| Gillmor | Miller (FL) | Wolf |
| Gilman | Molinari | Young (AK) |
| Goodlatte | Mollohan | Young (FL) |
| Goodling | Moorhead | Zeliff |
| Goss | Morella | |
| Graham | Murtha | |

NOT VOTING—19

| | | |
|---|---|---|
| Baesler | Istook | Ros-Lehtinen |
| Baldacci | Menendez | Saxton |
| Becerra | Moakley | Thompson |
| Clay | Moran | Wilson |
| Fattah | Norwood | Wise |
| Gallegly | Pelosi | |
| Hilliard | Rogers | |

□ 1552

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Norwood against.

Messrs. ALLARD, EWING, GUNDERSON, UPTON, BENTSEN, and SMITH of Michigan changed their vote from "aye" to "no."

Messrs. PACKARD, ZIMMER, SCHUMER, TIAHRT, WAXMAN, and PORTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 8, line 7, strike "(a) GENERAL AUTHORIZATION.—".

Page 8, lines 12 through 18, strike subsection (b).

Mr. BROWN of California. Mr. Chairman, I am offering an amendment to strike the provisions in the bill which put a cap on the 1995 outlay level on the expenditures on energy supply research and development.

Now, let me explain this amendment. It is very simple. It just eliminates the cap language which occupies a few lines in the bill.

The gentleman from Pennsylvania, Mr. WALKER, has asserted that the purpose of the cap language is to make sure that the bill itself is budget neutral, that it does not add to spending in the Department of Energy. The gentleman is being unduly modest in this respect. The cap language would appear at this particular time, and before the 1996 spending level has been determined, to cut the spending in this account by $250 million, plus or minus a little bit. This cutoff $250 million is intended to offset the additional expenditures, which amount to some few tens of millions of dollars contained in this bill.

So the actual reductions in the Department of Energy spending not only cover the cost of the increases, the minor increases in this bill, which I support, but they overcompensate by probably 10 times the amount.

□ 1600

Now, if the purpose of the bill, of the cap was to offset the cost of the increases in hydrogen research spending, I would 100 percent support it. I want the bill to be budget neutral. But if it cuts 10 times as much as the bill spends, then I think it is a first step toward the dismantling of the research budget of the Department of Energy.

Now, that may well occur, but it is not appropriate to use this minor bill as a vehicle for determining future energy research expenditures for the next 3 years. That is appropriately the role of the Committee on the Budget, the role of the administration, the role of the Committee on Appropriations, but not the role of this particular bill. So I am objecting very strongly to this device.

Now, as I understand the gentleman from Pennsylvania [Mr. WALKER], he continues to assert that the purpose of the cap language is to make sure that this bill is budget neutral and that, if we can find other language that is better than the cap to do that, I gather that he would support it. I suggest that he look for that language in the Committee on the Budget, which he also serves on, and include it there, rather than in this bill.

I will not try and belabor this point, Mr. Chairman. You do not need to make $250 million in cuts to support a bill that adds $25 million to the cost of hydrogen research. What you will do, as a result of these cuts, is to force cuts in all of the other programs, which I am sure is what we will have to make eventually, but this is not the way to make them. We will force cuts which will have an impact on every laboratory of the Department of Energy, including Los Alamos and Livermore and Argonne and Savannah River and all of the others which are now in discussion, are now being discussed in terms of what our future policy should be.

The discussion has not ended; it has not been resolved. We do not have an answer. Yet here in this bill we are going to force that quarter of a billion dollars per year cut without any guidelines, without any knowledge of what the impact will be. I very much object to that process, not to the funding of this bill by offsets. As I have said, I would be glad to support a bill directed at that. But this is not the way to do it. I object very strongly, and I ask support for my amendment to remove the caps.

Mr. Chairman, the amendment that I am offering to section 10(b) of this bill would eliminate the authorization cap on Energy Supply Research and Development [R&D] activities conducted at the Department of Energy [DOE]. In offering this amendment I want to make it clear that I support hydrogen research and even feel that this research can be offset by reductions in other energy R&D programs. But the caps contained in H.R. 655 are arbitrary, have little to do with thoughtful energy policy, and are directed at a broader effort to cut DOE programs, beyond the amount needed to offset the cost of this bill. I feel strongly that until these issues are addressed, we cannot go forward with the caps as currently written.

The major problem with this language is that it is a poorly disguised attempt to arbitrarily cut the DOE research budget. The accounts under the Energy Supply R&D heading total around $3.3 billion dollars per year. The cap imposed by this bill cuts outlays in these programs by $250 million in fiscal year 96 and an unknown amount in the next 2 fiscal years. But the program authorization for the hydrogen research, which is the supposed reason for this legislation, runs between $25 and $40 million per year over the next 3 years.

Thus, the caps cut much more than is envisioned being spent on the hydrogen research. The hydrogen research funding is the tail wagging the dog, and the dog is major program reductions across the board in Energy Supply R&D. If the goal of H.R. 655 is to cut DOE funding, let's do it in a broad authorization bill. If the goal of H.R. 655 is to offset the cost of

the hydrogen research authorized in this bill, then lets find appropriate offsets and identify them. But let's not bring up a hydrogen research authorization that is really a trojan horse for other political goals, namely the first move toward the dismantlement of DOE.

Beyond these questions about the true motivation for imposing these caps, I also object to the rather arbitrary nature of the language in H.R. 655. There is no mention of any process by which the Appropriations Committees or the Secretary of Energy are to make decisions about which programs to cut. No priorities are established. No vision about our future energy supply mix is outlined. No reference is made to the existing omnibus energy policy document, the Energy Policy Act of 1992.

What the bill does is authorize a modest research program and then, almost as an aside, in the next-to-last paragraph of the bill, draw in the entire $3.3 billion Energy Supply R&D program and cut $250 million from it in the first year.

Where are these cuts to be made? Who knows? Under the heading of Energy Supply R&D are a wide range of programs all put at risk under this bill. Will the cuts come to the fusion program or the TPX at Princeton, NJ? Will the Environmental Restoration program be used as an offset, possibly forcing non-compliance issues at DOE facilities around the country? Will the fossil fuel research programs be cut, reducing oil and gas or coal research? Will we have to cut operating time at DOE user facilities, delaying industry research at these sites? Do the cuts hit the DOE labs at Argonne, Livermore, Albuquerque, Oak Ridge, and numerous other sites around the country? Unfortunately, no one on the floor today can answer these questions. The truth of the matter is that we do not know what we are voting for in this bill.

When I was chair of the Science Committee, we tried to move a series of authorization bills to address these issues. We tried to set out relative priorities for funding and indicate the importance of various programs at DOE. We did not succeed, but at least we tried to do a comprehensive job of authorizing DOE programs.

Mr. WALKER now faces that task and I pledge to help him work on a comprehensive DOE research authorization. In that bill, at that time, we need to discuss the broad goals and priorities of our Nation's energy R&D programs. In that bill, we can debate offsets, program reductions, and a host of other policy issues. Mr. WALKER will, I believe, agree with me on the need for a comprehensive look at DOE's programs.

In fact, Mr. WALKER endorsed this approach last year in a similar debate on a similar proposal for an energy R&D cap. Last August, during floor debate on H.R. 4908, the Hydrogen, Fusion, and High Energy and Nuclear Physics Authorization Act, Mr. WALKER agreed that his preference was for a full authorization for the entire range of energy programs, rather than a simple cap. He is now in a position to propose a comprehensive authorization.

Where today is the debate on the proper funding level for nuclear energy R&D, or a discussion on the proper allocation of resources to the DOE labs, or the funding needs for environmental restoration? We are not having a debate on anything other than a small hydrogen research program yet we are affecting all of these other programs. If you are concerned about the DOE energy portfolio, if you have a DOE lab in your district, if you have interests in energy R&D, you will join me in striking the caps and asking Mr. WALKER for a chance to debate this important issue in the open, instead of seeing funding priorities for a $3.3 billion program stuck at the tail end of the Hydrogen Future Act.

All I am asking for in this amendment is a chance to do what Mr. WALKER has said he wants to do. I feel that we should strike the authorization caps until we have a chance to debate all of the other programs touched by this language.

Vote for the Brown amendment. Vote for regular order.

Mr. BAKER of California. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, what funny roles we have as we change. Now the last debate was over whether we should cut the hydrogen fuels program. The gentleman from California [Mr. BROWN] and I both support the hydrogen fuels program but he felt constrained to cut $10 million a year. Now we are going to take the caps off. And go ahead, Katie bar the door, let us spend more on this and spend more on that, we will spend more on the nuclear programs, spend more on the hydrogen program, spend more on biomass and every other kind of research program for energy.

We want to set responsible levels. And this cap does that. The fact that we have increased slightly by around $10 million a year the hydrogen fuels spending does not mean we have to take the cap off and allow this Government to continue to spend in excess year after year. Let us keep these responsible levels. Let us keep the cap and vote against this amendment.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words. I rise as strong opponent of the arbitrary cap on research and in support of the amendment offered by the gentleman from California [Mr. BROWN].

I believe that having spent now 3 weeks in Silicon Valley and listening to the CEOs of the most exciting and productive companies in our Nation that the key to our economic future is research and learning new things and cutting-edge endeavors. I believe that putting a cap on this research area will have an unfortunate and hopefully and quite possibly unintended consequence.

The amendment of the gentleman from Pennsylvania [Mr. WALKER] really picks one promising area of research out of all, and that is this hydrogen bill before us. I agree that hydrogen research is worthy of exploration and may, in fact, play a useful role in our country's future. But it is only one of a rich environment of research possibilities that include solar and even more excitingly fusion research. If we are going to put a cap on the amount of money that will be spent in this environment and then single out only one area of hydrogen for our research dollars, in effect what we are doing is saying here on the floor, without analysis in the appropriate committees, including Science on which I serve, that fusion research is not worth our time, that fusion research really is not going to receive the kind of support that I believe it needs if it is going to be the energy source for our country and, indeed, the world in the 21st century.

When I think about a world that could be supported by fusion, I think of a nation that would have limitless supplies of energy, that is clean, nonpolluting and readily available for all. I think to imagine that country and that world really puts in perspective the reason why we need to protect the fusion program. I find it disturbing that in a backdoor way this bill would really direct the scientific talent of our Nation only to one area, that would be hydrogen, to the detriment of even more exciting, long-term endeavors.

So I would strongly urge approval of the amendment of the gentleman from California and, frankly, should this amendment fail, I will be unable to support this bill because, in effect, it will be killing the fusion research program that I think really merits our attention more than anything else.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, a lot of us, when we went home, found a lot of our constituents were wondering how we got ourselves into this $4.5 trillion debt mess and why we have huge deficits. This amendment is really the reason why.

This amendment says it does not matter, the fact that we are trying to reprioritize. What we want to do is just spend more. Because if you take off the cap, as this amendment proposes to do, it simply is add-on spending, add-on spending over and above anything we are doing now.

The statement that was just made that somehow this is going to kill fusion research and all that sort of thing is just plain nonsense. We are talking here $15 million worth in total. That is one-half of 1 percent of a $3.3 billion account. All we are suggesting is that $3.3 billion account ought to be capped at the 1995 spending level. We ought not spend anymore in order to reprioritize the hydrogen program within that account.

By doing that, what you assure is we have no add-on deficit. We have no add-on debt. And it seems to me that as a Congress right now we do not want to be approving programs that increase the deficit and increase the debt.

In fact, when we get a budget bill out here in the near future, we are going to

be talking about trying to find ways to reduce the rate of increase of Government even further than we have done in the past.

So this particular bill is aimed at assuring that you just do not have anymore add-on deficit, add-on debt. If you vote for the Brown amendment, you are going to create add-on debt in this bill. In my view, that would be the wrong thing to do.

We want to reprioritize hydrogen within the programs that are presently there. We do not emasculate any program to do this. As I say, the total amount of spending, the increase in spending in this bill is less than one-half of 1 percent of the totality of the account.

So it seems to me we ought to do this.

The gentleman from California [Mr. BROWN] mentioned the fact that there may be other ways of getting at this. I asked the department to help us to do that. The department came up with no language. I asked members of the Committee on Science to help us do that. They came up with no language.

The only way anybody knows to make certain we do not spend more on the program is to cap it. And so that is what we have indeed done.

I think that this is the right approach to take. I would urge anybody who is talking about reducing deficits and reducing debt to vote against this amendment because otherwise what you are going to do is have a program here that potentially would be add-on spending. I do not think that that is the correct course for us to take in the present economic environment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I would like the House to be aware of this discourse. I am not sure that I have a fundamental disagreement with the gentleman from Pennsylvania [Mr. WALKER], but the way in which he chooses to express his criticism of my amendment leaves me a little bit nonplussed, because he states that defeating this, by defeating this amendment will be simply add-on spending.

I want to ask the gentleman, if we could devise language which would offset the increased authorization for hydrogen by a similar amount in other fields so that there is a true offset and no increase in spending, is it the position of the gentleman that he would agree to this kind of language?

Mr. WALKER. Mr. Chairman, I have said that all the way along, that I thought that if we could find other ways of accomplishing this to assure that there is no add-on program here, that that would be perfectly acceptable to me. But your amendment goes right at the heart of the bill's language that seeks to put that kind of cap in.

By striking the cap, you are simply doing all of the additional spending in the bill as add-on to the present account.

Mr. BROWN of California. Mr. Chairman, if the gentleman will continue to yield, it is not this gentleman's intention to deliberately add onto spending. I think that the semantic problem here is that you are saying that capping the Department of Energy's spending for this account at the current year's level, 1995, anything in excess of that is add-on spending, whereas the base line basically is the administration's projections for what the spending would be over the next several years.

I do not intend to go beyond the administration's projection, and if it is possible to cut those projections sufficiently to fund this program, I would agree to that.

In other words, I am objecting to the gentleman characterizing my proposal as add-on spending.

Now, would the gentleman agree with me also that based on our present knowledge of the President's budget for 1996 and anticipated 1997 and 1998, that his language constrains that by a quarter of a billion dollars?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, if the gentleman will continue to yield, does the gentleman agree with me that his language not only prevents add-ons, it reduces the spending in this account for the Department of Energy by a quarter of a billion dollars below the department's base line?

Mr. WALKER. Below the projected increases, I would say to the gentleman. But I would also say to the gentleman that at the beginning of this Congress, we developed a new rule in this Congress with regard to spending.

We said we were going to use the base line, all baselines, as the amount of money that was actually spent in the previous year. So I would say to the gentleman the base line for spending is the 1995 appropriated amount. And what we are attempting to do is hold it in line with the 1995 appropriated amount.

If you are saying that by holding it in that line, we will not allow the projected increases out into the future, the gentleman is absolutely correct. Because I think in order to get the budgetary house in order, we are, in fact, going to have to begin to consider not what we want to spend for programs but what we are actually spending on programs and that the baseline has to be the amount of money actually being spent.

Washington, for too long, has decided that going from $20 a year of spending to $22 a year of spending is not an increase, if what they wanted was $25 a year. And in our view, what we think we ought to do is say the $20 that we are spending this year is in fact the proper base line.

□ 1615

Mr. BROWN of California. Mr. Chairman, if the gentleman will continue to yield, I would ask the gentleman, has that action been taken by the Committee on the Budget, and does it apply to all categories of spending?

Mr. WALKER. Reclaiming my time, Mr. Chairman, the gentleman is correct. The Committee on the Budget has been working within its deliberations.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(At the request of Mr. BROWN of California and by unanimous consent, Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, with the exception of Social Security, every other account is being calculated based upon 1995 spending as the baseline.

Mr. BROWN of California. Including Medicare?

Mr. WALKER. Medicare would be included in that particular area as well, that is right.

Mr. BROWN of California. If the gentleman will yield further, Mr. Chairman, so the policy of the Committee on the Budget would be to keep Medicare at the present 1995 levels?

Mr. WALKER. Our intention on Medicare is to reform Medicare and transform the program so it can live within the bounds over the next 7 years of spending $1½ trillion.

That would in fact be an increasing kind of program, and we think we can manage that within a balanced budget, but in terms of calculating it, we are not saying that everything is going to be held at the 1995 baseline, we are simply saying that is the baseline which we use. Some things will go above that baseline, some will go below, but the fact is we are not going to use an accelerating baseline for what we are doing.

In the case of Medicare, simply the demographics of the account will have it go up, so Medicare will actually be spending more in the year 2002 than it spends in 1995, but then that will be an increase.

Mr. BROWN of California. I appreciate the gentleman's clarification, Mr. Chairman. I think this colloquy has helped the Members to understand the situation. I do not agree with the gentleman that the 1995 baseline is the one that will finally be in effect for the Department of Energy. I do not know at this point.

Mr. WALKER. I think it will probably be lower, I would say to the gentleman, and the fact is that the 1995 baseline therefore may be a figure higher than where we are when we finally come out of the budget process,

so all we are trying to do here is to make certain that the Department understands that as this program is authorized, it is being authorized within the accounts that are presently available, not as add-on spending.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, the total amount given in this subsection B applies to all research and development activities of the Department of Energy, is that correct?

Mr. WALKER. The gentleman is correct.

Mr. VOLKMER. Mr. Chairman, since I have taken a leave of absence from the Committee on Science, normally the Committee on Science annually puts out a bill for research and development, an authorization bill. Does the gentleman plan to do that this year?

Mr. WALKER. Sure, we are going to put out an authorization bill.

Mr. VOLKMER. Do all the programs within that bill have to do with the same figure?

Mr. WALKER. We will in fact have an authorization bill that will include these accounts, that is correct.

Mr. VOLKMER. Include all these accounts?

Mr. WALKER. Sure.

Mr. VOLKMER. So the figure that the gentleman has here will be basically, first there is the budget to come yet. Before we do the authorization bill, we are going to have the budget. The budget may say more or less, I would guess less, less than the figure you have here, is that correct?

Mr. WALKER. That is correct, it could be.

Mr. VOLKMER. When the committee does the authorization bill, that figure may be more or less?

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I Yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, is it correct that this will be done one way or another, when we do the authorization bill?

Mr. WALKER. The gentleman is correct, we will do both, and when we do the authorization bill.

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, so that figure may or may not, depending on the will of the House, be the figure that is finally determined at a later date?

Mr. WALKER. Sure.

Mr. VOLKMER. So this figure that we have of the 1995 level, which I understand is something like $3.3 billion, is only in this bill, Mr. Chairman, but we are going to have another bill later on and a budget that could say it is different, is that correct?

Mr. WALKER. We are authorizing a program here. What we want to do is make certain that as we authorize the program, it is not add-on spending. That is the only signal we are sending. It may well be this program will have to survive within reduced cuts or within a reduced budget in the future, sure.

Mr. VOLKMER. Also, that in that authorization bill that comes on, this whole program can be once again reexamined within that bill?

Mr. WALKER. Sure, absolutely. It is going to have to face the same kind of prioritization as everything else. The fact is this is a program that the Department has refused to prioritize in the past. What we are trying to do now is give it a new sense of priority within what the Department does. That is subject to all of the budget restraints.

However, the only point I am making here in opposing the gentleman's amendment is if we take off the cap we have in the bill, what that suggests is that we want this program as an add-on, and in my view, we ought not be out here considering an add-on. We ought to be out here considering what the priorities are, where we ought to spend money in the Energy Department.

In my view, one of those priorities ought to be hydrogen. Others may disagree. There were some people who just voted a few minutes ago to not prioritize hydrogen. They voted to reduce the priority for hydrogen. They are antihydrogen. I understand that. That is fine. That is their sense of priority. I think an environmentally friendly fuel might be something that people ought to be for, but evidently over 200 Members did not agree with that. That is fine. That will be their record on this.

However, in this case, what I also want to say is I also do not think there is a need for additional money over and above the caps.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my full 5 minutes, but as a result of the discussion I just had with the chairman of the committee, it is very apparent to me that we are going to have to rehash this whole thing over again if and when we ever get to a full authorization bill for all the research and development programs, because at that time every Member is going to be able to look at the total research demonstration projects within the Department of Energy to make a decision whether or not they want to spend $25 million on this one and $40 million on this one, or $15 million on this one and $25 million on that one. That will be done then.

What I see right here and now, Mr. Chairman, is just an individual bill that the chairman, as he said before, feels very strongly about hydrogen, so we are doing a separate bill rather than waiting for the total authorization bill to come forward, so we are going to be doing it twice.

Really, as far as amendments are concerned, the amendment does not mean we are going to spend a lot more money. Like I said, we still have the total authorization bill to come up. At that time the House may very well vote not for $3.3 billion, but it may very well vote for $3 billion, or $2.5 billion, or $4 billion. That is going to be the future.

Right now I do not think most Members are ready to vote and decide what the cap will be, because they do not know what all programs are affected and how they are going to be affected. It is only when we get a total authorization bill that we are really able to see how all the programs are affected by the cap. Right now it is just a general discussion.

Mr. Chairman, I personally feel that the amendment of the gentleman from California is a wise amendment at this time. I do think to be honest, that the whole purpose of this bill seems to be to focus on hydrogen, to take the time of this House for 1 day or half a day, and the expense of the House, just to say how good a thing hydrogen research is, when we are going to have to do it all over again maybe in another month.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I could, I would like to ask the gentleman from California [Mr. BROWN] a question.

In our area, Mr. Chairman, in the Southeastern United States, there has been a big emphasis put on solar energy. I think the American public has also participated in this dialog. It is my understanding that in this bill, whether the money that may be available, whether it is more or less or whatever, that all we are doing here is saying that we are going to prioritize or look only at hydrogen experimentation, and not looking at the dollars that maybe could be spend in solar or nuclear fusion or any of those? Is that my understanding of this issue here?

Mr. BROWN of California. Would the gentlewoman yield, Mr. Chairman?

Mrs. THURMAN. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, it would appear that what this bill before us does is to focus entirely on hydrogen, and the gentleman from Pennsylvania, the chairman of the committee, has indicated that legislation authorizing these other programs would be brought forward later.

This is in part the problem that I have with the bill, although my own

interest in hydrogen is such that I would overlook the fact that it does not contain the others except that this bill also forces a reduction in all of these others, which I do object to.

Mr. Chairman, in the last energy authorization bill that was passed, which was in 1992, we carefully laid out the authorizing levels for all of the major programs. We increased solar, for example. We increased some of the other categories of research. We cut some of the older ones, as the gentleman from Pennsylvania [Mr. WALKER] has indicated he wants to do. Coal research is cut back, for example, and fossil research in general.

In other words, in that authorization bill in 1992, Mr. Chairman, we did prioritize and gave general policy directions. This bill does not. It gives a general policy direction for hydrogen and then it says in a blanket fashion "cut $250 million off of everything else." That is not prioritizing.

Mrs. THURMAN. Regaining my time, Mr. Chairman, does that mean that appropriations of somebody other than the committee of substance would actually make the determination as to those dollars, so we would lose the expertise of the committee as far as this appropriation goes?

Mr. BROWN of California. Of course. I have confidence in the good faith of the gentleman from Pennsylvania [Mr. WALKER] that we would bring along an authorization bill that would deal with these others. In the absence of that, however, this would merely provide to the Committee on Appropriations complete discretion as to what they would do with the remainder of that budget item.

Mrs. THURMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 257, not voting 22, as follows:

[Roll No. 307]

AYES—155

Abercrombie
Ackerman
Barcia
Bellenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stokes
Studds
Stupak
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn
Yates

NOES—257

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Baesler
Baldacci
Becerra
Brown (OH)
Clay
Cox
Gallegly
Hall (OH)
Hilliard
Jefferson
LaTourette
Menendez
Moakley
Moran
Rogers
Ros-Lehtinen
Saxton
Stark
Thompson
Waters
Wise
Wolf

□ 1644

Mr. REED and Mr. POMEROY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 655) to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, and for other purposes, pursuant to House Resolution 136, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order.)

ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON RULES REGARDING H.R. 961, CLEAN WATER ACT AMENDMENTS OF 1995

Mr. SOLOMON. Mr. Speaker, I ask to address the House to make an announcement.

Next Tuesday, May 9, the Rules Committee will be meeting to consider a

rule for H.R. 961, the Clean Water Act Amendments of 1995.

Members should be aware that this rule may include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the CONGRESSIONAL RECORD prior to their consideration. In this case, the preprinting of amendments is optional.

Since the bill is expected to be considered on the House floor on Wednesday, May 10, Members should try to have their amendments printed in the CONGRESSIONAL RECORD by Tuesday, May 9. Amendments to be preprinted should be signed by the Member, and submitted at the Speaker's table.

Members should use the Office of the Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House. It is not necessary to submit amendments to the Rules Committee or to testify.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to authorize basic research, development, and demonstration on hydrogen as a fuel, and for other purposes.".

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. FATTAH. Mr. Speaker, I was unavoidably absent from the vote when rollcall No. 304 and rollcall No. 306 were taken. I would have voted in the affirmative in both matters if I had been present.

## FURTHER APPOINTMENT OF CONFEREE ON H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND MAKING RESCISSIONS FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to the authority of the Speaker under clause 6–F of rule 10, without objection, the Chair appoints the gentleman from California [Mr. PACKARD] as a manager on the part of the House in the committee of conference on H.R. 1158.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferee.

## COMMUNICATION FROM THE HONORABLE FRANK TEJEDA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable FRANK TEJEDA, Member of Congress:

HOUSE OF REPRESENTATIVES,
*Washington, DC, April 11, 1995.*

Hon. NEWT GINGRICH,
*Speaker of the House, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR MR. SPEAKER: I write to notify you formally pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the District Court of the State of Texas. 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,

FRANK TEJEDA,
*Member of Congress.*

## FAITH IN CONGRESS RESTORED

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, for the past 3 weeks, I have been traveling around my district and the one message my constituents relayed was by keeping our promises through the Contract With America, the Republican majority is working to restore the long, lost faith the American people have in Congress.

This message is clearly reflected in the recent Wall Street Journal poll. For the first time in this poll's history, a majority of Americans approve of the job Congress is doing. In fact, just last September, this same poll showed two-thirds of the American people disapproving of the liberal Democrat Congress that preceded us.

Mr. Speaker, the message is ringing loud and clear: The Republican majority has led to a different Congress. Through hard work we have proved that politicians can keep their promises. My constituents tell me they like what they see, and I will continue to make sure that we stay on the same track and keep our promises.

Mr. Speaker, I include the Wall Street Journal poll for the RECORD.

[From the Wall Street Journal, April 28, 1995]

WASHINGTON WIRE—A SPECIAL WEEKLY REPORT FROM THE WALL STREET JOURNAL'S CAPITAL BUREAU

(By Ronald G. Shafer)

Clinton shows renewed political muscle in the Oklahoma City aftermath.

Buoyed at least temporarily by his handling of the bombing, he edges Dole in a 1996 matchup in a new Wall Street Journal/NBC News poll, a reversal from recent surveys. He is preferred handily over Gramm or Wilson. The gap over Dole widens slightly when Perot or Powell are added as independents; they cut into GOP support more than Democratic.

Clinton scraps plans to discuss Russia in a Sunday speech. Instead he will highlight two perceived policy strengths by linking his new crusade against terrorism and longstanding efforts toward Mideast peace. On Monday, he will help kick off a $10 million drive by Emily's List, a women's political group, to get Democratic women to the polls in 1996.

Gender gap: In their matchup, Clinton gets a 14-percentage point edge among women, while Dole has an 11-point edge among men.

Dole holds firm as the GOP front-runner as Gramm fails to catch fire.

Dole is favored by 58% of Republicans and strict independents as the GOP presidential hopeful, far ahead of No. 2 Gramm at 14%. If Powell is added as a GOP choice, he surpasses Gramm as second behind Dole. The public shows a strong interest in independent candidates, with over a quarter of those polled picking such alternatives when offered the choice in matchups.

Some GOP social conservatives, disillusioned that Gramm doesn't give more attention to their issues and distrustful of Dole, consider endorsing Buchanan. The Alexander campaign, trying to rub in Gramm's difficulties, sends the Texan's campaign an express package consisting of a life preserver labeled: USS Gramm.

The GOP Congress wins high marks, but backing on issues is shaky.

For the first time ever in the poll, a majority of Americans—47% to 40%—approves of the job Congress is doing; by contrast, two-thirds disapproved last September. House Speaker Gingrich wins 45%–36% approval, reversing previous negative views. The public cites Gingrich's positions on issues as his best attribute—but about as many disagree with his views as agree.

The favorable ratings may temporarily reflect the GOP House's first 100 days, says Democrat Peter Hart, who conducted the poll with Republican Robert Teeter. Americans by 48% to 37% think Republicans will go too far on welfare overhaul. By 47% to 43% they favor government education and training programs to aid inner cities over private initiatives as pushed by the GOP.

Combating street crime and violence is the issue that needs the greatest attention from the federal government, the public says.

Dole's age: While 65% of the public don't think the 71-year-old senator's age would affect his ability to be president, just 18% prefer a candidate from the World War II generation and only 1% think the 70s is the best age for a president. Two in five older Americans feel Dole would be less able to handle the presidency.

Moscow mission: Aides seek ways to promote Clinton's May trip to Russia at a time when relations are cooling. One idea: Clinton writes a letter to leading columnists explaining the bigger issues at stake, like nuclear disarmament. Some 46% of the public approves of his handling of foreign policy, up from 37% last month.

Vietnam revisited: Americans by 70% to 22% think the U.S. made a mistake in sending troops to fight in Vietnam. Those who think so are evenly divided over whether it was a well-intentioned mistake or fundamentally wrong and immoral.

Shaky confidence? Despite a surge of optimism picked up by some other polls, only 24% of those in this survey expect the economy to get better over the next year. That is down sharply from 31% at the end of last year and the lowest reading since October 1993.

Tax overhaul? Yes. Flat tax? Not so fast.

Two-thirds of poll respondents say the current income-tax system is unfair. And 51%

back a "complete overhaul," up from 37% last July, a sign that the tax-reform debate resonates with the public. But by a three-to-two margin, the public favors graduated rates to a single flat rate; even self-identified Republicans do so.

Some Clinton aides predict the GOP tax-overhaul push could go the way of the president's health-care plan: Applause for the motives and unceasing complaints from likely losers. The administration tries to attack GOP proposals without appearing to defend the status quo. One possibility: A push for simplification.

The public strongly prefers taxing wage and investment income equally; the GOP favors lower taxes on investment income to encourage saving.

Minor memos: Foul mood: Only 40% of Americans call themselves Major League baseball fans, down sharply from 56% in July before the baseball strike with a big drop among young adults. * * * Was Sen. D'Amato polled? The public by 31% to 25% has a positive view of Simpson trial Judge Lance Ito, while 26% are judiciously neutral.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). 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.

## IN HONOR OF SENATOR JOHN C. STENNIS

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, former Mississippi Senator John C. Stennis died on April 23 at the age of 93. He retired from the Senate in 1989. In the passage of time, we sometimes forget events and accomplishments, but we will not forget Senator Stennis.

History will record Senator Stennis as one of the great statesmen of the 20th century. He was so well respected in Washington as a southern gentleman and as a man of unquestioned integrity and character. But along with his courtly southern manner, Senator Stennis was an effective leader who was tough when it came to maintaining a strong national defense and in looking out for his native State. Through more than 40 years in the Nation's Capital, his first priority was to put Mississippi first.

The legacy of John Stennis can be seen throughout the State of Mississippi, from the Tennessee-Tombigbee Waterway in the north, to Meridian's Naval Air Station to the Stennis Space Center on the gulf coast. At points in between, he was responsible for bringing Federal funds for water systems and economic development projects that helped improve the lives of his fellow Mississippians.

As chairman of the Senate Armed Services Committee, he felt the United States should always deal from a position of military strength. He worked hard to see that our fighting men and women, both in the active forces and the National Guard and Reserve, had the equipment and training they needed to do the job.

In honor of Senator Stennis' commitment to the military, Ronald Reagan announced during his Presidency that the Navy's next aircraft carrier would be named the U.S.S. John C. Stennis. The ship is undergoing sea trials this spring and summer and will be officially commissioned later this year.

Senator Stennis always called me "his congressman" since I represented his hometown of De Kalb in Kemper County. It was a great honor to serve as his Congressman for 28 years and his colleague for 23. He was a remarkable man whose legacy will live on, here in Washington and in his beloved Mississippi.

## OKLAHOMA CITY BOMBING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today on a note of sadness because this is our first full day of being in session, but on April 19, Oklahoma City was awakened by a bomb blast which killed both children and people either working or doing business in the Murrah Federal Building.

Oklahoma City along with the Nation rushed to the help of a neighbor, including some of my constituents from Texas.

The terrorist bomb ripped at the foundation of the Federal building and ripped at the fabric of our society.

The Federal building was targeted for what are now unknown reasons, but at this point there is all sorts of conjecture, but whatever the reason is, some people were killed and injured.

At times, the rhetoric of hate and distrust paints a picture of faceless bureaucrats, but the people in that building were hardworking people and children playing in that day-care center, and there were people literally waiting there for Federal Government services.

Many Americans, not just in Oklahoma but now all over America, do not feel it is safe that we should allow any terrorists to rip our Nation apart.

The terrorists did not affect the way Americans rush to help other Americans when times are tough, though.

□ 1700

When there is an earthquake or flood or any other natural disaster, we have volunteers running to help. This disaster was not natural, but neighbors still were providing a helping hand. Houston firefighters, along with firefighters from around the Nation, flew to Oklahoma City to assist in the rescue and recovery of victims from the blast. Southwestern Bell provided telecommunications and donation of cash assistance. Petrochemical companies from the Houston area provided assistance.

Providing a helping hand in times of need shows that when times are hard for America, we come together. We come together to show that any terrorist group inside or outside America, that Americans will stand together and there is nothing that can stop them.

If that message has done nothing else than to go forth from these halls of Congress, I would hope that the perpetrator and whoever is found guilty, that they recognize that Americans, we do come together, and we stand together on this tragedy.

## ARSON AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to call attention to this week and the importance nationally in focusing on the problem of arson.

Earlier today, Mr. Speaker, in cooperation with our Oklahoma colleagues, I joined in support of a resolution condemning the action in Oklahoma City and on focusing on the need to further highlight this country's preparedness and ability to deal with explosions and disasters and especially those caused by terrorism.

Mr. Speaker, on May 1 through May 8 is Arson Awareness Week nationwide, and this week is a time each year that we take out to focus on one particular type of tragedy that occurs on a recurring basis throughout the year.

Unfortunately, in this country we tend to only focus on problems of disasters, when a major disaster occurs, such as the World Trade Center bombing, and most recently the Oklahoma City bombing.

But, Mr. Speaker, arson fires and arson deaths occur every day of the year in this country and are becoming a major problem in terms of both loss of life and property. As a matter of fact, Mr. Speaker, arson annually causes about $2 billion worth of property loss, and that does not include the amount of extraordinary damage caused by the emotional effects, indirect losses, indirect financial situations, medical and legal costs, lost wages, business interruption, fire fighting and law enforcement efforts which together exceed the direct losses twofold. So, Mr. Speaker, we are talking about arson presenting a problem to our country and our people that exceeds the $2 billion a year with indirect costs approaching $4 billion a year.

Arson fires account for only 15 percent of building fires in this country but account for more than 30 percent of total dollar loss. In fact, in a more troubling statistic, Mr. Speaker, arson fires account for more than 700 lives lost each year, 700 lives lost from fires directly caused by arson deliberately set either to cover up a crime, to have some profit motive, to gain money from the insurance company, or some other profit ring that would allow those to gain from the crime of arson.

Arson has disrupted educational and manufacturing systems with the destruction of irreplaceable buildings and artifacts. In addition, it has rendered natural resources useless for long periods of time or completely destroyed.

Mr. Speaker, there is some good news. The insurance industry is beginning to crack down on arson as never before. One way they are doing this is by reporting information on suspicious fires to the property insurance loss register, a national data base which police, law enforcement and fire officials use to investigate fires and prosecute arsonists. More and more insurance companies are extending their investigative and their deliberative actions to prosecute arsonists well beyond what was done in the previous decades.

Many insurance companies are also giving more intensive arson detection and training to their property claim adjusters. In addition, company underwriters, the people who decide whether to offer insurance to individuals and businesses, also receive training in recognizing information that could warn that an insurance applicant represents a big arson risk.

On May 19, 1994, almost 1 year ago, President Clinton signed a law, the Arson Prevention Act. Mr. Speaker, this legislation was worked on by colleagues from both sides of the aisle, led by our good friend, the gentleman from Virginia [Mr. BOUCHER]. This legislation does several things to increase awareness of the problem of arson, including increasing the ability of fire departments to identify suspicious and incendiary fires resulting in increased and more effective prosecution of arson cases.

The legislation awards 2-year competition merit-based grants to as many as 10 States for arson research, prevention, and control. The authorization for fiscal year 1994 was almost $5 million, and for fiscal year 1995 $6.25 million.

The legislation also improves arson investigator training courses, leading to professional certification of arson investigators. It also provides resources for the formation of arson task forces, especially needed in our inner cities where arson for profit has become a major problem.

The legislation also supports and develops programs directed at fraud as a cause of arson, juvenile arson, drug and gang related arson, domestic violence connected arson, and civil unrest as a cause of arson.

Finally, the bill provides for development of an advanced course on arson prevention and expansion of arson investigator training programs at the National Fire Academy, the Federal Law Enforcement Training Center and the Federal Bureau of Investigation Academy.

The International Association of Arson Investigators was formed in 1949. It is the most broad-based, well-respected organization in this country and the world that focuses on the problem of arson and works to train arson investigators. This organization, with over 8,000 members, was established to unite for mutual benefit those public officials and private persons engaged in the control of arson and kindred crimes.

In addition, the National Fire Protection Association is currently developing a manual for fire investigation that will aid in the process of training these investigators.

Mr. Speaker, I rise to pay tribute to those brave men and women who day in and day out are fighting this ongoing problem in America, a problem that is affecting our economy and that is taking approximately 700 lives each year. I pay tribute especially to those brave arson investigators, those law enforcement personnel who are handling situations in all of our cities and counties dealing with the terrible tragedy of arson loss in this country.

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## LEGISLATION REGARDING EVASION OF TAX LAWS BY RENOUNCING CITIZENSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, today, along with my colleagues Messrs. GEPHARDT, BONIOR, FAZIO, RANGEL, STARK, JACOBS, FORD, MATSUI, Mrs. KENNELLY, Messrs. COYNE, LEVIN, CARDIN, MCDERMOTT, KLECZKA, LEWIS, NEAL, PAYNE, and FROST, I am introducing legislation to prevent the evasion of our tax laws by individuals who renounce their American citizenship.

This legislation is identical to the bill S. 700, introduced on April 6, 1995, by Senator MOYNIHAN. Senator MOYNIHAN should be commended for his leadership on this issue and for his efforts to respond to the technical concerns raised by those opposing this legislation. I must wholeheartedly agree with Senator MOYNIHAN's introductory comments that these technical concerns could have been resolved "if those criticizing the provision's technical aspects put even half as much effort into devising solutions as highlighting shortcomings."

Mr. Speaker, this bill is similar to the provision which was included in the House Democratic amendment which was defeated when the House considered H.R. 831. In addition, this proposal was included in the Senate amendment to H.R. 831. In addition, this proposal was included in the Senate amendment to H.R. 831. It would tax the unrealized appreciation in assets held by individuals who expatriate. The bill contains generous exemptions to limit its applicability to only the extremely wealthy. This bill contains several technical modifications from those earlier proposals, which I would like to quickly summarize to demonstrate our willingness to respond to legitimate concerns regarding this issue.

Unlike the provision contained in the earlier amendments, this bill would also apply in cases where long-term residents of the United States cease to be taxed as residents. This change is in response to the argument that the earlier amendments were unfair in that they applied only to citizens and did not also apply to residents who are taxed in the same manner as citizens.

During House consideration of H.R. 831, there were arguments about potential double taxation. This bill I am introducing today responds to those arguments by providing that, if a foreign person becomes a resident or citizen of this country, the basis of all of that person's assets would be stepped up to their fair market value at the time the person becomes subject to our tax system. Therefore, the bill creates parallel treatment under which appreciation accruing before an individual becomes subject to our taxes would be exempt from our taxes and tax on appreciation accruing while an individual is subject to our tax laws could not easily be avoided.

The bill also responds to the argument that triggering the tax on expatriation would be an acceleration of the tax that would otherwise have occurred. The bill provides that each taxpayer would be allowed to irrevocably elect on an asset-by-asset basis to continue to be taxed as a U.S. citizen with respect to assets designated by the taxpayer.

The bill also makes modifications to the administration of the tax by requiring expatriates to file a return within 90 days of their expatriation and to pay a tentative tax.

Mr. Speaker, we had a long and heated debate on this issue in April and I do not wish to repeat that entire discussion today. However, there are several matters upon which I feel compelled to comment.

Opponents of this provision made much of their concern over human rights obligations under international laws. Senator MOYNIHAN has quite nicely analyzed these arguments in his introductory statement. I do not intend to repeat that analysis but I do want to agree strongly with his conclusion that the growing consensus of opinion is that this provision does not violate any legitimate human rights concern. For me, the human rights argument was never very persuasive. These individuals are not renouncing their American citizenship because of any fundamental disagreement with our political or economic system. They simply refuse to contribute to the common good in a country where the political and economic system has benefited them enormously. Some individuals went so far as to compare the plight of these wealthy expatriates to the plight of the persecuted Jews attempting to flee Russia. I can only say that I agree strongly with the leaders of the National Jewish Democratic Council who have described this argument as "nothing short of obscene."

In the last weeks of April, some of my Republican colleagues accused me of engaging in class warfare because of my attempts to ensure that these extraordinarily wealthy individuals cannot avoid our tax system by the despicable act of renouncing their citizenship. During the welfare reform debate, Republic Members of this House compared welfare recipients to "wolves" and "alligators" and engaged in crude stereotyping of welfare recipients by referring to "studs" outside their homes. The Republican welfare bill took billions away from the poorest of our citizens to

be used to fund a tax bill that even the Wall Street Journal described as a "windfall for the well off."

None of this was considered class warfare by Republican members of this House. However, when Democratic Members suggest that billionaires should not be able to avoid the same taxes that middle-income taxpayers are required to pay, some Republicans consider that class warfare. The difference between the two parties could not be clearer.

Finally, I would like to make it clear that the effective date in the bill I am introducing today is February 6, 1995, and that I will continue to insist that February 6, 1995, be the effective date for any subsequent legislation to end this loophole. The Democratic Members of this House will insist on this effective date, and the fact that a different effective date was contained in a motion to recommit on the recent tax bill should be disregarded. That different effective date was chosen merely because the minority leader was informed that the motion to recommit would otherwise have been subject to a point of order. Had the Republicans lived up to their promise to consider tax bills under open procedures, the minority leader would not have been forced to use that different effective date.

From the press, we already know the name of at least one wealthy American, and heir to the Starkist Tuna fortune, who renounced U.S. citizenship after February 6 of this year and, therefore, could benefit from a delay in the effective date of this legislation. We also know that other powerful lobbyists are representing families, such as the Getty family, in an attempt to delay this provision. We must guarantee that the efforts of these lobbyists will be unsuccessful.

Mr. Speaker, I wish this legislation had been enacted earlier. I believe the privileged few who amass great fortunes under our laws and then renounce their citizenship to avoid tax here should be asked to pay their fair share. Those who have sought to protect these few extraordinarily wealthy individuals may have won the early skirmishes in this battle for fairness. But introduction of this bill is a signal that we who care about fairness will not give up until we win the war.

## COMMEMORATING THE 80TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. KENNEDY] is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I rise to support the commemoration of the 80th anniversary of the Armenian genocide. For the thousands of Rhode Islanders from my district of Armenian descent who lost family members in this genocide, today is a particularly somber day.

But whether you are of Armenian descent or not, this day would be even more tragic if we did not remember. There is a quote that I think is particularly important today, and it goes as this:

First, they came for the socialists, and I did not speak out because I was not a socialist. Then they came for the trade unionists, and I did not speak out because I was not a trade unionist. Then they came for the Jews, and I did not speak out because I was not a Jew. Then they came for me, and there was no one left to speak for me.

This quote is telling, because it can be said as much for the Armenian genocide as the Jewish Holocaust. In fact, it has not been lost on historians of this century that the failure to recognize the Armenian genocide for what it was made it easier, not harder, for evil minds like Hitler to believe that they could do the same.

Today, we in Congress are solemnly observing the tragedy of the Armenian genocide not only to honor the memory of those who died but, in doing so, to ensure that such horrors will never occur again.

## EXPRESSING SUPPORT FOR DR. HENRY FOSTER, SURGEON GENERAL NOMINEE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, "unassuming, focused, compassionate, a consensus builder, a fine physician." Mr. Speaker, these are the words that people in Nashville—the people who know him best—use to describe Dr. Henry Foster, the nominee for U.S. Surgeon General.

When President Clinton was considering nominees for this post, he said that he was looking for someone who is qualified as a top-flight medical professional, a strong leader, and an effective communicator. Dr. Henry Foster is such a person. Unfortunately, though, a controversy has loomed surrounding his confirmation. Along with many other medical procedures, Dr. Foster has administered abortions during his 30-year medical career in the field of obstetrics and gynecology. For this, some would deny him the opportunity to serve as the "Nation's Doctor."

This debate will continue to be superficial until we move beyond the scratched surface. A Tuskegee, AL, woman would tell her story to the Charlotte Observer:

Jeannette Hight was 3½ months pregnant when she began bleeding in the middle of the night. Frantic, she called her obstetrician at home. With her doctor's careful help, Hight averted a miscarriage. That was more than 25 years ago. The Doctor was Henry Foster. Hight wants the nation to know that the man who saved the life of her only son is no "abortion doctor." She remembers Foster as a compassionate man committed to ushering in new life. She says, "What I've heard is a one-sided story. I haven't heard anything about all the lives that came into this world because of him. He is a man of great integrity."

Another Tuskegee woman told a different story of her memorable experience with Dr. Foster, printed in the U.S. News & World Report:

Joyce Carter German was a college junior, married and pregnant for a second time. She wanted an abortion. Foster refused. "This is not the right choice," he told her. The baby "is a blessing to you." German is now a medical technician; her daughter is in graduate school. She is glad Foster said no, and like others, she is puzzled that his fate may hang on how many abortions he has performed.

It is so terribly unfortunate that the work Dr. Foster has done over the years to prevent teenage pregnancy through his "I Have a Future" Program is being ignored by those who would rather focus on the number of abortions he has performed. In his own words in a Washington Post Op-Ed piece, Dr. Foster said, "It's ironic that my work fighting teenage pregnancy has been overshadowed by my opponents' talk about abortion. I do believe in the right of a woman to choose. And I also support the President's belief that abortion should be safe, legal, and rare. But my life's work has been dedicated to making sure that young people don't have to face the choice of having abortions."

Let us not muddy the waters of this confirmation process with partisan bickering and selective research. I urge my colleagues in the other Chamber not to fall victim to the empty rhetoric designed to deny Dr. Foster's confirmation as the U.S. Surgeon General. Doing so would only serve to make the Senate confirmation process less credible to an already suspicious public. I urge the Senate to review Dr. Foster's complete record. Learn who Dr. Foster really is.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should be advised to avoid comments regarding the confirmation process in the Senate.

## TRIBUTE TO ALL CIVIL SERVANTS INVOLVED IN THE OKLAHOMA CITY TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I am pleased to be here with my colleagues to pay tribute to all of the civil servants involved in the Oklahoma City tragedy.

I had an opportunity of speaking earlier today as we passed the resolution expressing our outrage and our deep sympathy for that which happened in Oklahoma City during the last 2 weeks.

□ 1715

More than 550 Federal workers worked in the Alfred P. Murrah Federal building in Oklahoma City which, like Federal buildings across our Nation, provided an array of services to citizens in the region surrounding Oklahoma City.

It has long been my view that Federal workers are one of our Nation's greatest assets.

As President Lyndon Johnson once noted:

So very much of what we are as a Nation—and what we are to achieve as a people—depends upon the calibre and character of the Federal career people. In no other endeavor can you more directly serve our country's cause—or the values on which we stand—than in the public service.

We lost many of these fine men and women last month and I want to extend my heartfelt sympathies to all of their families, friends, their coworkers, their neighbors, and those they serve.

I had hoped to be speaking this week in celebration of public service recognition week, that special week each year when we recognize the enormous contributions made by public employees not just the Federal level, but at all levels of Government.

On Thursday, Friday, and Saturday, the mall will be filled with displays that show all that is right with our government. Members, their staffs, and the general public will have an opportunity to see demonstrations and displays from virtually every agency.

Typically, this is a happy week, one in which we celebrate the many things that are right with our civil service which, regretfully, so many are so quick to criticize.

This year, however, there is a heavy cloud over the celebration. As we wander through the exhibits our thoughts will turn frequently to those we lost in Oklahoma City:

Like Julie Welch, a 23-year-old graduate of Marquette University in Milwaukee who was preparing to marry an Air Force lieutenant. She helped Spanish-speaking clients at the Social Security Administration's Office.

Or like Rick Tomlin, a special agent with the Department of Transportation, who had celebrated his silver wedding anniversary in February. He and his wife, Tina, have two sons.

Or Kenneth McCullough, an Army veteran who worked for the Drug Enforcement Agency. He won't be with us to see his son and daughter grow up.

Or Randolph Guzman, a 28-year-old proud member of the U.S. Marines.

Mr. Speaker, these are just a few of the fine people whose lives were senselessly wiped out by the act of a deranged, demented, evil person, or perhaps persons. These are not nameless, faceless bureaucrats, and, Mr. Speaker, let me be very blunt. I get angry, angry at those who denigrate our civil servants. Every time we need budget savings, we go after the civil servants. Every time we need a scapegoat for the failure of this body to address important issues, we blame the civil service. That is not fair.

Yes, there are nonperformers, just like there are at corporations and factories across our country.

But, Mr. Speaker, the great majority of these men and women are Americans with a deep love for their Nation who oftentimes have bypassed more lucrative careers to serve their fellow citizens.

So it is my hope that the politicians and the reporters and the televisions folks and all the other self-proclaimed critics will revisit their attitude about the civil service.

We will never forget this terrible tragedy in Oklahoma. If any good can come of this most disturbing situation, I hope that it will be a new found respect for public servants.

We owe it to those who perished in the explosion, to those incredible FBI and ATF agents whose expertise has led to early successes in the investigation, and to every Federal, State, and local official who has worked tirelessly on the scene to aid their fellow Americans.

Mr. Speaker, I think the Federal Times said it well in their special issue released this morning. In dedicating the issue to those who gave their lives in Oklahoma City, the editors note:

Many survivors of the blast became heroes as we learned of their extraordinary efforts to rescue others.

Many of the dead and missing are heroes, too, though we may never learn their stories. They are heroes of everyday life: good parents, co-workers you could count on, people willing to go the extra mile.

Mr. Speaker, as we celebrate Public Service Recognition Week, let us all remember that our Nation is blessed with heroes in the Federal office building not only in Oklahoma City but in Federal buildings across this great land, and, yes, I would urge my friends and colleagues: "Yes, you get angry at the IRS; yes, you may get angry at law enforcement offices, but do not allow that anger to be directed at individuals. Let it be directed at policy. Let us be a civil society."

Mr. MFUME. Mr. Speaker, I want to thank Congressman HOYER for taking the time today to call this special order to discuss Federal employees. In light of the recent bombing in Oklahoma City, I feel it is important that we take the time to reassure the Federal employees in Oklahoma, as well as throughout this Nation, that the vast majority of Americans recognize their contribution to this Nation and respect them for their efforts.

We are all shocked, as we should be, any time innocent lives are taken. Yet the magnitude of the devastation in Oklahoma City, as well as the massive number of innocent lives that were lost, has left many of us shaken to the core.

The fact that the target of the bombing appears to be Federal employees makes this act even more reprehensive and repulsive to me. As many of my colleagues know, I represent roughly 35,000 Federal employees, many of whom are not just my constituents, but also my neighbors and my friends.

It is my experience that Federal employees deserve our gratitude, they deserve our admiration, and they deserve our respect. They do not deserve to be terrorized.

As most Americans know, Federal employees play an integral, albeit often invisible, role in our daily lives. Federal employees make sure that our senior citizens get their monthly Social Security checks and that our veterans get the care and treatment they need. Federal employees are responsible for printing our money and insuring it when we make deposits at a bank. Federal employees protect our borders and make sure the food we eat is safe. In short, Federal employees spend their days and often their nights making sure that our Government performs its duties.

Furthermore, the American civil servant is perhaps the best Federal employee in the world. All one needs to do is travel abroad to see that American Federal employees are second to none in terms of their devotion to the job, their initiative, and their belief that they are serving their communities as well as their Nation.

In light of the Oklahoma City bombing, security at many Federal buildings across the Nation has been tightened. While this may prove to be a minor inconvenience to some employees as well as other Americans who may be visiting the buildings, it is worth it even if it only provides peace of mind.

As I said earlier in my statement, Federal employees often perform thankless tasks that many of us take for granted. Despite their consistent performances, however, there are some in Congress who have insisted on using Federal employees as tools to try to balance the budget.

In the past few years we have seen attacks on Federal employees' cost-of-living adjustments, their thrift savings plans, and their retirement age. Just recently the Republican Members of the House led a successful attack on the Federal employee pension system. As I said at that time, and I will say it again, they deserve better.

I am glad that we are taking the time today to discuss this tragedy and to let the American people know that the abhorrent behavior of a few irrational people in Oklahoma City is repulsive to us as well as our constituents.

To any Federal employees who may be listening to this special order, I hope that you will listen to what we have been saying: the majority of Americans appreciate what you do for us, and we respect you.

The irony of the attack on Oklahoma City is that according to the reports we have been receiving, the primary suspects refer to themselves as "American patriots." This is offensive, not only to the American public, but especially to the people who, since the bombing, have proven themselves to be the true American patriots.

I submit to you that the true American patriots are the men, women, and children who gave their lives in Oklahoma City, as well as their families whose loss we can only imagine; they are those who ministered to the lucky few who survived; and they are the people who are still trying to dig through the rubble to find any remaining victims.

It is a true American patriot who, in the last 2 weeks, has made it clear that this act of terrorism is not acceptable and will not be tolerated.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to join in my comments on the subject of my special order this evening.

The SPEAKER pro tempore [Mr. ENSIGN]. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## THE OKLAHOMA CITY DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. WYNN] is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, I come this evening to condemn the senseless and cowardly bombing of the Federal building in Oklahoma City. I join with my colleagues and all of us here in America in expressing our condolences and sympathies to the families of the victims.

On occasions such as this words are certainly inadequate to express both our concern and their pain, so we can only say that we feel the pain, we try to share the pain, but in the final analysis they must bear the pain. And that is very regretful.

But I also come to commend the rescue workers who worked tirelessly, sometimes around the clock, in a rescue attempt to reduce the pain and suffering and to bring out of the rubble the loved ones in Oklahoma City. I want to take a moment to specifically commend a group of rescue workers from my own district in Montgomery County who went down to Oklahoma, as did many other rescue workers from around the country, to lend a hand. In the truest American spirit they did a wonderful job, and I want to thank them one and all.

I also want to join with what I believe is a rising chorus speaking on behalf of Federal workers.

Now I know this is a somewhat sensitive issue, and let me be clear that I am not here to suggest that conservative speech, antigovernment speech, disagreement with Government policy or disagreement with Government bureaucracy was the cause of the bombing in Oklahoma City. That is not my argument. But I rather hope that, if there is any legacy to the people who lost their lives in Oklahoma City, it will be a legacy of respect for Federal employees.

I say to my colleagues, "If you go down the rollcall, you see the employees from all agencies, from Housing and Urban Development, from the Department of Transportation, from Veterans Affairs, from Social Security, from the Bureau of Alcohol, Tobacco and Firearms, from General Services Administration which were all in that building. These are some of the same Federal employees who have been showered with contempt, who have been described as the worst, as Government vultures, as lazy bureaucrats, as worthless Federal employees. These are the same Federal employees whom we have attempted to cut benefits for, the same Federal employees whom we have increased pensions costs on, at least attempted to increase pension costs on, and it seems to me there is a general attitude of hostility toward Federal employees."

Legitimate criticism, of course, is intrinsic to this body; contempt for hardworking Federal employees is not. I would certainly caution my colleagues of both sides of the aisle who may have occasion to be contemptuous of Federal employees and their performance to keep in mind that they do not make the laws. We do. They only try to execute to the best of their ability the laws that we make, and, yes, some do not do as good a job as we would like, and some merit criticism, but certainly the kind of contempt and condemnation that I have heard on the floor of this body is not deserving. These people, as we now know, have families, and young children, and dreams and desires, many of which were snuffed out in Oklahoma City. They are people just like us. Now is not a time for finger pointing. Now is the time for sympathy, for condolences, for words of encouragement.

But I hope there will be a legacy out of all this, a legacy of tolerance for Federal employees, support for Federal employees, a legacy of restraint on the part of Members of this House and on the part of certain Members of the media when addressing the issue of Federal employees because, while these words did not cause the bombing in Oklahoma City, they certainly showed a contempt for Federal employees which they do not deserve. Let us leave the victims of Oklahoma City with a better legacy in the future.

## NORTHEASTERN OHIO PLEASED WITH THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, we are here after the first 100 days have been completed, and I think most of us have had the experience of going back to our respective districts, and being involved in a number of engagements, and town hall meetings, and the kinds of things that we do in order to try and find out exactly what our constituents are saying about how they feel about what has been done, and I want to report to the Congress that I have had extraordinarily positive feedback from the people of northeastern Ohio regarding what we have called the Contract With America and regarding the direction that they believe that this contract or that this Congress is now taking our highest legislative body in the United States, the direction we are going and the direction we are trying to pursue for the people of America.

And what I hear from my constituents is that they could not be happier, they could not be more pleased, that they finally feel that they have in the Congress of the United States men and women who are willing to actually commit to what they said that they would do, that this whole notion of keeping a promise regardless of what the promise happens to be, even the fact of making a promise and keeping it as a group of elected officials elevates that group of elected officials from politicians who, as Winston Churchill observed, are defined by being concerned about the next election to a level of being statesmen; that is, people who are concerned about the next generation, and I cannot tell you how much positive feedback I have gotten from the men and women of northeastern Ohio, the west side of Cleveland and western Cuyahoga County regarding the efforts we have made and the efforts to make Government smaller, to make it more responsible, to reduce taxes, to reduce the burden of Government on the people, and to try and bring that burden of Government to its closest and its most local area. That is the local communities.

□ 1730

If you think back to George Washington's time, what was it that George Washington believed in with respect to the House of Representatives? He thought of districts not in the sense that we think of today, where we have 572,000 people in each district on average, at least in the State of Ohio. It varies a little bit from State to State. But he thought of districts as neighborhoods, that neighborhoods were in fact the building block of the House of Representatives.

Well, that is when we had a fraction of the number of people living in this country that we have today. But it was a remarkable thing that he would observe that we should be as neighbors and act that way.

Well, that is how we should act in the House of Representatives, and we have a tremendous challenge coming before us in the next 3 or 4 months, and that is the challenge of delivering a budget to be voted upon by this House and then to be signed into law by the President of the United States.

The fact is that that is going to be a tough fight and a tough battle, because in making a budget, what we do, just as a family does, just as an institution does, just as a company does, our country will be redefining, or defining and redefining its values, because it is through the budget process that we truly do define what we believe in,

what our priorities are, what is most important and what our values are as a Nation.

That is exactly what we will be doing. That is why the budget process is so important, not just because it spends money, not just because of the way it describes the appropriations bills, but in fact because what we do is we tell the American people, we tell ourselves, exactly what it is that we value as a people and what direction we are going to be going in.

I can tell you as a member of the Committee on the Budget, the direction we are going to be going in is we are going to, in fact, have a balanced budget after a 7-year period. We have committed to it; we have worked on it all last week. We were here when the rest of the House was still in recess; we came back early; and we will, in fact, deliver for the American people a balanced budget after a 7-year period.

It is tough sledding, it takes a tremendous amount of work, and it takes a tremendous amount of decision making in terms of making the tough choices and making the hard decisions. But that is what we have been working on, that is what we will continue to work on. We are going to Leesburg, VA, to a conference, and then we will present through hearings and ultimately at the end of May for a vote in early June, a budget resolution which will show the American people just exactly how we can get to a balanced budget after 7 years.

## TRIBUTE TO FEDERAL EMPLOYEES

The SPEAKER pro tempore (Mr. ENSIGN). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, it's been nearly 2 weeks since a terrorist's bomb ripped a hole in the Murrah Federal Building and ripped a hole in the heart of the Nation. The images of bloodied children being carried from the rubble will stain our collective memory for a long time to come. How could it happen here, we asked.

Through media reports, we have come to know the children who were so brutally murdered—we know their names and faces—Baylee Almon, Colton and Chase Smith, Aaron and Elijah Coverdale and Ashley Eckles. They have become our children, too.

And, we have learned about other victims of the bombing, as well. We know that more than 500 people who were working in the Murrah Building on that awful day were federal employees. Many were killed. Federal employees were at the Social Security Administration, helping seniors in their retirement; they were there at the Housing and Urban Development Office, helping families find affordable housing; they were there at the BATF and the Secret Service helping to enforce our laws and protect our people.

To understand the scale of this tragedy, one need only to talk to employees at the Department of Housing and Urban Development, which had approximately 90 workers in the building at the time of the attack and suffered the greatest loss of life. At last report, 32 HUD workers have been pronounced dead, two are hospitalized and another 3 are still missing.

To understand the scale of this tragedy, talk to employees at the U.S. Secret Service. All six of their employees assigned to Oklahoma City are now gone: Mickey Maroney, Alan Whicher, Kathy Seidl, Donald Leonard, Cynthia Brown and Linda McKinney. Together they leave behind 6 spouses, 6 parents and 11 children.

Too often, we in this Nation, and, in particular, in this body, have been guilty of forgetting who these people are—they are not nameless, faceless bureaucrats. They are husbands and wives, brothers and sisters, and they are parents.

One of the 32 HUD employees who did not survive the Oklahoma blast was Lanny Scroggins. Lanny was a decorated Vietnam veteran who spent the last 23 years as a Federal employee, helping others. How is it that Lanny Scroggins could survive the jungles of Southeast Asia, but be taken by a terrorist's bomb while at work in America's heartland? No one has the answer.

But, while Federal employees were the victims in Oklahoma City, they were also the heroes: Federal employees from FEMA pulled survivors from the wreckage and helped feed the hundreds of rescue workers.

Federal employees from the FBI, BATF and Secret Service launched a swift and sweeping investigation that brought the primary suspect into custody within hours of the explosion.

But Federal employees are heroes every day. Every day they work to take care of our seniors, to house our poor, to enforce our laws, to bring food, shelter and clothing to those stricken by natural disasters and manmade atrocities, like the one in Oklahoma City.

And, yet, for these heroes there are no Congressional Medals; no parades down Main Street; no statues in town square. Instead, these heroes too often are belittled as bureaucrats. In debate on this House floor, Federal employees have been the target of overblown political rhetoric, on both sides of the aisle.

We don't know what impact our words have on deranged individuals or the lunatic fringe groups we've read so much about over the past few weeks. We do not know. Wouldn't it be best to err on the side of caution? Let's not rely on others to do the right thing, let us do the right thing and leave nothing to chance.

Make no mistake, there are groups in this country who are waging a war against Federal law enforcement. For many of these fringe groups, law enforcement has become the enemy. They are not "jack-booted Government thugs," as the National Rifle Association asserts. And they deserve better than to have voices of hate on our airwaves advising listeners about "shooting them in the head."

We need to have congressional hearings in the wake of the Oklahoma bombing on the increasing threats against Federal employees. By doing so, we don't politicize a tragedy. Rather, we live up to our responsibilities to address this tragedy and make sure it doesn't happen again.

And, we also need to look at the words we use. All of us in this body want to cut the size of the Federal Government. But our goal in reducing the size of Government should be to make it work better for people. We should be able to make those arguments based on the facts, without demonizing Federal employees—without belittling their contributions.

The Federal employees who were killed in Oklahoma City dedicated their lives to serving us. Now we should serve their memory by standing up to the forces that seek to divide us with words of hate.

## DISTRICT APPROVAL OF FIRST 100 DAYS OF 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Iowa [Mr. LATHAM] is recognized for 60 minutes as the designee of the majority leader.

Mr. LATHAM. Mr. Speaker, I would just like to take the opportunity tonight to reflect a little bit as to what we heard back on recess. I personally, in my district in northwest Iowa, which is primarily agricultural, held 16 town meetings and attended four agricultural hearings. And, Mr. Speaker, I will tell you, the people in the Fifth Congressional District of Iowa are 100 percent behind what we did in the first 100 days in the new 104th Congress.

People told me to keep going, do not give up the fight, continue the ideas and the motivation behind the Contract With America. They were very, very pleased to hear what we did on the very first day as far as reforming this Congress itself, how we do business, cutting the number of people in committee staff, cutting the number of committees, limiting the terms of the chairs of the committees and subcommittees, limiting the term of the Speaker himself, and, most importantly, on the very first day when we passed the Shays-Grassley Act, it held Congress subject to the same laws that the rest of the country has to abide by.

Also, we received tremendous support at every meeting for the items in the

contract itself, when you talk about the balanced budget amendment, the welfare reform, doing away with the outrageous regulations that we have had in the past few years, having the first vote forever in this body on term limits, something that people have tried for years and years and it was never allowed to happen before.

But, again, Mr. Speaker, the people in the Fifth District of Iowa told me to continue the fight. They believe that it is a refreshing wind blowing through Washington when you have a group of people who go to Washington and work very, very hard to make real change and reform, and, most importantly, to keep their word as to what they said during the campaign. It is a major change. People are responding. People do not believe the liberal pledge that they are getting from Washington. They know the facts.

I have another gentleman here, would you like to comment, the gentleman from Georgia?

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman.

I, too, have a district which is somewhat similar to the gentleman's. My district, which is in the very heart of the State of Georgia, stretches from the middle of the State all the way to the Florida line. I have three military installations in my district, two Air Force bases and a Marine Corps logistics base, and the balance of my district is made up primarily of agriculture and agribusiness industry as well as some heavy manufacturing industry.

You know, we cover 32 counties in my district, and I did not get to all of them during the 3 weeks, but I got to most of them. I had a representative at some 15 town hall meetings that we did and another probably eight or nine civic club speeches that we gave. And everywhere we went, I heard the same echo of what you have just said, and that is we appreciate what you folks did during the first 100 days. We are proud to see that Congress has finally done something in the first place, but, more importantly, has done what it said it was going to do.

I talked a lot about the fact that on September 27 of last year, we on the Republican side of the aisle made history in American politics. We not only made promises to the American people, but we were willing to put those promises in writing. For the first time in a long time, a group of politicians, the first time ever in American political history, a group of politicians came together and made promises to the American people and did every single thing we said we were going to do. And I kept hearing that over and over again in my district, not only that you made those promises and we are proud you kept them, but also, like you said, we do not want you to quit doing what you did. You have made a great start, but in order to get this country turned around, we have got to keep putting common sense back into Washington. Something that has long been missing up here. By doing what we did, we put a lot of common sense back into Washington, and I made a pledge to my folks in the Eighth District of Georgia that we are going to continue to do that.

There were a couple of things that were of particular importance to the folks in my district. No. 1 was the balanced budget amendment. They were extremely disappointed that the Senate was unable to pass the balanced budget amendment, which is so crucial to the financial stability of this country. Congress over the past 25 years has shown it cannot balance the budget itself, and the people of this country demanded that a balanced budget be passed, and unfortunately we were not able to do that. But they have encouragement because of the fact that we in the Republican Conference have made an unconditional pledge that we are going to balance the budget of this country by the year 2002. While the folks in my district do not like to have their programs cut, nobody does, the folks in my district are willing to share in the reforms that have got to be made in order to get this country back on track and in order to get to that glide path to a balanced budget and in order to ultimately balance that budget by the year 2002.

The other program that is extremely important to the folks in my district was the welfare reform bill we passed here in the first 100 days. I think, and the folks in my district absolutely wholeheartedly agree with me, that that is the cornerstone of the contract, and that is the most important thing that we did during the first 100 days. We have too many people in this country who need to go to work, who would go to work if work were available and if they did not have the incentive to stay on welfare, and folks out there are absolutely tired of the failed and dismal welfare system that we have in this country.

□ 1745

They were really pleased and encouraged by the fact that finally a group of Congressmen were willing to stand up and say, by golly, we are going to reform this program, and we are going to put dignity back in the welfare system. And we are going to require those folks who can work that are on welfare, that are getting food stamps, to go to work. And the blue-collar folks out there, the white-collar folks, all the way up and down the line, the folks who work hard every week and pay taxes every week are simply tired of that system, and they were extremely encouraged by what we did with our welfare reform package.

And I made another promise to them, that we are going to continue to work on that type of reform in this Congress.

Mr. LATHAM. I yield to the gentleman from San Diego [Mr. BILBRAY].

Mr. BILBRAY. Thank you very much. I represent the 49th District of California. It is a beautiful district that stretches from my home town in Pearl Beach on the Mexican border up north to the beautiful wooded hills of La Jolla, from the communities of Ocean Beach and Pacific Beach on the blue Pacific to the foot hills of the Sierra Nevadas, what we call the San Diego foot hills.

And I was greeted by citizens at every community that we were visiting, very, very encouraged with the factors that my colleagues have said, that there was some credibility given back to Congress, something that had been lacking for so long; the fact that promises were made, promises kept, something that was rare and unseen for a long time.

And one of the encouraging things was the fact that we have actually heard people say that there may be concerns about our legislative agenda, about specifics, but at least they feel that Congress cares and that Congress is listening. And I think that one of the things that shocked the people I spoke to was that rather than what has happened for the last 100 years in this country, where freshmen were brought in and stuck in corners and not allowed to speak, that the new voices of the people's concerns were muted, this time for the first time in the history that anybody remembers, the freshmen, the new wave of fresh faces was not only not stopped, they were absorbed and they were actually embraced. Many of us in the freshman class have been encouraged to participate on this floor the first day, allowed to serve on committees and actually had chairmanships, which really kind of astonished people, that the voices of the American people are being heard and are being incorporated and that we do not fear the change for the good.

Frankly, I have got to point out that one of our frustrations was that, as I came in to San Diego and enjoyed the beautiful blue waters of the Pacific, we also are reminded what a failure our Federal Government has been at times, especially with issues of environmental quality which are very, very important to those of us in San Diego and California for good reason. We are blessed by the Lord of having one of the most beautiful environments in the world. But at the same time that I had to state how much we enjoy our environment, I have got to point out that we were greeted this week to over 30 million gallons of untreated raw sewage from a foreign country, Mexico, that our State Department and our EPA department found reasons to ignore and not to stop, that you or I would be fined very quickly by our own Government and by our own Federal agencies. But they have turned their head on a

major environmental disaster that is occurring again and again and again for those of us that live along the border.

All I would say is that next week, when we talk about the Clean Water Act, that we start recognizing that the Clean Water Act, for those of us in San Diego County, is a misnomer. We look at the Federal bureaucracy and the Federal agencies that have administered it, too quick to fine American citizens, too quick to find fault with other people, and too seldom are willing to tackle the real tough problems like 30 million gallons of raw sewage pouring from a foreign country, polluting wildlife preserves, killing wildlife in an area of endangered species that is quite critical and closing almost 10 miles of California beach front.

So I hope that those of us, as we next week start addressing the Clean Water Act, will be brave enough to have the guts to rise up and say, it is a good start, but we darn well have to improve this act to make sure it protects the environment and that the agencies that are working on this must be held responsible for pollution problems such as we face in San Diego County.

Mr. LATHAM. I thank the gentleman.

I, like both of you, I think when I was back at my meetings, the balanced budget amendment was paramount. Very disappointed what happened in the Senate, encouraged by the idea that it will be brought up again and probably passed in the next 60 to 90 days. If not, it will be brought back again next year.

In my district, in the 30 counties in northwest Iowa, it is absolutely essential that we have a balanced budget amendment. And I thought it was interesting, when we had a lot of discussion on welfare reform, how far ahead the people in my district are compared to what is being spewed about on the floor here in the House about supposedly cuts in funding for school lunch programs.

Every meeting I said, OK, how many here raise your hands if you believe that a 4.5-percent increase is a cut? And obviously we had no hands go up. Apparently the new math that has taken place in Washington has not hit Iowa, because we still understand what real math is and what the truth and the facts of the matter are.

And people tell us, if you do anything else, get rid of the failed welfare system that we have in this country and bring back a system with accountability and responsibility and give the people opportunities for the future and do not keep them tied into a system that takes away hope for their families and their future.

Mr. BILBRAY. In San Diego, this has been a real tough battle for almost two decades now where San Diego County has a welfare system larger than 32 States of the Union. It is 2.6 million with a very large welfare problem. And every time we try to do something, the Federal Government was always in the way of the people of San Diego trying to reform and restructure this. And in fact, I point out that in 1978, the people in San Diego were called ruthless and heartless and cruel because they came up with a radical idea, they said, that was cruel called "workfare," in 1978. And just the last few years, to show you how frustrating it is working with the Federal Government, when you are trying to make some sanity out of this situation, that when we found there was welfare fraud, we realized we wanted to put a picture ID on a welfare card. And Federal agents were saying, we do not think you can do that because we think it may violate the privacy of the welfare recipient. I have to say that any person who truly is in need, any person who really wants to participate in a good program would obviously not be opposed to having their picture on the welfare card. In fact, I think any of us who has any kind of identification, driver's license, do we feel our privacy has been violated because we have a picture?

I think that gives you an example of how we have got to break up the concept that Washington is the only well of knowledge and compassion, that the local communities do have the ability to address these problems, to straighten out these problems, if we must give them the right to do the right thing. That is really what my people in San Diego keep crying for us to do here in Washington.

Mr. CHAMBLISS. I think you make a good point there, the fact that I have confidence in the local people in my home county and every single one of the 32 counties in my district that they can do a better job of running local programs than a bunch of bureaucrats in Washington can. That is the whole concept behind what we are doing now. The block granting that is going to be taking place is being done in a very thought-out manner. It is not being done hastily. It is being done only with programs that we have given serious consideration to, have listened to serious testimony about and have made conscious decisions that local folks are better able to spend their own tax money on their own programs than somebody in Washington.

And I heard that time and time again. Thank goodness the folks in my district for the most part had seen through the school lunch debate before I ever got there. When I got to my town hall meetings and talked about school lunch programs, we had nothing but compliments for the fact that we are willing to give the local folks credit for the fact that they are capable of running these programs. They are the ones that run it anyway.

Mr. BILBRAY. I was in a community called Navajo where the lady who runs the school lunch program came forward and said, I did not know about you Republicans. I was not sure. But thank you for giving us the program so we do not always have to have Washington tell us how to do it. We can serve kids more lunches and be able to serve the kids better because you are getting the Federal Government off our backs so we can do it. She said it quite clearly. She said, what do you people in Washington or the people in Washington think, that Washington cares more about our children than we care about our own children?

I think that was probably the best message we could receive.

Mr. LATHAM. And it goes back, another subject that came up many times in my town meetings, and it goes back to the idea of local control again, is education. People are outraged today in the 5th district of Iowa that they want to put together basically a Federal school board to tell our local school boards exactly what they can and cannot teach, what restrictions they can put on and what restrictions they cannot. Everybody believes that there is a role for the Federal Government as far as ensuring that every one has access to education, that because of race, creed, color, handicap, whatever, that you are not deprived of that opportunity. But everyone also believes that it is the State's responsibility to fund education in our State and also the control has to stay with the local school boards.

And I had a vote down in Boone County. It was interesting. I asked, after we had had this discussion, I said, how many of you want to do away with the Department of Education? And the vote was 38 to 2 to do away with the Department, to bring back the responsibility at the local level, to not put it away to some bureaucrat here in Washington today, let the people at the local level make the decisions for their children's education because they do know best and they are going to be able to help them the most and ensure a quality education.

We are not going to do it again from Washington.

Mr. BILBRAY. I had it pointed out to me that the more money that we have spent on the federal Department of Education, the more the test scores of our students in this country have dropped. I do not believe that you can blame it on the Department of Education, but I think that what it tells us is just throwing money at a Federal agency will not help to educate our children.

It is the teachers and the parents of America that will educate the children. And what we need to do in the Federal Government is get out of the way and let them do what they do best, take care of the children. If any of us had a vehicle where we spent more money on the vehicle and the vehicle ran worse

every time we added money, we would kind of think twice about the idea of how much money we are spending here and maybe we should try a different vehicle.

I think the best vehicle is allow parents to do what parents do best, allow teachers to do what teachers do best and get off their backs and let them get the job done.

Mr. CHAMBLISS. My wife has taught school in the public school system in Colquitt County, my home county, for in excess of 20 years. My daughter is in her first year of teaching kindergarten in the public schools. I see what both of these ladies do on a weekly basis as far as teaching kids. That is where the core of our education system is. They do not go home at 3 in the afternoon. They are there until 5 or 6 in the afternoon. They are there at night. They are there on Sunday, working, preparing to teach those kids because they love what they do.

That is what makes our education system in this country so great. It is not the bureaucrats in Washington that contribute to the positive side of the education system in this country, and that is what the folks at home are tired of. They are tired of bureaucrats in Washington dictating to them not only what their children will eat, but what school books that folks can choose from, what curriculum they will be taught and how they will be taught it.

It is absolutely time that we did what the Founders and Framers of the Constitution of the United States intended, and that is to return the government of this country to the people of this country. And education is a prime area where I look for the Republican side of the House to really step forward and to do that, because by dismantling the Department of Education, which I am advocating that we do over some period of time, we are going to return the education of our children to the folks in the States and in the local communities. That is where it ought to be.

We do owe an obligation to the school systems of this country to help fund them. That is what our tax money needs to be spent for. But the folks on the local level need to be making decisions about how their children will be taught.

Mr. LATHAM. I think it is very unfortunate that so much of our resources in the schools today, and I heard it time and time again, are going to help children who are not now motivated to learn English and that is the town of, and I am sure it is a big issue with you, in the town of Storm Lake, IA today we have 22 different languages in our school district. In Sioux City, IA, we have 18 different languages.

I heard time and time again in the town meetings that English should be the national language, and we should encourage every one to learn English, that that is the thing that holds this country together. And rather than being a melting pot like we used to be, we are a tossed salad, that we need English, we need English as the thing to hold us together.

You look at the resources we are expending today, just trying to have a special teacher going through with each, like in Storm Lake, 22 different languages.

Mr. BILBRAY. As somebody who was raised in a very multicultural neighborhood, my home town was very, very multicultural. The fact is that we have got to remember that language is one of the bonding elements that hold us together. Common culture, common language, common economics. We can share other cultures.

My community, we celebrate September 16 or Cinco de Mayo just as much as anybody else would.

□ 1800

It is one of the joys. The problem we get into is when people want to destroy that common ground where all Americans can meet, and that common ground, one thing that is very critical is language. We should learn from what is happening in the Continent of Africa and what has happened in Yugoslavia, where people have drawn lines and maintained separate lines just to make sure they do not communicate. Language is absolutely essential, not just for the culture, but for the individual.

In my community and my district, a lot of Mexican nationals send their children up into the United States to be educated, and their first priority is for their children to learn English, because even in Mexico, language, the English language, is essential if you want the economic and social prosperity for your children. Those of us that love our children should do no less for our future generations than to make sure that everyone, everyone in the United States has the right to proficiency in the English language.

That has not necessarily happened. In certain segments where English is not a major part of the educational system, and where it has not been well implanted, the dropout rate is over 50 percent. We are denying these individuals the potential for free access, the right and freedom of the pursuit of happiness.

I think we really need to raise this issue of saying we want to do this as a compassionate step so we have equal opportunity, and we cannot have equal opportunity in any society unless there is a common language. I think it is quite clear.

The people of California, though, I want to point out, have passed a citizens initiative that identifies English as the official language, and let me point out that those of Latino extraction actually were major supporters in the voting ranks for that, because they, more than anyone else, understand that you have to have that common bond. That English language is our common language.

Mr. CHAMBLISS. Switching subjects, TOM, but along that same line again of reducing the Federal bureaucracy and particularly taking the Federal Government out of our daily lives, one thing that I heard at every single town meeting I went to was the flat tax. Folks want to know "tell me about the flat tax: Do we really have a chance of getting the flat tax passed?" Without even knowing all the details of the flat tax, the reason I found that people were so excited about the flat tax is that it reduces the Government involvement from the standpoint of the Internal Revenue being less involved in our daily lives.

I use an example. I carry a 3 by 5 card with me, this is not exactly 3 by 5, but I use that example of taking your W-2 form and using the gross receipts that you received on your W-2 form, multiplying it by 17 percent, and you come up with a figure, you write the Government a check for that amount of money, you sign it. That is your tax return.

The reaction I got on that was just extremely positive, because that is what has people in this country excited about this term of Congress. We are doing some things to finally dismantle the Federal bureaucracy, and to get things back to where the Founders of this country intended for them to be to start with.

I do not know whether you heard anything about the flat tax or about the consumption tax, but I have sure heard a lot about it.

Mr. LATHAM. I have had questions asked me at every meeting on the same subject, at each of the 16 meetings, talking about the flat tax and a national sales tax. There are reservations about the flat tax, that maybe some group is going to get away a little better than what they currently are, and the national sales tax, as far as the possibility that it would maybe be regressive for some groups, but the idea, the beauty of the sales tax, would be, and I am still listening to the people at home on this, but there is a real underground economy, a cash economy, in this country.

If we would tax consumption, that would be a positive step forward as far as getting benefit from that underground economy and making sure that everybody, even if it is illegally gotten money, that they are going to pay some tax on it as they go ahead and buy things in the future.

Mr. BILBRAY. I heard that from a tax consultant in my own living room, actually in the kitchen.

Mr. CHAMBLISS. Where you spend most of your time, right?

Mr. BILBRAY. You have your kitchen Cabinet, I have mine. But the fact

is, as this tax consultant pointed out, is that if Members of Congress could see what the average American citizen has to go through every April 15, or to get ready for April 15, if the average Member of Congress saw what happens to the citizens, this cruel and unusual punishment that we call the IRS taxing system, the income tax process, that there is no way morally you could stand up and defend the existing taxation structure.

In fact, this consultant said flat out that she would prefer to be put out of business and go to a consumption tax or a flat tax, I think she favors a consumption tax, because the argument is everybody should understand that we all pay taxes. There are certain people on public assistance who we say "do not pay any taxes," but we all do, directly or indirectly. One thing about a consumption tax, it makes everybody on U.S. territory who buys anything pay part of that.

I will tell you, the greatest speech I probably ever heard about taxation happened that day. She said, "Put me out of business. I do not want to be part of this cruel punishment of the American citizens that we call the income tax system."

Let me point out, that tax consultant was my wife, and all I said to her is "Karen, we need you to testify before Congress, because I think it says a lot when a business person says 'The system is so rotten that you should put me out of business.'" I think if you talk to most people who work in the tax business, they are frustrated with the fact that the system is neither equal nor fair, it is cruel, and it does not do the job properly, and it does not do it in a way that I think we can be proud of as American citizens.

Mr. LATHAM. My district is made up of thousands of small businesses and farmers, and you are talking about putting somebody out of business. One thing that I heard time after time after time was "thank you" for doing something about the regulatory burden we are putting on small businesses and farmers in today's environment with the Federal Government.

It is outrageous, I think, when a small business person on Main Street is more concerned about somebody coming in his door from the Government, supposedly to "help them," than they are about any competitor down the street. They can compete with that other person, they can offer a better service, they can work harder, they can give a better quality of product, but they absolutely feel helpless with someone from the Government coming in and dictating to them exactly what they can and cannot do.

If I heard one thing time and time again, it is "thank you for trying to at least start some regulatory relief to get the Government off our backs. It is bad enough they are deep in our pockets, but please help us get the Government off our backs. Let us operate, let us grow, let us prosper. We will be responsible, because our children live here. We are going to take care of things to make sure that we have a good quality of life and a safe working place, but this regulatory overkill is simply stifling business and stifling opportunities in my district."

Mr. CHAMBLISS. TOM, that was not only true with the large manufacturers, whom we think of as being the ones who have the major problems with regulation by OSHA or EPA or whoever. Virtually every town meeting I had, and again, I had small business men, I had farmers, just folks on the street complaining to me about the various regulations that the Federal Government has issued that they are having to comply with, and they make absolutely no sense at all.

Unfortunately, that is the shift which we made in this country over the last several years. We have gotten to where we have overregulated every segment of our society, and again, I heard the same thing you did.

Folks are just so pleased that we have started moving in the right direction, that we again bring common sense back into the regulation industry in this country, and whether it is EPA, clean water, clean air, whatever it may be, we have to use common sense in adopting these regulations and allowing our agencies to issue these regulations. People were just extremely pleased that we are moving in that direction.

Mr. BILBRAY. I heard a lot of frustration with what we call the Federal bureaucracy. I think one of the things I tried to do is to make sure I clarify that they should not blame the agents.

The fact is the blame for the absurdity of the Federal Government and the abuse of the Federal Government rest with Congress, and it is our responsibility, it is the President's responsibility, it is the Senate's, but we are the ones who bear the responsibility.

The people who are out there working for the Federal Government are taking a very hard hit from a lot of different directions, when in fact it is our obligation to straighten this out. I think if there is anything else, that we really planted the seed out there, that there is hope that the Federal Government will soon come back to the position of being an ally and an aid all the time, so Congress makes things change.

That is a real goal that we have as freshmen, of bringing that dose of reality in from the streets of America and implanting it here in the Chambers of the House of Representatives, so that when the laws leave here, when the regulations are made, they are made always remembering we are here as servants of the public. We exist for the public, the public does not exist for the Federal Government.

That is really our jobs, especially as freshmen, this new breeze that has blown through this facility, that we have to remind our senior Members on both sides of the aisle that we serve at the pleasure of the public, and the public is why we exist, and why we need to continue to listen to their concerns, and not just try to shut them off.

Mr. LATHAM. I think you have hit a fundamental point, and that is is the Government a servant to the people, or as it appears today, that role has reversed, and almost the people today are servants of the Government? It is wrong. The Government is here only to serve the people. It is a free country.

Talk about regulatory relief, in my district wetlands is a huge issue, where today we have people from the Government coming out and delineating a small pocket or pothole in a farm that has been in production for 90 to 100 years, and their forefathers—my own farm has been in our family for 105 years. A lot of that ground was hand tilled, dug by hand 80 or 90 years ago.

Now someone is coming in and telling us how we can and cannot use that land, because somebody somewhere in Washington or wherever says that that eighth of an acre there is an official wetland. By some of the definitions today, over half of my congressional district in 1993, the flood year, could have been a permanent wetland by their definitions.

It is absolutely outrageous, and I am very proud of the fact that we put the pressure on the administration to finally get a moratorium as far as wetlands delineation.

Mr. CHAMBLISS. The wetlands issue, as you mentioned, is a classic example of overregulation by the Federal Government. Right now if you have a wetlands problem in a particular area in any county in the United States, any one of four agencies, the EPA, the USDA, Fish and Wildlife, can come in, and the Corps of Engineers can come in, and make a determination on that as to whether or not it is a wetlands, and what you have to do about it.

Why should you have four Federal agencies involved in one issue like that? The sad part about it is that you may get four different answers from all four of those agencies. I had one gentleman at one of my town hall meetings who gave me a personal experience of exactly that, that he had all four agencies involved in his particular wetlands issue, and he got three different—he didn't get four, but he got three different answers to a question that he had about his wetlands problem.

Mr. BILBRAY. What we really have to look at, too, though, is that it is just not about protection, because many times, if not most of the time, when a regulation is overkill and inappropriate, it is not only hurting the individual and taking away precious rights, but it is also not protecting the wetlands it was meant to protect.

The people in my neighborhood would love the Federal Government to do something to protect the estuarine preserves in the Tijuana Valley, but when it goes beyond finding blame and you have to find answers, the agencies just tend not to be so inspired.

I think we have to get back, it is our responsibility to help redirect this, to make sure that our regulations not only have compassion, but are smart and get the job done, because my district wants to see the environment protected, but every time we waste our resources on protecting something that should not have been done or a regulation that is being implemented inappropriately, that is that much resources that could have gone to the wildlife and to preservation that is not going to go there.

Mr. LATHAM. That is an excellent point. There is no one more concerned about conservation, the environment, than these farmers that these regulations are just strangling today. These are the people who want to pass their land on to the next generation. They are the ones who are raising their children on a farm that are drinking the water out of the wells that are being regulated.

They are the ones who want to preserve the quality of the soil itself, because that is livelihood. They are the ones directly concerned, and it would impact them greatly if it is destroyed. There is no farmer anywhere who is going to pollute his well and make his children drink that. It is simply outrageous.

No one in agriculture is saying that there are not wetlands out there, and that they should be preserved, because there are. People want—they love to hunt in my district, they love to fish, they love to see the ducks come in, even if you do not hunt, but to have someone come on your farm after it has been in production for 80 or 90 years and tell you then that you can do longer use your land anymore is simply outrageous.

It is not a matter of people being against the environment, but it is absolutely overkill by the Federal Government, and that is what people are so outraged about.

Mr. BILBBRAY. We have the frustration, the misinterpretation of the Endangered Species Act, where we have children who were forced off of their Little League park by one Federal agency, and have been waiting for 2 years to get to be able to move onto an area that was farmed for 100 years, but they have been made to wait just because they need this test to see if a pocket mouse is in that area.

The frustration here that the kids do not understand and the parents don't understand is "Wait a minute, I thought that the private citizen was innocent in our society until proven guilty." However, with many of these regulations, the way they are being administered, and we need to address this, they do not have any rights until the Federal agency says "OK."

I think we need to look at that. We are a Jeffersonian democracy. We are a democracy who believes that the individual is a premier element of our society, and that the individual's rights desperately have to be preserved and cannot be trod under by a well-intentioned but misguided majority.

I do not think any of us that ever supported environmental regulation or environmental preservation expected the Constitution to be destroyed in the works.

□ 1815

Mr. LATHAM. The gentleman is absolutely right.

Mr. CHAMBLISS. I think it is very remarkable that here, TOM, you are from Iowa, BRIAN, you are from California, I am from Georgia. We represent three different parts of the country, East to West and in the middle.

I think it is very interesting that all three of us have heard the same concerns from our constituents over the last 3 weeks. Basically they are the same things that we all campaigned on last summer and that are contained within the Contract With America.

It is exciting to me to see the people all over the country as excited about politics and about what is going on in Washington as they are. Obviously we all shared the same experiences concerning these issues.

I think that is very interesting, and again goes to reinforce that the American people did speak on November 8, that the American people want changes, and even though they may not agree with every single thing we are doing in Washington right now, they understand we are doing something.

I heard that again time after time: "We may not agree with everything you're doing, but by golly, you guys are doing something, you're making progress, and just keep at it." That probably was the most constant theme I had the whole time I was home.

Mr. BILBRAY. My district has over 10 naval military facilities there, in fact, one of them North Islands where I was born. That just shows you, you may think Californians move around a lot, but I am still living in my district.

The fact is the military is learning, in San Diego, in California, across this country, a new reality. They are changing, adapting, becoming progressive, looking at ways of doing more with less. I think it sets an example for those of us in Congress and the way we look at our laws.

The fact is there is a new progressive change that has taken over here. A lot of people call it conservative, but the fact is if you look at this by definition, you have citizens who are saying, "We want you to do better. We want you to be brave enough to try new things."

The new majority, and especially led by those of us that are freshmen, are the progressives who are willing to say the old was fine for them, but not for the future. We not only have a right to change things for the better, we have a responsibility to do that.

I would like to thank you two gentlemen for participating in part of the revolution that is moving this progressive agenda along.

Mr. LATHAM. I thank the gentlemen for this great conversation.

I just want to say, I pointed out at every town meeting that I had that the Contract With America was not passed just with the 53 percent in the House here that is Republican. On the average, in total, 78 percent of the Members of Congress supported items in the Contract With America.

It is not a partisan issue. The change and reform, new ideas, and the idea of bringing back responsibility and accountability to the Government is not a partisan issue. It is on both sides of the aisle, when you have over three-fourths of the Members supporting what was in the Contract With America. Obviously, there are some things that we differ on, but the American people know who is on what side. They will remember next year, whatever.

Again, we have all mentioned it, but the thing that I was told time after time after time was, "TOM, keep it up, don't let up. You have just started to turn the wheel of this great aircraft carrier we call the Government. It is just starting to turn, but there is a lot of work out there ahead. Keep up the pressure, redouble your efforts."

We are going to do that. As freshmen Members, we are going to keep up the heat, continue the efforts, and, folks, you haven't seen anything yet, like they say.

## EIGHTIETH ANNIVERSARY OF ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 4, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I intend to use some of this 60 minutes for myself, and then yield to the gentleman from Illinois [Mr. PORTER] and the gentleman from California [Mr. MOORHEAD], who are here. We are here basically to commemorate the 80th anniversary of the Armenian genocide.

Mr. Speaker, April 24, 1995, marked the 80th anniversary of the unleashing of the Armenian genocide. Each year, Members of Congress from both the House and the Senate take time to honor the memory of the Armenian men, women, and children who were slaughtered by the Ottoman Turkish Empire.

I am proud to continue this proud congressional tradition today. In my

capacity as the cofounder, along with the gentleman from Illinois [Mr. PORTER] of the Congressional Caucus on Armenian Issues, I will be working with many of my colleagues on behalf of continued support for the people of Armenia and for the significant Armenian-American community. I will also work to continue to press for the modern Republic of Turkey—a NATO member and recipient of hundreds of millions in United States aid every year—to finally accept responsibility for this crime against humanity and express its sorrow and contrition. I also believe we should continue to use the means at our disposal to force modern Turkey to lift the blockade it has imposed on Armenia. I know many of our colleagues feel the same way.

Mr. Speaker, today's occasion is, of course, a time for solemn reflection on the suffering of a people, the Armenians, as well as the larger question of humanity's capacity for evil. Yet, it is also time for us to celebrate the human capacity of resilience, the ability even of people faced with the most unthinkable disasters to rebuild their shattered lives. This capacity to overcome unimaginable horrors can be seen on the individual level in the faces of the survivors, a group of whom attended a very moving reception here on Capitol Hill today. On the national level, the struggle for survival and the sense of hope for the future can be seen by the very existence of the independent, democratic Republic of Armenia.

On April 24, 1915, 200 Armenian religious, political, and intellectual leaders from Istanbul were arrested and exiled—in one fell swoop, silencing the leading representatives of the Armenian community in the Ottoman capital. This date is thus the symbolic beginning of the genocide. Over the years from 1915 to 1923, 1.5 million men, women, and children were deported, forced into slave labor, tortured, and exterminated.

What happened in the Ottoman Turkish Empire during the years 1915–23 was more than a series of massacres in a time of instability, revolution, and war. It was the first example of genocide in the 20th century, a precursor to the Nazi Holocaust, and other cases of ethnic cleansing and mass extermination in our own time.

But, unlike the case of Germany, which officially accepts its guilt for the crimes against humanity committed by the Nazi regime and has made restitution to many of the victims, modern Turkey continues to deny that the Armenian genocide took place. There were no Nuremberg trials, no concerted effort to aid the survivors and let them give their testimony. While various Turkish sources express the view that certain unfortunate incidents took place, it denies that any systematic, ethnically based policy targeted against the Armenian people ever took place. In fact, many Turkish accounts actually suggest Armenians deserve a share of blame for having stirred up trouble in the Ottoman Empire—while vastly understating the number of victims.

It is not entirely clear why Turkey continues to deny the truth of its past—perhaps concerns about reparations claims may be one reason, combined with a misguided sense of national honor. In any case, it is a disgraceful policy, refuted by the historical record. Americans should continue to press Turkey's leaders to finally acknowledge the truth—even if it is a diplomatic irritant in United States-Turkish relations.

U.S. Administrations have avoided using the term "genocide" in describing what happened 80 years ago. While President Clinton and his predecessors have acknowledged that the Armenian people were the victims of tragic massacres, these Presidential statements have not sufficiently conveyed the full extent of the evil that occurred. Earlier this month, Congressman PORTER and I, as cochairmen of the Congressional Caucus on Armenian Issues, asked our colleagues to join us in urging the President to make a much stronger statement acknowledging the genocide. Sixty-eight Members of the House of Representatives signed this letter to the President. Although the President's statement was strong and moving last week, it still failed to use the word genocide, a very important issue. We will continue to press the administration on this, as well as future administrations.

The preponderance of evidence about the historical fact of the genocide against the Armenian people is strong and undeniable. The U.S. National Archives holds the most comprehensive documentation in the world on this historic tragedy—more than 30,000 pages. Of course, I personally have seen some of this. The United States Embassy in Constantinople, Istanbul, as well as various consulates, closely monitored events in Turkey, and received reports from other countries to which some Armenians had escaped. This information is specific and detailed, collected from eyewitness accounts. Newspaper accounts from this period also provide strong documentation, based on a wide variety of sources, of wholesale, ethnically based killings of Armenians.

Formal protests were made by the United States Ambassador Henry Morgenthau to the Turkish Government. American consular officials and private aid workers secretly housed Armenians, distributed aid, and helped in their escape to other nations—at great personal risk to themselves and in direct defiance of Turkish orders not to help the Armenians. The first-hand accounts of U.S. government officials, journalists and aid workers on the scene provides a vast amount of objective evidence of the genocide, including information on: deportation, massacres, refugee camps, condition of deportees, confiscation of property, methods of deportation, policy of extermination, execution of the male population, mistreatment of women and children, forced conversions, use of slave labor, malnutrition and starvation, cases of resistance, survivors, orphanages and resettlement of survivors. All of it is very well documented.

After the genocide occurred, there was some effort to bring the organizers of the genocide to court, or to justice.

Some of the organizers of the genocide were court-martialed in absentia in Paris after World War II. But no attempt was made to carry out the sentences, many accused war criminals were set free and no serious efforts were made by the Allies to assist the Armenian victims. In fact, the Allies, after the First World War, caved in to Turkish nationalist demands that no Armenian independent state be created. Revised peace treaties did not even mention Armenia or Armenians. Armenians who returned to their homes in Turkey were again driven out. Armenian place names were changed, and Armenian cultural monuments were destroyed. The geographical term "Armenian plateau" was changed to Eastern Anatolia. Thus, the Turks attempted to obliterate not only the Armenian people, but any vestiges of their culture. The 3,000-year presence of Armenians in Asia Minor had come to an abrupt end by 1923.

With the rise of totalitarian regimes in Europe during the 1920's and 1930's, and the outbreak of World War II, the Armenian genocide was largely forgotten. It is said that Hitler, when planning the Nazi strategy of conquest and extermination against the Jews, remarked: "Who remembers the Armenians?"

Most of the survivors of the genocide have since died, while the few who are still living are extremely old now. But their sons and daughters, grandchildren and great-grandchildren will continue to speak out for generations to come.

Remembering the Armenian genocide is important not only for the Armenian people. Many school districts in this country have developed curricula on issues of genocide, and it is important that these programs be promoted and expanded to expose children of all ethnic groups to the facts of history.

The survivors of the genocide and their descendants have made great contributions to every country in which they have settled—including the United States, where Armenians have made their mark in business, the professions, and our cultural life.

One of the most inspiring events of recent years has been the emergence of the Republic of Armenia. Rising out of

the ashes of the former Soviet Union, the Republic of Armenia has shown a remarkable resilience, a commitment to democracy and a market economy. And it has not been easy: Armenia has been squeezed by cruel and illegal blockades imposed by modern Armenia's two neighbors, Turkey and Azerbaijan. In spite of these difficulties, last year, Armenia's was the only former Soviet Republic to register positive growth in its gross domestic product. Given the industriousness and proven determination of the Armenian people, I am confident that this small, emerging nation will become an economically viable, self-sufficient nation in the near future.

I wanted to give a little background about what our caucus on Armenian issues has been doing to help promote the Republic of Armenia.

A few weeks ago, I testified before the Foreign Operations Subcommittee of Appropriations that oversees foreign aid to call for U.S. assistance to at least remain at its present level of $75 million. In addition, I will be working to maintain United States participation in the International Development Association, a World Bank program that has assisted Armenia with $145 million in support for earthquake reconstruction, power and irrigation systems, and transition to a market economy. I hope I'll have strong support from my colleagues. I know many members of the Armenian Caucus are here today and will speak after I speak.

I believe 1995 will be a critical year for the Republic of Armenia, and the United States can play a major role. These programs are not handouts: by helping Armenia to get on its feet we can help establish a strong and stable member of the international economic community, a viable market for American goods and services and a market for other emerging nations. Given the terrible suffering of the Armenian people during the Ottoman Empire and their repression under the Soviet Empire, I believe we have a moral obligation to support the Republic of Armenia.

Another way we can help Armenia is by ending the illegal blockades imposed by Turkey and Azerbaijan. Current United States law blocks the provision of American assistance to Azerbaijan until the Azeris lift their blockade. We must continue that provision of the U.S. law.

□ 1830

I also strongly support the Humanitarian Aid Corridor Act which bars United States assistance to any country that blocks delivery of United States humanitarian assistance, in other words, Turkey. I find it incredible that a country like Turkey that gets $600 million in United States taxpayers' funds can get away with blocking the delivery of American humanitarian assistance to its small, struggling neighbor. While in Washington many know that the Turkish Prime Minister told President Clinton a few weeks ago that Turkey would open an air corridor to Armenia, but frankly this is a very minor step, and even if it actually happens it does not have much significance; it does not change the need for the Humanitarian Aid Corridor Act. We still have to insist on reopening the land routes, and we should continue to link United States aid to Turkey to that country's international behavior.

Earlier this year Congressman PORTER and I founded the Congressional Caucus on Armenian Issues to be a voice for a stronger United States-Armenia partnership and to better represent the interests of the Armenian-American community. We now have 35 Members, from both parties and all regions of the country.

In closing, I want to pay particular tribute to the survivors of the genocide, some of whom made the trip to Washington today. Many of us who are in the Chamber now were at a reception that was held earlier today where many of the survivors were present and some spoke. The horrors that they witnessed and experienced are unthinkable. We have to remember what happened to them, their families, their neighbors, their friends. And I want to pledge to their survivors, their children, grandchildren, that they have friends in this United States Congress who are committed to keeping alive the memory of what happened to the Armenian people in the past, and to play a role in working for a brighter future for the Armenian people.

The bottom line is we have no choice, Mr. Speaker. The Armenian genocide was really the first genocide in this 20th century, but the problem remains that the Turkish Government has not recognized it, and until the day comes when we can see the Prime Minister of Turkey come here to Washington and recognize the genocide and see the type of commemoration of the genocide in all places, in all towns and villages in Turkey, then I do not think that we can rest. I think the lesson of history is we cannot forget the past, and that is why we are here today to commemorate this 80th anniversary of the Armenian genocide.

I now yield to the gentleman from Illinois [Mr. PORTER], who is the cofounder and the cochairman of our Armenia caucus.

Mr. PORTER. I thank the gentleman from New Jersey [Mr. PALLONE] for yielding to me. I commend him for the tremendous leadership that he has brought to bear on the question of Armenia and Armenian issues in the Congress, and was very pleased to join with him when he called me earlier this year and asked me if I would join him as cochairman of the Armenian Issues Caucus. I can think of nothing more important for us to do, and I commend him for his leadership this evening in bringing the question of Armenian genocide again before the American people, who must know its history, who must understand its meaning, as he has done so very forcefully this evening.

We do mark the 80th anniversary of the Armenian genocide, which did not occur in 1 year, 1915, but lasted over an 8-year period, from 1915 to 1923, during which time the Turks of the Ottoman Empire carried out a systematic policy of eliminating its Christian Armenian minority.

There are those who would say we should not offend our Turkish allies by using the word genocide, but let us call it what it was. It was a genocide, a most horrible genocide, resulting in the deaths of over a million and one-half people, resulting in 500,000 Armenians being exiled as well, and eradicating the Armenian historic homeland from Turkey.

The horrors of this genocide rank as one of the most heinous violations of human rights in all of human history. Let us call it what it was, and is. Let us remind ourselves that our country at the time and all of the rest of the world at the time turned away and did nothing to prevent these horrible human rights violations against an innocent people, and let us remind ourselves as well that today in Turkey another genocide is occurring by the Turkish Government against yet another Turkish minority, the Kurdish people, and today thousands of Turkish troops not only have driven through the southeastern portion of Turkey, executing those in the Kurdish minority who oppose them, burning and tearing down Kurdish towns, but have crossed into the border in Iraq to attack Kurdish peoples in their camps, refugee camps. And let us remind ourselves as well, Mr. Speaker, that our Government has not acted to prevent this additional genocide, but has actually supported it, our President has supported this action against an innocent people.

We remind ourselves today of our responsibilities to other human beings, and in commemorating the 80th anniversary of the Armenian genocide, each one of us should say to ourselves we are our brother's keeper, we do have a responsibility to others and to stand up and tell the world that a genocide occurred in 1915 to 1922, and another genocide is occurring today.

Last year through the appropriations process on the Foreign Operations Subcommittee we initially struck 25 percent of the support, economic and military support, foreign assistance that we give to Turkey. We ended up with cutting it by only 10 percent in conference. We did it because of ongoing human rights abuses by the Turks, not only against the Kurdish people but

against their own people, systematic torture, execution, and disappearances, the kinds of things that a country like ours should stand up against in outrage, and we should in fashioning a foreign assistance bill in this year of this 104th Congress look once again as we always should to our own values of a belief in democracy and human rights, in the rule of law, in free-market economics, and provide, I believe, not 1 cent of assistance to Turkey until reforms, major reforms, come about in that society, in each of these areas.

We also see Turkey cutting off any opportunity for us to give humanitarian assistance across their borders to the Armenians. This to me is unacceptable. If we have an aid program and cannot deliver it through a supposed ally, that ally cannot be claiming to be a friend of ours whatsoever. We should pass the Humanitarian Corridor Act and cut off humanitarian assistance to any country, cut off all assistance to any country who would cut off our own aid programs crossing their borders to help others.

We made great progress in the last few years in helping to establish a new Armenia, an Armenia that is free and democratic, and moving ahead to provide through economic freedom a greater economic life, a more prosperous economic life to its people and greater stability for its future. We made that commitment previously. We have to renew that commitment this year. And even in tough budgetary times we ought to realize that if we can provide the kind of foreign assistance to Armenia that does reflect the values that this country stands for and believes in, we will do a great deal to extend those values across this world.

We are working with the Armenian-American community to provide that kind of assistance.

Mr. Speaker, let me end by saying many people in the Turkish Government say well, this is jut anti-Turkish rhetoric. You just want to play games with your constituents in America. You do not want to be allies with us.

We do want to be allies with the Turks. We understand the importance of a free Turkey. We understand the importance of a democratic Turkey, but we also understand that we do not have a free and democratic Turkey today. We have a Turkey with a democratic government that is elected but only can do those things that the Turkish military permits it to do. And it is time that Turkey looked to its future. It is time that Turkey looks to its past and acknowledges that it did commit genocide against the Armenian people. It is time that it looks currently at what it is doing to its Kurdish minority. It is time that it stop its human rights abuses against the Kurds and others within its own borders. It is time that is release the six parliamentarians that were tried and imprisoned for standing up for Kurdish human rights and to drop the charges of sedition against its most famous author, whose only crime was to stand up and say we cannot be doing this to our own people.

It is time that Turkey look to a part in the economic development of Europe. It wants to be a part of the economic community. I would like to see it a part of the economic community, but it can never be part of the economic community in Europe nor a close ally of the United States until it looks to itself and reforms its way.

The values we look to are democracy, human rights, the rule of law, free economics, the things the American people have stood for over 200 years. We should not be providing aid to those who do not believe in those same values; we should be providing it to those that do.

We believe we should be a strong supporter of Armenia, who is moving in all of the right directions, and we should be a strong supporter of Turkey only when it also changes its ways, reforms and moves in those directions.

It is time America stood up for its own values and counted across the world those who believe in the same things we believe in and support them, and not those that are moving in other directions.

So, Mr. Speaker, I believe that the gentleman from New Jersey [Mr. PALLONE] is providing the kind of leadership on this issue that is bringing us together in a bipartisan way, it is keeping the issues affecting Armenians before you, the Congress, and this observance of the 80th anniversary of the Armenian genocide is a very, very important acknowledgment of the past and also a very, very important acknowledgment of what we must see changed in the future. I thank the gentleman.

Mr. PALLONE. I want to thank the gentleman from Illinois [Mr. PORTER] for those insightful remarks. And I think particularly his reference to what Turkey is doing today with the Kurdish population points out very well that the problems that we face from Turkey historically with Armenia have not gone away, and they are continuing now in a different form against another minority people.

I also wanted to say I was with your wife, Kathryn, in Times Square a couple of weeks ago when we did the commemoration there, and I do not think I have ever heard anyone speak so well about the problems that Armenia faces and the Kurds face, and she really expressed such passion over the issue. I know she has been over there so many times, and she just summed everything up better than certainly I could say or certainly any of us could say on this issue, so thanks again.

Mr. PORTER. If the gentleman will yield, I very much appreciate your kind and generous comments. I am very proud of the fact that Kathryn has taken a very, very active role in working with the Armenian people, in attempting to make a difference in that country that is struggling to reflect the things that we believe in and is fighting to prevent ongoing abuses against the Kurdish people, which as you very eloquently pointed out, is a reflection today of exactly what they did to the Armenian people 80 years ago. It has to change.

□ 1845

Mr. PALLONE. I thank the gentleman. I yield now to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, 1995 marks the 80th anniversary of the Armenian genocide.

Every year in Congress April 24 is remembered on the floor of the House, and I have participated in this occasion for a large number of years, a tribute to the Armenian martyrs who are the victims of one of the worst genocides of this century.

On this date in 1915, hundreds of Armenian political and intellectual leaders were rounded up, exiled, and eventually murdered in remote places.

In the years that followed from 1915 to 1923, 1.5 million men, women and children were murdered in attempted genocide of the Armenian people by the government of the Ottoman Empire. We must never forget this tragic crime against humanity.

I have had friends that were present during that time. I know those people that will claim that this never took place. One friend of mine had been turned over to a Turkish family by his own father and mother, and he had to stand in the community square and watch every single member of his family murdered by the Turks as they came into the community. That man never grew an inch after that time. He died a man barely 4 foot 6 inches tall.

A strong, resilient people, the Armenians survived these cruelties as they have survived persecution for centuries. Their durability comes from their love and intense faith in God dating back to the fourth century when Armenia became the first nation to embrace Christianity.

The survivors and descendants who now number more than 1 million Americans have not forgotten the Armenian genocide. As a nation, we must never forget the terrible widespread massacre of the Armenian people and their deportation from their homeland of almost 3,000 years.

We must remind mankind genocide is a crime against all humanity, not just those who perished in the first genocide of this century.

As a leader of a free and democratic nation, we have a moral obligation to acknowledge and deplore the events surrounding the Armenian genocide,

and we must ensure that such atrocities do not continue.

Armenia, now independent but burdened with the war in Nagorno-Karabakh, is blocked by Turkey and Azerbaijan; we live in a humane, civilized world, and cannot continue to allow another reign of terror against the Armenian people. Violence is not the solution to this crisis. With aggression inflicted by both sides, it will only lead to more deaths, greater suffering, continued hatred and instability in the region.

History is a cruel teacher, but has shown that gross inhumanities have not perished from the Earth.

The brutality against Armenians continues today. This is why recognition of the Armenian genocide by the United States is vital. I hope all Americans and the entire U.S. Congress will join with the Armenian community in commemorating this 80th anniversary.

Along with several of my colleagues here with us today, I have sponsored Concurrent Resolution 47 which honors the members and the victims of the Armenian genocide. It specifically calls on the United States to encourage the Republic of Turkey to take all appropriate steps to acknowledge and commemorate the atrocities committed against the Armenian population of the Ottoman Empire from 1915 to 1923.

This resolution renews the commitment of the American people to oppose any and all genocide. The United States must send a strong message to the world about our Nation's resolve and determination to prevent crimes against humanity.

Today Armenians flourish in the United States, as prominent and successful citizens in spite of the crimes committed against them. Many of the survivors of this genocide live in my district. I believe I have more than any other district in the United States. The mayor of Pasadena is an Armenian. A member of Glendale city council, who has several times served as our mayor, is Armenian. A member of our community college board of education is Armenian. Many of the leading citizens of our community are serving the community well, but they are concerned about Armenia also.

They have sent several plane loads of materials to the survivors there in Armenia who have suffered so much, and they will continue to do so as long as this tragedy continues.

I want to thank my colleague, the gentleman from New Jersey [Mr. PALLONE], for arranging this special order and for the work that he is doing on the Armenian task force.

Mr. PALLONE. I want to thank the gentleman from California for those words.

I now yield to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, today democracy is beginning to flourish in Armenia—and freedom's flame is burning bright.

But 80 years ago, things were different.

Eighty years ago—in the midst of World War I—beginning on the night of April 24, 1915—the religious and intellectual leaders of the Armenian community of Constantinople were taken from their beds, imprisoned, tortured, and killed.

In the days that followed—the remaining males over 15 years of age were gathered in cities, towns and villages throughout Turkey—roped together, marched to nearby uninhabited areas, and killed.

In the ensuing weeks, families were deported.

Innocent women and children were forced to march through barren wastelands—urged on by whips and clubs—denied food and water.

And when they dared to step out of line, they were constantly attacked, robbed, raped, and killed.

And when all was said and done—over a million Armenians lay dead, and a homeland which had stood for over 3,000 years was nearly completely depopulated.

Mr. Speaker, we come to this floor today to remember the victims—and the survivors—of the Armenian genocide of 1915.

We do so at a very solemn time in America.

While some of us gathered the past week to remember the 80th anniversary of the Armenian genocide—most Americans were focused on the senseless tragedy in Oklahoma City.

The murder of innocent men, women, and children is no easier to understand today than it was 80 years ago.

Tragedies like these remind us all of the true meaning of the words family, friendship, community, compassion, and faith.

It is this same strong sense of community that has enabled the Armenian people not only to survive—but to thrive—the past 80 years.

Mr. Speaker, as we come to this floor today we do so with the knowledge that all of us have a responsibility—to remember the victims, to speak out and to make sure that tragedies like this are never allowed to happen again.

That's part of the reason why some of us have introduced a resolution to remember the victims of the Armenian genocide.

Now—more than ever—those of us who embrace democracy have a responsibility to speak out for all those who live under tyranny.

Because sadly, the world does not seem to have learned the lessons of the past.

From Bosnia, to Rwanda, to Nagorno Karabakh, we see new examples every day of man's inhumanity to man.

The conflict taking place in Nagorno Karabakh is one of the great tragedies of our time.

This is not a CNN war.

For most Americans, Nagorno Karabakh is not a place that registers on the radar screen.

But it is a place where 100,000 have been killed or wounded in the past 6 years—where over a million people have been left homeless.

It is a place where doctors are forced to operate without anesthesia, where land mines continue to maim innocent women and children.

Mr. Speaker, we're all hopeful this terrible tragedy ends soon. We're all hopeful that the year-long cease-fire leads to a peaceful end.

And we're all encouraged by President Clinton's announcement last week that he will appoint a Special Negotiator to advance the negotiations.

But there is much more that needs to be done.

The United States has tried to send humanitarian aid to Armenia but it has continually been blocked by a blockade enforced by Turkey.

It is utterly unconscionable to me—that a country who is an ally of ours—who is a member of NATO, and who accepts U.S. aid, would think it has the right to block U.S. humanitarian assistance, and we should do all we can to lift that blockade.

Mr. Speaker, some of us have introduced a bill that would cut off all aid to Turkey until the blockade is lifted, and thankfully, we are seeing some progress.

Turkey recently announced it would open one air corridor to Armenia—possibly as soon as this week—and that's a hopeful sign.

But we must keep working until the blockade is lifted entirely, or the need for aid is eliminated entirely.

For 70 years, the people of Armenia and the people of Nagorno-Karabakh lived under the brutal boot of Soviet dictatorship, and they shouldn't be forced to live under these conditions any longer.

It's in all of our interests to see a free and democratic Armenia and that's why the United States has made aid to Armenia such a priority the past 6 years.

But today, we pause and remember the victims and survivors of the Armenian genocide, and to say: Never again.

We can never forget that in 1939, another leader used the Armenian genocide as justification for his own genocide.

This leader said, and I quote: "I have given orders to my Death Units to exterminate without mercy or pity men, women, and children belonging to the Polish-speaking race. After all," Adolf Hitler asked, "who today remembers the extermination of the Armenians?"

Mr. Speaker, it is up to all of us to remember.

For centuries, the Armenian people have shown great courage and great strength.

The least we can do is match their courage with our commitment.

Because in the end, we are their voices and we must do all we can to remember.

Because if we don't, nobody else will.

Mr. PALLONE. Mr. Speaker, I want to thank the minority whip, the gentleman from Michigan [Mr. BONIOR], for participating in our special order. As many of you know, he has been a long-time advocate of human rights in this House.

Next, I yield to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I thank my colleague from New Jersey. I want to commend you and the gentleman from Illinois [Mr. PORTER] for arranging this important commemoration of a terrible period in history.

Recent history has seen the Armenian people subjected to a number of very difficult, troubling, and tragic circumstances, from being forced to live under the Soviet Communist regime, to the terrible 1988 earthquake, much worse than any this Nation has ever seen, to the present blockade and violence imposed by the Azeris.

There can be no doubt that the Armenian people have long suffered, but nothing is more tragic and more important to remember than the genocide which took place from 1915 to 1923; 1.5 million people died, countless more lost mothers and fathers, sons and daughters, uncles and aunts, comrades and friends.

We stand here today in the people's House of Representatives, more than a half century later, to ensure that others will never forget, not forget the massacres, not forget the persecutions, the death marches, the bloodshed, and not forget that all citizens in the world deserve to live in freedom without the threat of destruction, without the fear of systematic oppression and murder.

And that is why it is important we commemorate this 80th anniversary of the Armenian genocide. We cannot afford to let the people of the world or the people of our own country forget that genocide can and does happen.

Just this week we marked the 50th anniversary of the liberation of Dachau and the terrible genocide in Europe perpetrated against the Jewish people, and already in this decade, there have been many events in places like Rwanda and the former Yugoslavia that remind us of man's inhumanity to man, and that evil forces still exist in our so-called modern world.

In light of these sorry events in those countries, we must do everything in our power to make sure that the people of the world remember that genocide in Armenia 80 years ago, for if we forget the past, we most certainly will be condemned to repeat it.

□ 1900

And as part of this effort, the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR] and I, and others have introduced House Concurrent Resolution 47. This resolution would put the House on record honoring the memory of the 1.5 million genocide victims. The House should pass this resolution and send a message to the world that we will never forget what happened during that terrible period in history and that we will do every thing in our power here in the House of Representatives to make sure that it does not happen again anywhere in our world.

I want to commend my colleague, the gentleman from New Jersey [Mr. PALLONE], and my colleague from Illinois [Mr. PORTER] for their great leadership on this issue and for making sure that we did not let this 80th anniversary pass without taking some time on the floor of this House to remember this terrible period, and I want to thank the gentleman from New Jersey for the time and for his leadership.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Massachusetts [Mr. BLUTE] and now yield to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, as the proud Representative of a large and vibrant community of Armenian-Americans, I rise to participate in this important and timely special order.

Let me first commend my friends FRANK PALLONE and JOHN PORTER, the cochairs of the Congressional Caucus on Armenian Issues, not only for sponsoring this special order, but for all of their hard work in the area of human rights and international decency.

My colleagues, this year we mark the 50th anniversary of the end of World War II and the defeat of the Nazi killing machine.

It has often been asked: "How could the world have done nothing to prevent the deaths of six million Jews in the Holocaust?"

Tragically, the answer lies in the haunting and hateful words of Adolf Hitler, who cruelly justified the Final Solution by asking, "Who remembers the Armenians?"

Tonight we remember the Armenians.

Tonight we recall that 80 years ago, Ottoman Turkish forces launched their brutal reign of terror which resulted in the deaths of 1½ million Armenians. When the carnage ended 8 years later, two out of every three Armenians living in Ottoman Turkey had been killed.

Tonight we express our sorrow for those who died, and renew our respect for those who survived.

Eight decades have passed since this hideous episode in the history of man's inhumanity to man, but tonight we must pledge that we will hold commemorations like this one 80 years from now and 80 years from then to ensure that the lessons of the Armenian genocide are never forgotten.

Nothing we can ever say or do will bring back to life those who perished.

But we can endow their memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

The first lesson is the truth.

The time has come for Congress to pass the Armenian genocide resolution. We must put our Government squarely on the side of the facts. I commend our colleagues DAVID BONIOR and PETER BLUTE for introducing House Concurrent Resolution 47, which I have cosponsored.

This resolution not only represents official United States recognition of the memory of those who died, but will also put pressure on the Turkish Government to do what it has callously refused to do—to acknowledge and commemorate the atrocities committed 80 years ago.

There is no statute of limitations on genocide. Congress must not condone the efforts of those in Turkey and elsewhere who seek to downplay the terrible events of 80 years ago, or worse yet, who claim that the Armenian genocide never even happened.

And the second lesson is one of current international significance.

We must use the commemoration of this terrible era to renew our friendship with Armenia. This valiant and struggling nation deserves and needs U.S. humanitarian and developmental assistance.

And the United States must make this demand of Turkey: "Allowing a few airplane flights in is not enough! Lift your blockade of Armenia now!"

Tonight we salute the indomitable spirit of the citizens of Armenia.

We commend the magnificent contributions that Armenian-Americans have made to our own society.

And we pledge to honor the martyrdom of the victims of the Armenian genocide to ensure that their sacrifices will never be forgotten and their fate never repeated.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from New York [Mrs. MALONEY] for her comments, and now I yield time to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Illinois [Mr. PORTER] for this special order and for their leadership in making the proper recognition of the Armenian genocide.

Mr. Speaker, I rise today to join my colleagues in commemorating the 80th anniversary of the Armenian genocide. As you know, 1.5 million Armenians were massacred by the Turkish Ottoman Empire between 1915 and 1923.

The Armenian community in the United States is mostly descended from survivors of this tragedy who were forcibly exiled from their homeland. These citizens, many of whom reside in

Pennsylvania's 13th Congressional District, have made tremendous contributions to American life while honoring their own rich traditions.

Mr. Speaker, on the evening of April 24, 1915, the political, religious, and intellectual leaders of the Armenian community in Constantinople—now Instanbul—were arrested, exiled from the capital city, and murdered. After the "young Turk" government silenced the voices of the Armenian community in this inhumane way, they began a systematic deportation and extermination of all Armenians.

Mr. Speaker, it is our duty to ensure that these reprehensible crimes against humanity are not forgotten. I am deeply concerned that the Turkish Government refuses to acknowledge this shameful genocide, even today. We know all too well the consequences of forgetfulness. As Elie Wiesel reports, and the gentleman from Michigan [Mr. BONIOR] and others reiterated this evening, "Before planning the final solution, Hitler asked, 'Who remembers the Armenians?'"

Today Turkey refuses to allow U.S. shipments of humanitarian aid to reach Armenia. I urge my colleagues to join me in cosponsoring the Humanitarian Aid Corridor Act (H.R. 942), which would eliminate U.S. aid to countries that would obstruct the delivery of U.S. humanitarian assistance.

I have recently learned that Turkey will open air corridor H-50, and I call upon the Government of Turkey to immediately cease all interference with the transport and delivery of U.S. humanitarian aid to Armenia. I hope that our message is heard.

Mr. Speaker, I thank my colleagues for allowing us to be part of this important special order to make sure we highlight the 80th anniversary of the genocide of Armenians, and I thank the gentleman for this time.

Mr. PALLONE. I thank the gentleman from Pennsylvania [Mr. FOX], and next I yield to the gentlewoman from California [Ms. ESHOO], who I believe is maybe the only, but certainly one of the, Armenian Members of Congress.

Ms. ESHOO. Mr. Speaker, I thank my good friend and colleague, the gentleman from New Jersey [Mr. PALLONE]. I would like to pay tribute to him and the wonderful leadership that he has given here in the House of Representatives on behalf of American Armenians. It is so important that there be Members that take on what he has, and I want to pay tribute to him, to the gentleman from Illinois [Mr. PORTER] and all of my other colleagues that are part of this special order that is helping to raise the awareness on the 80th anniversary. I wish there was not such an anniversary. This is not in celebration. This is, of course, in commemoration of the Armenian genocide and the millions of Armenians who were systematically exterminated by the Ottoman troops.

The slaughter began on April 24, 1915, when hundreds of Armenian leaders were arrested and executed in Istanbul and other areas.

By the time they were finished, Ottoman troops had executed 1.5 million Armenians including innocent women and children.

Tragically, the crying voices of these innocent victims fell upon deaf ears because the international community refused to confront the perpetrators of these atrocities.

As the only Member of Congress of Armenian descent, I know full well how the Ottoman Empire decimated people and wrote one of the darkest chapters in human history. I am committed to ensure that their suffering is not diminished and cannot be denied by the perpetrators of this disgraceful policy.

By recalling the atrocities of the Armenian genocide we remind the world that a great tragedy was inflicted upon our people, that the murder of Armenians was a catastrophe for the entire family of nations, and that unchecked aggression leads to atrocity.

By mourning the losses of our past, we renew our determination to forge a future in which our people can live in peace, prosperity, and freedom.

And we remember that Armenians were persecuted throughout the Ottoman Empire because we were a vulnerable, homeless people with no nation of our own in which we could seek sanctuary, no borders behind which we could seek protections. Isolated and abandoned, we were attacked and killed.

Despite our history of suffering at the hands of others, Armenians have remained a strong people. We are committed to our families and united by our enduring faith.

And we have risen from the ashes of the Armenian genocide to form a new country from the remains of the Soviet Union * * * a new country which flourishes in the face of severe winters, ongoing military conflict in Nagorno-Karabagh, and the absence of strong international assistance.

Today's Armenia is a living tribute to our people's indelible courage and perseverance and the greatest assurance that what took place 80 years ago will not be repeated.

As we remember the tragic history of my people, it is essential also for us to discuss the future of Armenia and the role which the United States can play in establishing peace in the Caucasus. Many of the Members speaking this evening have worked tirelessly with the administration to encourage it to take a more proactive role.

And President Clinton recently announced he will nominate a special negotiator for Nagorno-Karabagh at the rank of ambassador.

This could be an important first step. Yet, in my view, true peace in the Caucasus will only be achieved when the political and economic isolation of Armenian ceases and regional leaders recognize the inherent rights of Armenia—including its land and its history. Congress can play an important part in this process.

For example, there is pending legislation which would help ensure lasting peace in the Caucasus. The Humanitarian Aid Corridor Act is essential because it would exert the appropriate pressure on countries which block U.S. foreign assistance to the region.

It is not enough for third party nations to allow commercial flights into aid-recipient countries—land convoys must be allowed through in order to move necessary amounts of American food, medicine, and clothing. I urge my colleagues to pass this important bill.

In addition, we must maintain the Freedom of Support Act which prevents U.S. foreign assistance going to Azerbaijan until they lift their blockade of Nagorno-Karabagh. In my view, the Freedom of Support Act must be upheld until the isolation of Armenia ends and its territorial rights are adhered to.

Mr. Speaker, if the tragedy of the Armenian genocide has taught us anything, it is that sitting back is tantamount to helping Armenia's oppressors.

As the recent decision by the President to end all United States trade with Iran indicates, tensions in the Caucasus are rising and they are global in scope. The United States is finding that it cannot sit back and observe events unfolding in the region. The Russians, Chinese, and Turks have important interests in the region, and so do we.

As Members of Congress, we have the responsibility of ensuring that an enhanced United States role in the affairs of the Caucasus follows a course sensitive to the region's history and culture. This includes a heightened sensitivity to Armenia, whose history and culture are often denied or misunderstood.

I thank my colleagues who have joined us here today to remember the Armenian genocide.

We must do all we can to prevent this tragic history from repeating itself and help advance a proactive foreign policy to bring lasting peace to the region.

□ 1915

I genuinely thank my colleagues, and pay tribute to each one of you who have joined in this tribute this evening, a commemoration of the Armenian genocide. Many of my family members of another generation were taken during that genocide. So we must do all that we can to prevent this tragic history obviously from repeating itself, but we must renew ourselves in the efforts that really count today toward the end of this century and preparing for a new one, to help advance a

proactive foreign policy to bring lasting peace to the region.

The Armenian community will be in great gratitude to the Congress of the United States as we renew our efforts toward this goal. I again pay tribute to you, Mr. PALLONE, and all of my colleagues for doing what you have done in the past and your tireless efforts on behalf of the issues that affect Armenians around the world, certainly in the region. On behalf of the Armenian-American community, I pay tribute to you as well.

Mr. PALLONE. I just want to thank the gentlewoman from California for her remarks. It is particularly I think appropriate that you conclude our special order. I know we have other speakers. I just wanted to say one thing. One of the things I noted over the weekend, as you know, the last week was also the occasion when we commemorated the Nazi Holocaust. I was with many of the victims of the Nazi Holocaust over the weekend and shared thoughts with some of them. But the one thing that was outstanding and the big difference, if I could make the comment, is that those victims of the Nazi Holocaust at least knew that the German Government recognized that it occurred and that people today in Germany hold commemorations and basically say they are sorry for what occurred.

Unfortunately, that is not the case with the Government of Turkey or in fact most of the people of Turkey, many of whom are not aware of what happened 80 years ago. That is why we have to continue with our special order. We have to make it so the day comes when Turkey takes notice of what happened and the same type of commemoration occurs in Turkey as takes place now in Germany with reference to the Nazi Holocaust.

Ms. ESHOO. The gentleman has made a very, very important profound point and underscored a very profound issue here. It seems incomprehensible that a government of today would not look over its shoulder and say these are the sins of the past that were visited upon innocent people, but that it is a different day and time.

I think that this Congress can and will make the difference, and you have done much to lead us toward that. I thank the gentleman.

Mrs. LOWEY. Mr. Speaker, before I begin, I just want to comment on the profound words of my colleague from New Jersey, Mr. PALLONE. Adolph Hitler himself said that the world's indifference to the slaughter in Armenia indicated that there would be no world outcry if he undertook the mass murder of Jews and others he considered less than human, and he was right. It was only after the Holocaust that the cry "never again" arose throughout the civilized world, but it was too late for millions of victims, too late for the 6 million Jews, and too late for the 1.5 million Armenians. I too appreciate your having that special order.

Mr. Speaker, I rise today along with my colleagues to honor the 1.5 million Armenians who were murdered during the Armenian genocide of 1915 to 1923.

Mr. Speaker, Armenians wiped away their tears and cried out "Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors." I rise today to remember those cries and to make sure that they were not uttered in vain.

Unfortunately, this tragedy is still not even acknowledged by the Turkish Government, and today the Armenian people continue to suffer.

Mr. Speaker, as many of us know, the ongoing conflict over Nagorno-Karabakh led last year to an Azerbaijan-orchestrated blockade. I am deeply concerned for the innocent people who are suffering as a result of this blockade, which left many in Armenia without power, food, or medicine. As my colleagues and I stand here today to remember the events of 80 years ago, let us not lose sight of the events that have transpired recently. Let us take this opportunity to pledge to do everything in our power to settle the ongoing dispute in Nagorno-Karabakh. Let me be perfectly clear: The United States must stand firm against any dealings with Azerbaijan until it ends the blockade against Armenia and against Nagorno-Karabakh.

Mr. Speaker, last year I fought to have $75 million in the 1995 Foreign Operations Appropriations Act earmarked for Armenia. Regrettably, too few of my colleagues shared my belief that we must set aside these sorely needed funds for Armenia. It is critical that we take the time today to make explicit our commitment to the people of Armenia. I ask my colleagues on both sides of the aisle to do so.

Strongly support section 907 of the Freedom Support Act, which restricts aid to Azerbaijan until that nation lifts its embargo against the people of Armenia.

Cosponsor H.R. 942, the "Humanitarian Aid Corridor Act," which would prohibit U.S. assistance to any country which in any way restricts the transport or delivery of U.S. humanitarian assistance to other countries. This legislation will ensure the speedy, unhindered, and effective delivery of needed United States humanitarian assistance to Armenia.

And finally, I implore my colleagues to call on Azerbaijan to negotiate a peace settlement under the guidelines established by the Commission on Security and Cooperation in Europe [CSCE].

It is tragic that Azerbaijan's tactics denied food and medicine to innocent men, women, and children within Armenia, and created thousands of refugees. The war over Nagorno-Karabakh has set a dangerous precedent for the resolution of conflicts among the many new nations that were formerly part of the Soviet Union. We must make clear that warfare and blockades aimed at civilians are unacceptable as means for resolving disputes.

In closing, Mr. Speaker, let me reiterate that I will always remain mindful of the terrible suffering the Armenian people have endured during this century. I cannot stress enough that we must never forget the Armenian genocide, and that we must do everything in our power to ensure that the Armenian nation can live in peace and security from this time forward.

Mr. LEVIN. Mr. Speaker, today I join with my colleagues in Congress and Armenians all over the world to commemorate the 80th anniversary of the Armenian genocide. Once again we call today for recognition of this tragedy because the horrible truth of the Armenian genocide is still not universally acknowledged, even after all these years.

We must forever speak out against genocide as a constant reminder of the consequences of silence in the face of oppression. We must call attention to the reality of the Ottoman Empire's systematic persecution of Armenians in part so that such inhumanity is never tolerated again, ever. And we must voice our support for the rights of all people as we demand an end to the extermination of innocent civilians caught in ethnic conflicts today in Bosnia, Rwanda, and Nagorno-Karabagh.

Our remembrance of the loss of 1½ million Armenian lives is our declaration of absolute opposition to such acts of inhumanity and our statement of hope for a world free of genocide. We must not let this atrocity be forgotten. To let this happen would be to condemn future generations to the same fate. Only through remembrance and recognition can we stop such acts of senseless cruelty and violence against humankind from happening again.

Mr. MOAKLEY. Mr. Speaker, I would like to take this opportunity to remember the 1.5 million Armenians who lost their lives in one of the greatest tragedies of this century. The year 1995 marks the 80th anniversary of the beginning of the Armenian genocide, and I would like to add my voice to those who are commemorating this grevious event. The murder of over 1 million people is such an unspeakable appalling act that it is difficult for a person to comprehend. For this reason it is important to recognize the genocide, and in remembering we will ensure that such an atrocity will never occur again. It serves as a lesson that we can never ignore a situation where such a callous disregard for human rights is demonstrated.

The Armenian genocide began on April 24, 1915, when Turkish officials rounded up and murdered over 200 Armenian intellectuals in Constantinople. During the next 8 years, over 1.5 million Armenians were needlessly butchered. By 1923, only one in every three Armenians who was alive before 1915 was still living. Before planning the final solution in Nazi Germany, Adolph Hitler asked, "Who remembers the Armenians?" We owe it to the memory of these brave souls to make sure that they are never forgotten again.

Mr. GILMAN. Mr. Speaker, I am grateful for having been invited to join in this special order today honoring the memory of the hundreds of thousands of innocent men, women, and children who suffered a horrible death of the genocidal actions carried out by the former Ottoman Empire starting 80 years ago.

The genocide perpetrated against the Armenian people of the former Ottoman Empire during the First World War was merely a portent of things to come.

Only a few years later, hundreds of thousands of Ukrainians were to die in the artificial famine created by the Communist dictator of the former Soviet Union, Joseph Stalin.

A few years after that, millions of Jews and others were to fall victim to the genocide perpetrated by the former Nazi regime of Adolph Hitler.

It has always been my honor and privilege to participate in congressional ceremonies and special orders commemorating the Armenian genocide during the time that I have served as a Representative to the Congress.

I am indeed pleased to be a part of such ceremonies again this year, which carry on with an important tradition.

Just as the unfortunate victims of the Holocaust and of the Ukrainian famine should be remembered, so must the victims of the genocidal action against Armenians be in our thoughts at this time.

As we contemplate their suffering, we note that today the death of those innocents 80 years ago is commemorated not just by their descendants around the world but by the people of the newly independent state of Armenia.

Certainly, the people of Armenia face difficult new challenges today, but they now are free of foreign rule for the first time in hundreds of years.

As we commemorate the victims of a bloody persecution that began 80 years ago, let us therefore join in celebrating Armenia's newfound independence—the best guarantee that such bloody persecutions will not befall the Armenian people again.

Mr. MEEHAN. Mr. Speaker, I am honored to address the House of Representatives to commemorate the Armenian genocide. Only by remembering the tragic events of the Armenian genocide can we ensure respect for human rights and democratic principles throughout the world.

In 1894, a pattern of persecution emerged in the Ottoman Empire, placing the Armenian population in great jeopardy. The persecutions climaxed in 1915, marking the height of systematic massacres and forced exile of the Armenian people. Over 1 million people were murdered. Today, less than 100,000 Armenians remain in Turkey. We must never forget the atrocities of the Armenian genocide as we look back on this 80th anniversary.

I feel proud to be the Representative of an active and prosperous Armenian community in my own district of Massachusetts. They have given me hope for future generations of Armenians. It is for these people, as well as Armenians around the world, that I both commemorate the Armenian genocide and urge the world not to tolerate anything of this kind again.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to commemorate the 80th anniversary of the Armenian genocide.

Beginning on April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, and murdered. The genocide of the Armenian people by the Turkish Ottoman Empire continued for 9 years and claimed over 1,500,000 lives. Another 500,000 Armenians were forced to flee their homeland, some of whom formed the origins of the Armenian community in our country. Therefore, it is imperative that we, as the elected Representatives of the people of the United States, recognize and commemorate the genocide of the Armenian people.

In addition, it is incumbent upon us to speak out about messages of hate and bigotry on the rise in this country. As we have learned in this country and witnessed abroad at least twice this century, hate must not be allowed to grow unchecked. We must continue to denounce messages of hate and bigotry and promote tolerance within our communities.

Mr. Speaker, the commemoration of this tragic episode in world history is vitally important. I urge my colleagues to join me in commemorating the genocide of the Armenian people.

Mr. HOYER. Mr. Speaker, I rise today to commemorate the tragic events leading to the deaths of over 1.5 million Armenians. I join millions around the world in vowing, once again, to ensure that our generation and future generations never again have to bear witness to such inhuman behavior and feel the pain and suffering of an entire people.

We had hoped that the crime of genocide would never again be allowed to mar the history of humankind.

Yet today as we stand with our Armenian brothers and sisters to remember and share in their grief for those who died from 1915 to 1923, we are all reminded of the ongoing genocide in Bosnia today in 1995, where we too, share in the people of Bosnia's anguish.

Let us also today be reminded, as Americans, of the freedoms we enjoy but so often take for granted.

We must remember that only too often has this disrespect for the most basic of our human rights—the right to speak, to worship, and to believe as one pleases—led to the deaths of millions in the Holocausts of this century. We must continue to hold vigil for those who have perished so that the rights of all humanity will be protected in the future.

Finally, I am pleased to stand here today to pay tribute to the Armenian people. Armenia is a land composed largely of rock and stone, hewn out of the earth by 1 million years of evolution and left to its people as the basis of construction of one of the world's oldest and richest civilizations.

The people of Armenia, like the stone out of which they have built their history, are a strong and lasting people, a people who have withstood the onslaught of tragedy. Because of the resilience of the Armenian people, they will continue to enrich our world with their creativity and tradition.

Mrs. ROUKEMA. Mr. Speaker, Today we commemorate the memory of generations of Armenians, victims of a horrible genocide that we all hope will never be repeated.

From 1915 to 1923, the Ottoman Empire systematically murdered over 1.5 million Armenians living in Turkey. And, throughout history, we have witnessed similar acts of unspeakable cruelty—the killing of over 12 million during the Holocaust, escalating death tolls in Bosnia and Rwanda and, most recently, the bombing in Oklahoma City.

It is vital for us as a nation to remember what happened in Turkey 80 years ago, and to recognize that we must work to promote peace and democracy throughout the world to help prevent such atrocious crimes from repeating themselves.

As we pay tribute to and remember those in the Armenian community who lost their lives, Americans must continue to denounce racism, sexism, anti-Semitism, bigotry, religious persecution, and ethnic violence. Only by learning from past experiences, no matter how difficult they might be to remember, can we grow and develop as a nation. Because, as we continue to wipe out existing stereotypes and prejudices, we are able to refocus our attention on the important contributions that all groups of people make to our country.

As Americans became aware of the tremendous suffering being endured 80 years ago and took steps to end the senseless tragedy, thousands of Armenians came to the United States in search of better lives. Now, they, their children, and their children's children have grown to be successful in all aspects of life. Having one of this Nation's largest Armenian community's, I can proudly say that their strong sense of family values and emphasis on education symbolize what is best in America, and a model for other families to follow.

But, despite all that has been achieved, we must also remember that Armenia's plight is not yet over. In the middle of the Nagorno-Karabagh conflict, Armenia finds itself in a struggle for survival. While the international community increases its efforts to bring about democracy and stability in the TransCaucasus, we, too, must continue our resolve to restore security in the region and cleanse it of ethnic hatred.

None of us will ever forget the awful tragedy that took place on this 80th anniversary of the Armenian genocide. And, by working to reconcile present conflicts, we hopefully will not have to look back on similar tragedies in the future.

Mr. DOOLEY. Mr. Speaker, I rise today to join my colleagues in commemorating the 80th anniversary of the Armenian genocide.

This terrible human tragedy must not and will not be forgotten. Like the Holocaust, the Armenian genocide stands as an historical example of the human suffering that results from hatred and intolerance. More often than not, when people think of genocide or ethnic cleansing, it is the Holocaust that comes to mind. However, let us remember that the Armenian genocide was the historical basis of Adolf Hitler's plan for the Holocaust. Today we commemorate the Armenian genocide and reflect upon the suffering endured by Armenia and her people—to ensure that this terrible tragedy is not forgotten.

One and one-half million Armenian people were massacred by the Ottoman Turkish empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

It would be a great tragedy to forget that this loss of human life and homeland ever occurred. Years prior to unleashing his plans for the Holocaust, Hitler predicted that no one would remember the atrocities and the human suffering endured by the Armenians. After all, it was Hitler who posed the question, "Who remembers the Armenians?" Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish Government continues to refuse acknowledgement of the Armenian genocide.

This 80th anniversary is underscored by the current suffering of the Armenian people, who remain immersed in tragedy and violence by the continuing unrest between Armenians and Azerbaijanis in the region of Nagorno-Karabagh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless. Frustrating the situation is the continuing destruction of fuel and power lines, as well as the blockade of supply routes into Armenia through neighboring Georgia and Turkey.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward a lasting peace and to rebuild relationships between countries. The first step in this process should be ending of the blockades that are hampering the recovery of Armenia and her people. Although Turkey has recently opened an air corridor to Armenia, the land blockade continues to frustrate humanitarian relief efforts.

Meanwhile, in America, the Armenian-American community prospers and continues to provide solidarity and assistance to its countrymen and women abroad. Numbering nearly 1 million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we remember the tragedy of their past, not to place blame, but to answer a fundamental question, Who remembers the Armenians?

Today our commemoration of the Armenian genocide speaks directly to that end, and I answer, We do.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I want to thank Mr. PALLONE and Mr. PORTER, co-chairs of the Armenia caucus, for their leadership in once again giving this House the opportunity to address the deep concerns many of us have about developments in Armenia.

Over the course of my years in Congress, we have been engaged on many fronts on the Armenia issue—whether it be emergency relief after the massive earthquake that devastated the country in 1988, trying to address the suffering and deprivation caused by the withering blockade of Armenia imposed by Agerbaijan and Turkey, or offering support for efforts to end the fighting in the region through a negotiated peace process.

But today is a special day. It is a time for special remembrances, for reflection, commemoration, and to remind ourselves of our moral obligations to our fellow human beings, whatever their ethnicity, their religion, or their color.

I am reminded that the first action I saw when I came to Congress with regard to Armenia was the attempt to get this Congress to recognize the Armenian genocide on April 24, 1915—the beginning of a terrible campaign against the Armenian people that resulted in the killing of more than 1 million people merely on the basis of their nationality.

Today, we commemorate the 80th anniversary of the genocide, a 9-year reign of terror that set a gruesome standard for 20th century atrocities. All of us in the Congress and across America and the world, should take a moment to remember this horrible crime, and to resolve that we will fight injustice wherever we find it.

While the experience of trying to win recognition of the Armenian genocide was a painful one, I must say that the vast majority of my work on issues of Armenia and with the Armenian community here in the United States has been a joyful experience.

I have been inspired by the ability of the Armenian community here to make a deep and lasting contribution to our Nation—to our schools and neighborhoods, in the areas of art and culture, and in the political arena. My home State of Massachusetts has one of the most vibrant and active Armenian communities in the United States and we are a better, stronger State because of that.

At the same time, Armenians in the United States have done a tremendous job of maintaining their own culture, their language and their churches, and a remarkable commitment to maintaining ties to their homeland or the homeland of their ancestors. Recent articles in the Boston Globe attest to the strength of this community in my district, the State of Massachusetts, and the Nation.

This commitment, and a capacity to respond, has of course been demonstrated in moments of crisis such as the earthquake, 30,000 people were killed in an instant. In many parts of the country there was incalculable damage to homes, to factories, and to infrastructure. Thousands of Armenians continue to live today, 7 years later, without electricity or running water in makeshift shelters that were set up in the wake of the loss of their homes.

The response of the Armenian community in the United States was phenomenal. They provided food, clothing, medicine, and funds. Just as importantly, they challenged this Nation, and other nations around the world, to recognize the extraordinary scale of damage done by the earthquake and to provide the resources that were needed to address this humanitarian disaster. It is important to recognize that the humanitarian challenge posed by the earthquake has yet to be fully met. I was pleased to see that just in February 1994 the World Bank released a long-delayed loan designed to rebuild housing and repair other damage from the earthquake.

While the earthquake—a dramatic event—focused the attention of the international community, the blockade against Armenia, which remains in place until this day, exacts its terrible, unrelenting cost, day in and day out, over years. It has driven a proud and determined people to face the types of choices that no civilized nation should have to confront—the choice, for example, of stripping the nation of trees and burning its books in order to provide heat to prevent infants and the elderly from freezing to death.

It is absolutely crucial that the United States remain clear and focused in its efforts to secure the lifting of this blockade and the opening up of commerce, transportation, and communication throughout Transcaucasia. This means maintaining the prohibition against United States assistance to the Government of Azerbaijan until they are willing to lift the blockade. And it means continued pressure on the Government of Turkey—which receives more than $500 million in United States economic aid and military loans—to do the same.

That is why I introduced, along with Representative CHRIS SMITH, the Humanitarian Aid Corridor Act. We must maintain this pressure not out of vengeance, but as a sign of our commitment to finding a solution to open up all the borders in the region. If this type of arrangement can be put together—whereby Turkey and Azerbaijan lift their blockade against Armenia—then I think there is no question that there would be overwhelming support in the Congress, and, I think, in the Armenian community in the United States, for lifting the restriction on direct assistance to the Government of Azerbaijan as well.

I had the opportunity to see the desperate situation Armenians face first hand when I visited Armenia in February 1993. We arrived at the Yerevan airport late at night and went by van to downtown Yerevan. It was snowing so hard and there was not a light in the place, so that we could not even tell we were in the middle of a city. What we found was that there was no heat, no electricity, no running water, no telephones; and yet, the spirit of the Armenian people continued to provide a bright light.

I visited orphanages where the little babies were lying in empty, cold rooms, in soiled clothes that could not be changed because there was no place to wash or dry the clothes. I visited senior citizens stuck in hospitals who have lived through the Armenian genocide we commemorate here this evening, who lived through the earthquake, who were now forced to suffer and to die in a climate inside of a hospital room where the temperature never rises above 15 to 20 degrees.

It was one of the most devastating few days of my life, to see the kind of human suffering that takes place. But it reestablished my own personal commitment to stand strong for the people of Armenia, to stand strong with people of this great nation that has inspired freedom-loving people throughout the world.

So I rise today, Mr. Speaker, to add my voice to those of my colleagues in saying: We must never forget.

Mrs. MEEK of Florida. Mr. Speaker, I rise today to join with my colleagues in commemorating one of the most heinous atrocities committed against humanity: the Armenian genocide.

In 1915, the Armenian people of the Ottoman Empire were subjected to systematic extermination through a policy of deportation and massacre. It is estimated that a million and a half Armenians eventually perished because of the atrocities committed against them by agents of the Ottoman Turks.

This terrible event is known as the first genocide of the 20th century, and we must never forget it. Elie Wiesel, chairman of the U.S. Holocaust Memorial Council and a survivor of the Holocaust, summed up the reason

why. He said, "Before planning the final solution, Hitler asked, 'Who remembers the Armenians?' No one remembered them, as no one remembered the Jews."

Today, all people of conscience remembers the Armenians. Let us resolve on this day of remembrance never to forget the one and a half million people who lost their lives solely because they were Armenian. And let us resolve to speak out whenever genocide is used by tyrants as an instrument of state policy.

Ms. PELOSI. Mr. Speaker, I rise today to join in the observation of the 80th anniversary of the beginning of the Armenian genocide during the Ottoman Empire. I commend my colleagues Representatives PORTER and PALLONE for calling this special order to draw Congress' attention to the tragic slaughter of the Armenian people. In addition to participating in this special order, I am proud to have joined Representatives BONIOR and BLUTE in cosponsoring House Concurrent Resolution 47, which honors the memory of the 1.5 million Armenians who perished earlier this century. I have also joined a number of my congressional colleagues in writing President Clinton urging that he, too, issue a strong statement of remembrance and recognition of the Armenian genocide as a crime against humanity.

On April 24, 1915, despots of the Ottoman Empire began a systematic campaign of terror, brutality and murder against the Armenian people. This campaign was the first genocide of the 20th century. By the end of the campaign of terror in 1923, 1.5 million Armenian men, women, and children had been massacred and more than 500,000 had been deported from their homeland of 3,000 years. These actions were a clear case of genocide. The genocide was horrific, it is well-documented and it must not be forgotten.

Today, the Armenian-American descendants of the Armenian exiles make a vibrant contribution to the life and energy of the San Francisco Bay area. I join with them in observing this anniversary of the Armenian genocide and in honoring the memory of their ancestors.

Mr. DREIER. Mr. Speaker, words fall short of expressing the shock and revulsion Americans felt in the wake of the brutal terrorist bombing in Oklahoma City. Words especially ring hollow when we struggle with the vision of bloody and dying children. While we did not know these children or their families, we know in our hearts that not one ever did anything to warrant their fate.

There is a well-worn saying that "Time heals all wounds." In the wake of the tragedy in Oklahoma, we can draw some solace from it. Mercifully, the immediate pain and sadness of even a most horrible event pass over time. However, it does not mean that we are expected or should forget.

With the TV pictures fresh in our minds, and the sadness of this time fresh in our hearts, we must come to grips with the fact that this crime was the work of Americans. It was the product of hate and evil that originated in this country. Hate and evil know no boundaries.

This is an especially poignant time to recall another horrible act of hate and evil, the genocide committed against the Armenian people in Turkey 80 years ago. Just as we will never forget the terrorism committed in Oklahoma, it is important that we not forget the 1.5 million Armenian men, women, and children who were brutally murdered in the inaugural genocide of the 20th century.

Each year, Americans, and not just Armenian-Americans, come together on this occasion. We do so to do more than simply remember that the Armenians were the first victims of what sadly has become man's bloodiest century. Rather, we each hope that raising the consciousness of past atrocities helps prevent similar tragedies in the future.

With tragedy so near and so fresh in our minds, we are easily reminded that hate and evil are unfortunate aspects of the human condition. However, it is our responsibility as Americans to remain vigilant against hate, violence, and intolerance, whenever and wherever it rears its ugly head.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, I rise today and join my distinguished colleagues in commemorating the tragedy of the Armenian genocide.

During and after the First World War, from 1915 to 1923, over 1.5 million Armenians were deliberately starved, murdered, and driven from their homeland by the Ottoman Turks. It was the first modern example of the gruesome policy of ethnic cleansing.

Unfortunately, it was not the last. Since 1923, genocide has frequently become the policy of choice for totalitarian governments and aggressor states. From Adolf Hitler to the Bosnian Serbs, ethnic cleansing has been used by a variety of tyrants. The victims of this horrible act have been as widely different as German Jews, Ukrainian farmers, and Rwandan Tutsis. History has repeated itself time and again.

History threatens to repeat itself today. Across the globe, minorities like the Bosnian Muslims are threatened with extinction. As members of the free world, we must not allow these murderous intentions to succeed. We must stand up and tell those who wish to murder whole nations that we will not permit them to follow this gory tradition. It is a tradition that must end now.

Mr. Speaker, the world must act now to stop any further repetitions of the Armenian genocide. We cannot allow any other ethnic minorities to be slaughtered as the Armenians were slaughtered. To permit another example of the horrible practice of ethnic cleansing would be to dishonor the memories of those who died at the hands of the Ottoman Turks.

Mr. TORRES. Mr. Speaker, I wish to thank my colleagues. Mr. PALLONE and Mr. PORTER, for organizing this special congressional opportunity for both houses of Congress to pause to honor the memory of the one-and-a-half-million Armenians who were killed between 1915 and 1923 by agents of the Turkish Ottoman Empire in what is known in infamy, and perhaps with some controversy, as the Armenian genocide.

Some would claim that our remembrance today fans the flames of atavistic hatred and that the issue of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. For whatever ambiguities may be invoked in the historic record of these events, one fact remains undeniable: the death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

This solemn occasion permits us to join in remembrance with the many Americans of Armenian ancestry, to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty, and freedom.

Today, I rise to recall and remember one of the most tragic events in history and through this act of remembrance, to make public and vivid the memory of the ultimate price paid by the Armenian community by this blot against human civility.

We come together each year with this act of commemoration, this year being the 80th anniversary of this genocide, to tell the stories of this atrocity so that we will not sink into ignorance of our capacity to taint human progress with acts of mass murder.

The Armenian genocide was a deliberate act to kill, or deport, all Armenians from Asia Minor, and takes its place in history with other acts of genocide such as Stalin's destruction of the Kulaks, Hitler's calculated wrath on the Jews, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of 15.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could have prevented the murders of millions of men, women, and children.

We can, however, do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors, and keep alive the memories of those who died.

I encourage everyone to use this moment to think about the tragedy which was the Armenian genocide, to contemplate the massive loss of lives—on both sides of this conflict, and to ponder the loss of the human contributions which might have been.

Although, the massacre we depict and describe started 80 years ago, the Armenian people continue to fight for their freedom and independence. Today, in the Nagorno Karabagh, Armenian blood is being shed even while negotiations continue to attempt to find a solution to this deadly conflict.

Again, this year, I would like to close my remarks with an urgent plea that we use this moment as an occasion to re-commit ourselves to the spirit of human understanding, compassion, patience, and love. For these alone are the tools for overcoming our tragic, and uniquely human proclivity for resolving differences and conflicts by acts of violence.

This century has been characterized as one of the bloodiest in our archives of human history. Certainly, the genocide perpetuated against the Armenian peoples has been a factor in this dismal record.

The dawning of a new century offers our human race two paths. One continues along a road of destruction, distrust and despair. Those who travel this path have lost their connection to the primal directives, which permit us as a society to maintain balance, continuity and harmony.

I would ask my colleagues, on this 80th anniversary of one of histories bloodiest massacres of human beings, to contemplate the

second path. The map to this path exists within the guiding teachings of all major world religions and are encapsulated in what Christians refer to as the 10 Commandments. I would ask my colleagues, no matter their religious or political persuasions and beliefs, to re-visit these core teachings which form a common bond between all peoples. To use these common beliefs as the basis for action and understanding in these common beliefs as the basis for action and understanding in these trying times. The surface differences between peoples, offer only an exciting diversity in form. At the core all peoples are united by common dreams, aspirations and beliefs, in a desire for harmony, decency, and peace with justice.

Let these testimonies of the atrocities perpetuated against the Armenian people serve as a reminder that as a human race we can, and must, do better. It takes strength and wisdom to understand that the sword of compassion is indeed mightier than the sword of steel.

Certainly, as we reflect over the conflicts of this century, we can only come to the conclusion that violence begets violence, hatred begets hatred and that only understanding, patience, compassion and love can open the door to the realization of the dreams which we all hold for our children and for their children.

Let our statements today, remembering and openly condemning the atrocity committed against the Armenians, help renew the commitment of the American people to oppose any and all instances of genocide.

Mrs. MORELLA. Mr. Speaker, I am pleased to join with my colleagues here today in commemorating the 80th anniversary of the Armenian Genocide. I want to thank my colleagues, Mr. PORTER and Mr. PALLONE, for their work in organizing this tribute.

This observance takes place every year on April 24. It was on that date in 1915 that more than 200 Armenian religious, political, and intellectual leaders were arrested in constantinople and murdered. Over the next 8 years, persecution of Armenians intensified, and by 1923, more than 1.5 million had died and another 500,000 had gone into exile. At the end of 1923, all of the Armenian residents of Anatolia and western Armenia had been either killed or deported.

The genocide was criticized at the time by United States Ambassador Henry Morgenthau, who accused the Turkish authorities of "giving the death warrant to a whole race." The founder of the modern Turkish nation, Kemal Ataturk, condemned the crimes perpetrated by his predecessors. Yet this forthright and sober analysis has been spurned by Turkey and the United States during the last decade.

The intransigence of this and prior administrations to recognizing and commemorating the Armenian genocide demonstrates our continued difficulty in reconciling the lessons of history with realpolitik policies; that is, those who fail to learn the lessons of history are condemned to repeat it. We have seen continually in this century the abject failure to learn and apply this basic principle. The Armenian genocide has been followed by the holocaust against the Jews and mass killings in Kurdistan, Rwanda, Burundi, and Bosnia. Many of these situations are ongoing, and there seems little apparent sense of urgency or moral imperative to resolve them.

Commemoration of the Armenian genocide is important not only for its acknowledgement of the suffering of the Armenian people, but also for establishing the historical truth. It also demonstrates that events in Armenia, Nazi Europe, and elsewhere should be seen not as isolated incidents but as part of a historical continuum showing that the human community still suffers from its basic inability to resolve its problems peacefully and with mutual respect.

I hope that today's remarks by Members concerned about Armenia will help to renew our commitment, and that all of the American people, to opposing any and all instances of genocide.

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 80th anniversary of the Armenian genocide. While this anniversary may evoke painful memories, it would be worse if we did not remember the terrible atrocities perpetrated against the Armenian people. It began on April 24, 1915, when over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were executed by the Turkish Government. Thus began a war of ethnic genocide by the governments of the Ottoman Empire against Armenians. When it ended in 1923, over half of the world's Armenian population—an estimated 1.5 million men, women, and children—were killed.

The Armenians are an ancient and proud people. In the fourth century, they became the first nation to embrace Christianity. In 1915, Christian Russia invaded the Moslem Ottoman Empire, which was allied with Germany in World War I. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

While it is important to remember this horrible fact of history in order to help comfort the survivors, we must also remain eternally vigilant to prevent future calamities. Only a fraction of the Armenian population escaped this calculated attempt to destroy them and their culture. Approximately 500,000 Armenian refugees fled north across the Russian border, south into Arab countries, or to Europe and the United States.

I am proud to say that a strong and vibrant Armenian-American community is flourishing in northwest Indiana. In fact, my predecessor in the House of Representatives, the late Adam Benjamin, was of Armenian heritage. There are still strong ties to the Armenian homeland among Armenian-Americans. Mrs. Vicki Hovanessian and her husband, Dr. Raffy Hovanessian, residents of Indiana's First Congressional District, helped to raise over $750,000 for purchases of winter rescue supplies of heating fuel and foodstuffs for victims of the devastating Armenian winter of 1992–93. Last year, Dr. Heratch Doumanian and his wife, Sonya, also residents of northwest Indiana, spearheaded the organization of a highly successful legislative conference focusing on important issues of concern to the Armenian-American community.

The Armenian genocide is a well-documented fact. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. However, there is an unsettling tendency among both individuals and governments to forget or blot out past atrocities. Less than 20 years after the Armenian genocide, Adolph Hitler embarked upon a similar extermination of European Jews. While the Jewish holocaust is certainly as terrible an event as the Armenian genocide, at least the Jews have had the catharsis of the world's recognition of what happened to their people. In search of acknowledgment of what happened to their families and ancestors between 1915 and 1923, regretfully, Armenians too often hear that their claims of genocide are lies or exaggerations.

Unfortunately, there is still a concerted effort to deny the existence of the Armenian genocide. As representatives of the American people, those of us who have the privilege to serve in Congress must lead the way in shining the bright light of truth onto those who claim that the genocide did not occur. All attempts at historical revisionism must be condemned, whether done in ignorance or simply to avoid controversy. For example, as recently as last year, a court in France strongly criticized a history professor for publishing literature denying the existence of the Armenian genocide. The French court stated that the genocide was an internationally recognized historical fact, not subject to denial.

Although it has suffered greatly, Armenia is once again a sovereign, independent country. Its people are strong and determined to succeed. I am proud to support Armenia and the many ideals which it represents. It is my sincere hope that the United States continues to strengthen its relationship with the nation and the people of Armenia.

In closing, I would like to commend my colleagues, Representatives PORTER and PALLONE, for organizing this special order to commemorate the 80th anniversary of the Armenian genocide. This remembrance will not only console the survivors and their families, but may also serve to avert future atrocities.

Mr. REED. Mr. Speaker, I rise today to commemorate the 80th anniversary of the Armenian holocaust. One and a half million Armenians were ruthlessly slaughtered at the hands of the Turks, a people were scattered throughout the world, a culture was defiled and churches were demolished while their stones were used to build shelter for the oppressors. We can never forget this infamous and despicable chapter in history.

As Americans, we have witnessed the eternal courage and strength of the Armenian people here in their adopted land, where they have displayed great patriotism and valor. And we have seen this strength in the Armenian Republic, where its people struggle to maintain freedom and to prosper in a dangerous world. However, these brave people cannot stand alone. Our two great countries, the United States and the Republic of Armenia, must stand as one.

As we commemorate the suffering of the Armenian people, we honor the spirit of the Armenian people. This spirit has endured the unendurable. It has transformed the horror of this holocaust into a lasting commitment to honor those whose lives were lost and those

who continue to fight for freedom. We must pledge that the Republic of Armenia shall never stand alone, that America will always stand with her and together, we will stand for democracy, decency, and the dignity of all people.

Mr. LAFALCE. Mr. Speaker, I join today with millions of Armenians, human rights advocates, and ordinary caring people the world over in observing the 80th anniversary of a most tragic period in history—the deaths of more than 1.5 million Armenians. Remembering this catastrophe for the Armenian people and their culture is a difficult but necessary part of being ever vigilant that such events do not recur.

Yet, sadly, awareness by the many does not always seem to stop the actions of a few. The bombing of the Federal building in Oklahoma City is the most recent example of this, showing once again that hatred of those who are seemingly threatening still provides an excuse for some to carry out massive violence against innocents. Such hateful deeds are stunning and incomprehensible whether they took place 80 years ago or last month, and the dislocation and dehumanization they represent must and will be condemned and mourned.

As I observe the Armenian suffering of the past, as a member of the Congressional Caucus on Armenian Issues, I also want to make a commitment to building and maintaining a strong and dynamic relationship between Armenia and the United States and to appending to a memory of occupation and persecution a future legacy of personal and sovereign freedom and security, prosperity and democracy for the Armenian people.

Mr. THOMAS. Mr. Speaker, today I ask you to join me in commemoration of the 80th anniversary of the Armenian genocide. On April 24, 1915, under the direction of the Turkish Ottoman Empire, a campaign of Armenian extermination began. By 1923, 1.5 million Armenians were murdered, with another 500,000 forced into Russian exile. Today we recognize the struggle of the Armenian people to live peacefully in their historic homeland.

Armenians in the United States and elsewhere should know that their history of suffering has not and will not be ignored. Like the Jewish and Cambodian holocausts, the Armenian genocide stands out as one of the world's most morally reprehensible acts. We need to address and trace the causal factors leading to the rise of totalitarian governments, and ensure that the seeds of Fascism are never again planted.

On this day, we all should take a moment to remember those Armenians who died 80 years ago. The United States and our allies should also reaffirm our resolve to ensure that no nation will ever again have the opportunity to participate in mass genocide.

Mrs. KELLY. Mr. Speaker, on the night of April 23–24, 1915, the Ottoman Empire initiated one of the great human disasters of the modern age when it began the systematic arrest, deportation, and execution of Armenian political, religious, educational, and intellectual leaders. During the years that followed, more than 1.5 million Christian Armenian men, women, and children lost their lives and another 500,000 were cruelly uprooted from their ancestral homes.

Today we mark the 80th anniversary of this terrible and tragic blight on humanity. It is essential that we honor the memory of those who perished in the Armenian genocide. But as we remember the victims of this vicious event, it is also essential that we renew our determination to preserve basic human rights for all people everywhere. I believe deeply that the Armenian Christians so senselessly murdered 80 years ago deserve nothing less than our utmost efforts to prevent such a tragedy from happening again.

The efforts of the Armenian Assembly of America, the Armenian National Committee, and the entire Armenian-American community have ensured that the passage of time does not erase the memory of these terrible events which started 80 years ago. In these efforts, they have performed a great service for all people and I want to take this opportunity today to recognize and to honor their very important work.

Mr. Speaker, as we commemorate the 80th anniversary of the Armenian genocide, we pause to remember its 1.5 million victims and all those who have suffered crimes against humanity. And, in doing so, we reaffirm our pledge that such crimes will not be repeated.

Mr. ZIMMER. Mr. Speaker, it is a privilege to join my colleagues today in remembering and honoring the 1½ million Armenians who were victims of a brutal campaign of genocide between 1915 and 1923 by the Ottoman Empire and its successor state.

This systematic campaign of murder and forced exile is one of the darkest events in this century, and as we recognize it we should also vow to do whatever we can to help prevent such atrocities again.

Today, we honor those who fell in the Armenian genocide. But we also honor the spirit of perseverance and courage that has enabled Armenians to transcend such horrible destruction by surviving not only as individuals but also as a vital people.

Eighty years after the onset of the genocide, Armenia is an independent, democratic state. It was the first among the former Soviet Republics to privatize agricultural land and livestock production, and it is working hard to build a strong economy despite tremendous obstacles, both natural and manmade. The 1988 earthquake continues to leave deep scars, and the blockade of Armenia's rail lines and roads has severely limited international trade. Turkey's refusal to allow humanitarian relief to pass through its territory to Armenia also has taken a tragic human toll.

Armenians time and again have displayed enormous courage in the face of adversity, and it is that quality that we commemorate the most here today, even as we honor those Armenians who suffered the evil of the genocide eight decades ago.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues to commemorate the 80th anniversary of the Armenian genocide of 1915 to 1923 and pay tribute to the more than 1.5 million Armenians killed by the Turkish Ottoman Empire. I commend my colleagues, Congressman PORTER and Congressman PALLONE, for arranging this special order to observe this horrific day in world history.

On this date, 80 years ago, the Ottoman Turkish Government launched their systematic and deliberate campaign of genocide against the Armenian people. This violent campaign resulted in the deaths of over one-third of the Armenian population living in the Ottoman Empire and the exile of approximately 500,000 Armenians from their homeland.

In 1915, the New York Times reported on the devastating suffering and victimization of the people of Armenia. A reporter noted that children under 15 were thrown into the Euphrates to be drowned; women were forced to desert infants and to leave them by the roadside to die; young women and girls were appropriated by the Turks and thrown into harems. They also reported on the murder and torture of men and the turning of women and children into the desert where thousands perished of starvation.

Unfortunately, the persecution of the Armenians did not end in 1923, but continues today. Since 1988, the Nagorno-Karabakh conflict involving Armenia and Azerbaijan, has left more than 1,500 Armenians dead and hundreds of thousands of refugees in the three territories. A withering blockage of economic disruption has made everyday life a struggle for Armenians. Acquiring necessities for survival has become a great obstacle.

As a member of the Congressional Armenian Caucus, I have been working with my colleagues on the caucus on issues which effect the Armenian community. Recently, I joined my colleagues in sending a letter to President Clinton asking him to discuss with Prime Minister of Turkey, Tansu Ciller the continuing pattern of misguided and punitive policies toward the Republic of Armenia by Turkey. I also joined my colleagues in sending the President a letter asking him to join the Congressional Armenian Caucus in reaffirming the American record on the Armenian genocide and to honor the memory of the survivors.

In addition, I urge my colleagues in joining me in cosponsoring House Concurrent Resolution 47, honoring the memory of the victims of the Armenian genocide. It calls for the United States to encourage the Republic of Turkey to acknowledge and commemorate the atrocity committed against the Armenian population of the Ottoman Empire from 1915–1923.

It is my hope that next year when we remember the 81st anniversary of Armenian Martyrs Day we will be able to celebrate a restored peace to the Armenian people and confidently proclaim that never again will the world allow such a senseless tragedy to occur.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues tonight in commemorating the 80th anniversary of the Armenian genocide. The 20th century has tragically been marked by campaigns of ethnic, racial, and religious genocides that have indelibly stained the annals of human history.

The unforgivable fact, Mr. Speaker, is that the world was silent in the face of the first systematic, bloody effort to eliminate an entire group of people—the Armenian people. On April 24, 1915, the Ottoman Turks unleashed the forces of hatred and death throughout their empire, wreaking havoc on unsuspecting Armenian men, women, and children. An estimated 1.5 million Armenians died at the hands of the Ottoman Turks through ruthless marches of forced starvation and endless waves of bloody massacres.

Mr. Speaker, we commemorate the 80th anniversary of the Armenian genocide to remember the heroic spirits of these fallen victims, and to render justice to their cause. It is difficult to grasp the concept that man is capable of such a barbarous monstrosity, of such ruthless depravity. But yet this century is littered with the victims of racial hatred and intolerance. The Armenian people, however, have the unenviable distinction of being the first community to fall victim to this heinous crime against humanity—a crime that we must never allow to be expunged from our memory.

Therefore, Mr. Speaker, we observe the Armenian genocide tonight so not to forget. We remember the horrific conflagration that engulfed the lives of 1.5 million innocent men, women, and children so that governments around the world will know that they will be held accountable for their actions. Let it be known that there is not enough time in eternity to wipe out the memory of the first genocide of the 20th century—the first systematic campaign to exterminate a whole race of people.

Eight decades have now come and gone since this tragic event unfolded and, yet, the Turkish Government continues to deny the undeniable and refute the unrefutable. Although it is difficult, to say the least, for any generation to recognize the atrocities committed by their parents or their parents' parents, true healing can never occur until Turkey acknowledges its role in orchestrating the Armenian genocide.

Mr. Speaker, the Armenians around the world demand no less, and the United States of America cannot ask for any less.

Mr. McNULTY. Mr. Speaker, I rise to pay tribute to the memory of the more than 1.5 million innocent Armenian men, women, and children exterminated by the Ottoman Turks in 1915—and the more than 1 million Armenians who were forced into exile from their ancestral homeland of 3,000 years.

Three years later, Henry Morgenthau, United States Ambassador to Turkey, wrote in his memoir, "Ambassador Morgenthau's Story":

> When the Turkish authorities gave the order for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal this fact.

The survivors of this deportation made their homes in different lands. They formed the core of what became the largest Armenian community in the Diaspora. In the United States, Armenians—proud of their heritage—have dedicated themselves to the preservation of democracy. And I was proud to be in Yerevan when the Armenian people declared their independence from the Soviet Union in 1991. But the memories of the horrible nightmare of 1915 are deeply ingrained in their memories.

In this age of genocide—the Armenian genocide, the Holocaust, and the genocides being perpetrated upon the innocent in other countries—the members of the Armenian community stand shoulder to shoulder with all who cherish freedom and human dignity in seeking an end to these crimes against humanity.

In commemoration of the 80th anniversary of the Armenian genocide, I am proud to join my colleagues in supporting legislation which would honor the victims and survivors of this tragedy. The United States must take a principled stand on this issue and encourage Turkey to acknowledge and commemorate this sad page in its history.

If Kemal Ataturk, the founder of the Turkish Republic, was able to condemn these massacres by his predecessors, the leaders of present-day Turkey can do no less.

Mr. KILDEE. Mr. Speaker, I rise today to commemorate the 80th anniversary of the Armenian genocide. The Ottoman Empire, between 1915 and 1923, tried to advance its political interests by committing genocide against the Armenian people. The genocide of the Armenian people is widely recognized as the first genocide of the 20th century. Each year, throughout the United States and the world, Armenians and all people of good conscience pause to remember the 1.5 million victims of this crime against humanity.

While these crimes are in the past, their significance has not faded from the consciousness of Armenia. The victims of these massacres not only represent the attempts of an oppressive regime to extinguish the dignity and spirit of a people, but also of the consequences of permitting such a regime to go unchecked.

By recognizing the victims of this act of genocide, we commemorate both their sacrifices and those who have perished in the name of freedom since. In addition, recognition of this atrocity will help erase the vestiges of an era in which propaganda and deceit held precedent over truth and human dignity. The United States must take a stand and encourage other countries to do the same. We must always voice our firm opposition to the use of violence and repression as tools of government.

Mr. Speaker, with the dawn of the post-cold-war era, and the emergence and development of newly independent nations, it is more important than ever for the United States to directly convey its rich tradition of respect for fundamental human rights. It is for this reason that I rise today to remember the anniversary of the Armenian genocide.

Mr. BOEHLERT. Mr. Speaker, I rise in memory of people killed in an event so horrific that at the time, there was no word to describe it. I am referring to the mass slaughter of Armenians that began on April 24, 1915. The Armenian people endured a forced deportation from their homes that turned into a death march. It is estimated that more than 1 million Armenians died during this tragic event. Today we have a word for crimes like this: genocide.

And we have learned as well the result when genocide is allowed to be carried out with impunity. Adolf Hitler asked rhetorically, "Who remembers the Armenians?" He used the example of the atrocities against the Armenians to reassure his followers that no one would care if he exterminated the Jewish people.

It would be wonderful to say that, following the hardships inflicted upon them in the early part of this century, the Armenian people have been able to enjoy peace and prosperity. Unfortunately, that is far from the case. Instead, decades of Communist rule meant hunger and deprivation. The Soviet Union has collapsed, but Armenia is surrounded by hostile neighbors, and Armenians are enduring a blockade against all goods, including humanitarian assistance.

There would be no more fitting memorial to those who died in Armenia than to build a just and lasting peace for all people. To do otherwise would be to condone genocide.

Mr. MARKEY. Mr. Speaker, I rise today to call attention to a grim and shameful chapter in world history: the perpetration of a genocide against Armenian men, women, and children carried out with brutal precision during the waning days of the Ottoman Empire. On this solemn day of remembrance, I join Armenians throughout the United States, in Armenia, and around the world in commemorating the 80th anniversary of this horrific period.

In 1915, a systematic massacre of Armenian religious, political, and intellectual leaders began. Continuing until 1923, the cruelty and ruthlessness which marked this campaign of terror still shock us 80 years later. Between 1915 and 1923, 1.5 million Armenians lost their lives, and more than 500,000 were expelled from their homes. Innocent Armenians were rounded up and sent away to unknown destinations to be murdered. Uncovered by a researcher only a few years ago, a report from a United States consul stationed in eastern Turkey from 1914 to 1917 provides disturbing details of this coordinated effort to commit genocide against the Armenian people. This record of cold-blooded murder is harrowing.

Despite the calculated attempt to purge the Armenian people from their land and erase Armenian culture and traditions, today the Republic of Armenia is emerging as a vital and progressive nation committed to establishing democratic institutions. The Armenian Government has drafted a constitution, launched a program of industrial reform, privatized agricultural land, and made substantial progress in small-enterprise privatization. Armenia also has taken steps toward resolving the Karabakh conflict and moved to stabilize its economy based upon free-market principles.

I am pleased that our government has recognized the importance of Armenia and has been working closely with international lending institutions to help ease Armenia's transition to a market economy. Through a comprehensive assistance program, USAID has funded numerous initiatives in Armenia, including one aimed at improving the distribution of much-needed commodities such as kerosene. Armenia has cooperated with the World Bank and the International Monetary Fund, made the difficult fiscal decisions necessary to construct a market-based economy, and steadily progressed toward a free and open democratic system.

As we mark the 80th anniversary of the Armenian genocide, we join with our Armenian friends in remembering those who lost their lives in the early years of this century. While we reflect upon the past and dedicate ourselves to preserving the history of this humanitarian disaster, we also look forward. We look forward to a future in which Armenia will, we hope, grow prosperous, achieve economic strength, and, above all else, enjoy peace.

Mr. SMITH of New Jersey. Mr. Speaker, I rise to commemorate the Armenian genocide, which began 80 years ago, when the Ottoman Empire launched the first of this century's

campaigns against an entire people. It has become traditional for friends of Armenia to mark this awful April anniversary with them, to demonstrate our solidarity and to express the determination never again to allow such a horror to take place.

Though April 24 is the date singled out to mark the catastrophe, the actual process of genocide took place over a period of years. During that nightmarish era, which lasted from 1915 to 1923, some 1.5 million Armenians were brutalized, tortured, massacred, starved, deported, and force-marched to death.

But, the Armenian spirit survived intact this ruthless assault. Steeled by adversity, many of the survivors came to the United States, where they could nurse their physical and emotional wounds, and begin their lives anew. The community of new arrivals prospered in America, contributing to our cultural development, enhancing our diversity, and influencing our political process.

American-Armenians never forgot their origins, or the horrific circumstances of the flight and exile from their native lands. The Armenian Apostolic Church has nurtured the spiritual growth and national consciousness of its flock. Armenian-Americans resolved to mark the atrocities and exile every year, to keep the memory of their relatives alive, not to let the world forget. And, they have consistently preached the message that what happened to the Armenians must never be permitted to happen again to anyone else. With this universal message, I—and other Members of this body—have often expressed our solidarity. I do so again today, in sorrow and in pride, with a strengthened sense of dedication, as I think about independent Armenia.

In commemorating the Armenian genocide, we mourn the dead and recall the suffering and sacrifice of the victims. Yet, we also reflect upon the heroic, moving odyssey of the Armenian people in modern times. During the 20th century, the Armenians have lived through their worst moment—the genocide—and their best, most exhilarating moment as well: the restoration of an independent Armenian state, after centuries of dreaming and struggle on behalf of that cause.

The people of independent Armenia have gone through very difficult times, coping with the consequences of the Nagorno-Karabakh conflict, as well as a wrenching transition from Communist misrule to pluralism and a market economy. But throughout, the Armenian people have demonstrated the sturdiness of character and perseverance that have become their hallmark. Their spirit remains strong, despite the deprivations they have endured; their commitment to democracy, and to Armenian nationhood and statehood, has not faltered.

Thankfully, a ceasefire in the Nagorno-Karabakh conflict has been in place since May 1994. We all hope the ongoing multilateral talks in the Organization for Security and Cooperation in Europe will soon lead to a peaceful conference and a negotiated settlement. The survivors of the 1915 horror and their descendants could enjoy no better gift, all the more treasured for having been so hard-won, than peace and prosperity for a rejuvenated Armenia that will surely stun the world with its enterprise and success. Nor could the memories of the victims of 1915–1923 be better honored, a worthy goal for all of us to strive for, as we note this solemn anniversary.

Mr. KING. Mr. Speaker, I rise today to commemorate one of the most tragic events of the 20th century, and indeed, of all recorded history, the Armenian genocide. This year the world marks the 80th anniversary of the century's first calculated campaign of official mass murder.

In 1915, the Ottoman Turkish Empire undertook a deliberately planned effort to exterminate the Armenian people. The Ottoman Turks were responsible for the deaths of more than one million Armenian men, women and children. This vicious campaign of genocide was only halted by the Ottoman Empire's defeat by the Allies in 1918.

Unfortunately, the Armenian genocide has been largely forgotten by the people of the world. It has been reported that on the eve of the beginning of his "Final Solution," Adolf Hitler cynically remarked that the world would stand by and allow him to murder the European Jews, because, he asked "who today remembers the Armenians?"

Just as we remember the Holocaust, we must honor the memory of the victims of the Armenian genocide, so that future generations never forget these monumental crimes against humanity nor fail to realize the human potential for profound evil.

In the first 80 years of this century, the world witnessed the Armenian genocide, Stalin's mass murder of the Kulaks and millions of political opponents, the Holocaust, the millions of dead in Mao's cultural revolution, and Pol Pot's liquidation of more than a million Cambodians. In our own time we have witnessed the ethnic cleansing of the Bosnian Moslems and the brutal tribal mass murders in central Africa.

We must not disgrace the memories of the victims of the Holocaust, the Armenian genocide and this century's other countless victims of institutional mass murder by standing by and allowing the Bosnian Moslems to be exterminated as the killing begins anew in the former Yugoslavia. We must act to make the words, "never again," a reality. We must stop history from once again repeating itself. I can think of no better way to commemorate the victims of the Armenian genocide.

Mr. FAZIO of California. Mr. Speaker, as a long-time friend of the Armenian-American community, I am once again proud to join my colleagues in our annual special order commemorating the Armenian genocide of 1915—to take time to honor the victims and survivors of this atrocity and pay our respects to their families.

Persecution of Armenians living in the Ottoman Empire began toward the end of the 19th century and increased through the beginning of the 20th century. On April 24, 1915—the date that symbolizes for Armenians the beginning of the Armenian genocide—over 200 religious, political and intellectual leaders of the Armenian community were arrested, exiled and murdered. Armenian representation in Turkey was eliminated. In a single night, the voice of the Armenian nation in Turkey was silenced.

From that infamous date until 1923, 1.5 million Armenians died from the Ottoman Empire's attempts to eliminate the Armenian people. According to the United States Ambassador to Turkey at that time, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well and in their conversations with me, they made no particular attempt to conceal the fact."

Mr. Speaker, we must remember this deplorable example of man's inhumanity towards his fellow man, so that we can renew both our responsibility and our pledge to prevent the repetition of similar atrocities against any other people anywhere in the world. I thank my colleagues, Mr. PALLONE of New Jersey and Mr. PORTER of Illinois, for calling this special order and focusing our attention on this horrible blight on our history.

Mr. BERMAN. Mr. Speaker, I rise to commemorate the 80th anniversary of the Armenian genocide of 1915 to 1923.

Today, we are marking the anniversary of a terrible time for the Armenian people, a time of tragic oppression and horrific suffering. April 24, 1915, marks the date when many Armenians were uprooted and deported from Turkish Armenia, dying of starvation, disease, and massacres. An estimated one and a half million people died during the period 1915–1923, the victims of the last years of the Ottoman Empire.

In recalling those awful days, we are also commemorating the strength of the Armenian people whose fortitude of character and culture gave them the will to triumph over their tragedy. In our own country, Armenian-Americans have flourished. Their individual accomplishments have contributed greatly to the wealth of our Nation. Their achievements are a moving testimony to the truth that tyranny cannot extinguish the human spirit.

In remembering this tragedy, we are remembering as well other acts of savagery and genocide in human history. Murder and destruction have not been eliminated from this Earth. In Bosnia today evil men and women still seek to exterminate a people and eliminate their culture. We end this century as we began it: with the death of innocents on the altar of tyranny.

By marking this day the Armenian genocide, we, the American people, are renewing our commitment to oppose the persecution of any people.

Mr. Speaker, I ask my colleagues to join with me in remembering the tragedy of the Armenian people and in renewing our commitment to human rights.

Mr. HAMILTON. Mr. Speaker, I want to join my colleagues today in remembrance of the tragedy that overtook the Armenian people in the years 1915–23.

Extensive massacres of Armenians took place in eastern Anatolia during the latter years of the Ottoman Empire. Those events have indelibly and permanently marked the consciousness of many Americans, including Americans of Armenian descent, who commemorate April 24, 1995, as a national day of remembrance of man's inhumanity to man and a special day of remembrance for the Armenian victims of these tragic events in the early years of this century.

April 24 this year marks the 80th anniversary of this calamity. It is appropriate on this

occasion to direct our attention and prayers to the memory of the men, women, and children—most scholars believe more than 1 million—who died in these tragic events.

It is in the interest of all of us and in the interest of mankind that this type of tragedy not occur again. The leading organizations of the Armenian-American community have been seeking to work within our political system for a statement concerning these critical events in their heritage. I feel we should work with them in a constructive fashion and this is why it is important for us to recognize this day of remembrance. No one can deny these events and the centrality of these events in modern Armenian history. I am proud to be associated today with my colleagues in this important day of remembrance.

The Republic of Armenia, a country of 3.3 million people, is developing important ties with the United States. Americans have an interest in the economic development of Armenia, its progress toward a free-market economy, and its development of democratic institutions. We want to work for the earliest possible end to the conflict in Nagorno-Karabakh. We want to work with Armenia and its neighbors to promote peace, stability, and economic progress in the Caucasus region. As a small step in this direction, I welcome Turkey's decision to restore an air corridor to Armenia for humanitarian relief. I hope that the Government of Turkey will take additional steps to reopen a land corridor to Armenia. There is no better way to honor the misdeeds of the past than to rededicate ourselves to a better future, for Armenia and all the people and states of the region.

We should also use this occasion to rededicate ourselves to the cause of human rights. I commend those governments, private organizations, and individuals, including Armenians and the Armenian-American community, who are working toward this end. I hope that their efforts will make the world a safer place, where innocent people no longer suffer the unspeakable crimes of war and terror.

Mr. BILIRAKIS. Mr. Speaker, I rise today with my colleagues Representative JOHN EDWARD PORTER and Representative FRANK PALLONE to commemorate and remember the victims of the Armenian genocide, a sad chapter of world history that remains unrecognized by our Government to this day.

As many of my colleagues have already stated, between the years of 1915 and 1923, a systematic and deliberate campaign of genocide by the Ottoman Turkish Government resulted in the deaths of more than 1½ million Armenians and the exile of a Nation from its historic homeland. One witness noted the ferocity of the attack by stating that the streets ran with blood.

The United States Ambassador to Turkey at the time, Henry Morgenthau, a witness to the genocide, noted that "When the Turkish authorities gave the orders for these deportations, they were giving the death warrant to a whole race; they understood this well, and in their conversations with me, they made no particular attempt to conceal the fact."

Mr. Speaker, I believe that it is long past time for the Congress to officially recognize the fact that such a terrible crime against humanity took place. To do less would be irresponsible and wrong. The United States Archives contain extensive documentation regarding the Ottomon Turkish Government's premeditated attack on the Armenian people between 1915 and 1923.

The Archives also document American interventions to prevent the full realization of Ottoman Turkey's genocidal plan and provide humanitarian assistance to those who survived.

Mr. Speaker, how long will we as a Nation turn our backs on this vicious crime? How long can we let it escape official documentation? It is time that America of today take its rightful place alongside of America of that day, the America of Henry Morgenthau, the America that stood up to the Ottoman depredations and offered what assistance it could.

Surely, this is the least we can do.

Ms. WOOLSEY. Mr. Speaker I rise to join my colleagues today in honoring the memory of the 1.5 million Armenians who perished during the genocide of 1915. This horrible period still haunts us today, and the memory of the men, women, and children who perished remains.

This was the first true genocide of the 20th century. Despite the atrocities which occurred at the hands of the Turkish Empire, despite the documentation, the eyewitness reports, and countless publications which describe these atrocities, some people continue to deny that this crime against humanity actually took place.

Fortunately, there are many Members of Congress who have been willing to rise up and take a stand against this denial. I want to take this opportunity to thank the Members who joined me in initiating a letter to President Clinton, urging him to officially recognize the Armenian genocide: FRANK PALLONE, JOHN PORTER, and MARGE ROUKEMA. Congress can only make its voice heard on this issue if people like us, Democrats and Republicans, east coast and west coast, join forces to push for the recognition of this terrible human tragedy.

I would also like to thank the Armenian National Committee, especially Elizabeth Chouldjian, for her ongoing vigilance and dedication in providing me with useful and timely information on Armenian issues. Without your help, Elizabeth, I would be unable to do this work on behalf of Armenian-Americans in my district and around the country.

Mr. Speaker, if the international community is serious about preventing crimes against humanity, it is essential for us to recognize the atrocities that occurred against the Armenian people at the beginning of this century, by honoring the memory of 1.5 million men, women, and children who perished. I urge my colleagues to join me in recognizing the 80th anniversary of the Armenian genocide.

Mr. LIPINSKI. Mr. Speaker, this year marks the 80th anniversary of a profound tragedy. I am referring to the Armenian genocide of 1915 to 1923, carried out by the Ottoman Empire.

It is not a story that is widely known. There is little mention of it in our history books. It is not taught to our children in school. And it is not commemorated on the kind of scale it deserves. On behalf of the Armenians who live in my community, I take this opportunity to honor the victims of the genocide.

The Armenian genocide was the culmination of a long effort by the Ottoman Turks to destroy the Armenian people. During the decades preceding the First World War, the Ottoman government tried repeatedly to achieve this goal. In 1895 300,000 died. In 1909 another 30,000 died before the Western powers intervened to stop the bloodshed.

Unfortunately, World War I provided the cover they needed. With Europe and the United States preoccupied by war, the Ottoman Turks carried out their massacre without outside attention or interference. The genocide began on April 24, 1915, with a sweep of Armenian leaders. It did not end until 1923 when the entire Armenian population of 2 million had been killed or deported.

It is estimated that 1.5 million Armenians died at the hands of the Ottoman Turks—half of the world's Armenian population at the time. By 1923 the Turks had successfully erased nearly all remnants of the Armenian culture which had existed in their homeland for 3,000 years.

As we look back on this tragedy today, we see the memory of the victims insulted by those who say the genocide did not happen. A well-funded propaganda campaign forces the Armenian community to prove and reprove the facts of the genocide. This is itself a tragedy for a people who would rather devote their energy to commemorating the past and building the future.

I stand here today to say the genocide did happen. Nobody can erase the painful memories of the Armenian community. Nobody can deny the photos and historical references. Nobody can deny that few Armenians live where millions lived over 80 years ago.

It is our responsibility and our duty to keep the memories of the genocide alive. A world that forgets these tragedies is a world that will see them repeated again and again. The story of this and other genocides must be known by all.

We must also honor the victims who perished so brutally. We cannot right the terrible injustice inflicted upon the Armenian community and we can never heal the wounds. But by properly commemorating this tragedy, Armenians will at least know the world has not forgotten the misery of those years. Only then will Armenians begin to receive the justice they deserve.

Mr. RADANOVICH. Mr. Speaker, this evening I want to enter into the CONGRESSIONAL RECORD statements written by two young Armenian students from my district. These letters were written about the Armenian genocide and were selected as award winning essays by the Central California chapter of the Armenian National Committee.

These essays are statements about the suffering the Armenian people incurred at the hands of the Ottoman Turkish government, and about remembering the victims of the genocide. I am honored to represent thousands of Armenians in my district, and equally honored that I can count essay award winners Taleen Kojayan and Denyse Kachadoorian among them.

MANY REASONS TO REMEMBER

(By Taleen Kojayan)

Everyone knows about the Jews and the Holocaust, about the horrible agony they were put through by the Germans. But who knows about what began on the terrible day,

April 24, 1915? To most people this is just an ordinary day from the past. It has no meaning, no significance. But, to every proud Armenian, this date means anguish and grief. It reminds them of the torture their people went through years before. It reminds them of Armenian genocide.

"Armenian genocide? Is that the German thing?" said someone. When the word "genocide" is heard, that's what most people think of. Little do they know that there was another genocide, where two-thirds of a nation was wiped off the face of this Earth. One and one-half million Armenian men, women and children massacred.

Who is responsible for the dreadful butchery of the Armenian people? The answer is clear. There is no doubt that the Turks were the ones who wanted to get rid of the Armenians for good.

This wasn't the first time that the Turks had harmed the Armenians. There is a history of conflict between them. For example in 1896, the Turks managed to kill 300,000 Armenians. There were also other instances during 1894, which is the time they began their campaign to wipe out the Armenians.

Of course it isn't logical that 1.5 million Armenians were killed in one single day. The day April 24 was chosen as the beginning for a special reason. On this day, about 200 Armenian intellectuals were gathered from the Turkish city of Istanbul. They were taken to central Turkey and were never heard from again. People are weaker without their leaders, and the Turks knew that. This marked the start of the Armenian genocide.

The first place they wanted "Armenian-free" was Istanbul. Many Armenians lived there who had power and money. They owned businesses and controlled the markets. The Turks were tired of being outnumbered by Armenians in their own city. So, they walked out in the streets beating a big drum. They said they needed Armenian men between the ages of 16 and 60 to fight in the war for them. That was just an excuse.

Some of the richer Armenians paid a fee, called the Bedel, to try to get their sons out of the fighting. Even though the fee was paid, it was ignored and the men still had to go. Others might have known that there was more to the story than what they were being told.

The Turks could have killed the people right there in Istanbul, so why didn't they? Well, the killing couldn't go on in Istanbul because it was close to Europe. The Turks couldn't run the risk of anyone knowing. So, the people were rounded up, taken to central Turkey and then massacred just like the intellectuals.

So began three years of pain and death for the Armenian people. They were tortured in many ways. Most were sent out into the desert with no food or water. It soon became the grave of many helpless Armenians, including a member of my grandfather's family. Some people were hung, and some were shot. The heads of others who were beheaded were displayed on wooden poles. Some little girls who survived this horrible ordeal were found in other homes.

All of this suffering, and who knows about it? No one knows, and no one cares about what happened to us. Why are the Armenians so unimportant to this world? Yes, the massacre happened, and no, we shouldn't live in the past. But something like this should not and cannot be forgotten. When the extermination of a whole race of people is attempted, everyone should remember so that they will learn from our mistakes.

"After all, who remembers today the extermination of the Armenians?"

*—Adolf Hitler, Aug. 22, 1939.*

We shouldn't forget that the Armenian people made it through. They strived to make sure that the Turks did not succeed. And they accomplished just that, or else I wouldn't be here today. The Armenians survived, and will continue to do so.

"Go ahead, destroy Armenia. See if you can do it. Send them into the desert without bread or water. Burn their homes and churches. Then see if they will not laugh, sing and pray again. For when two of them meet anywhere in the world, see if they will not create a new Armenia."

*—William Saroyan.*

[Taleen Kojayan is a 10th-grade student at Clovis West High School.]

HORRID MEANS OF SUFFERING

*"We will forget our terrible wound and our grief. We will forget, won't we? If we return to our land."*

*—Vahan Tekeyan, 1918.*

(By Denyse Kachadoorian)

Genocide can be defined in five acts: killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the groups, or forcibly transferring children of the group to another group. Unfortunately the Armenians living in 1915 experienced these inconceivable acts, but the survivors struggled and overcame many hardships to rebuild their race.

The "Armenian Experience" started during the late 1800s. Armenians suffered greatly under Turkish rule from discrimination, heavy taxation and armed attacks. From 1894 to 1896, the Turks and Kurds, under Sultan Abdul-Hamid II, carried out a campaign to erase Armenians. Hundreds of thousands were killed.

During World War I, Armenia became a battleground between Turkey and Russia. The Turks feared the Armenians would aid the Russians. As a result, they deported Armenians living in Turkish Armenia into the desert of present-day Syria. Approximately 1 million Armenians died of starvation or lack of water alone. Several others fled to Russian Armenia and in 1918 formed an independent republic.

The Armenians people endured horrendous types of suffering—physical, emotional and tragic moral choices. Hunger plagued the minds of many Armenians in 1915. Some people were reduced to eating grass, similar to cattle grazing.

Several diseases were contracted during this time; typhus, dysentery, malaria and others. Lice was a familiar problem for these Armenians. Children who entered orphanages were deloused before anything else. Armenians were forced to live as wild animals, exposed to desert heat by day and freezing cold or rain at night.

Beyond the physical pain, the genocide victims had to deal with emotional suffering. Practically every survivor can name a family member who was murdered during this period.

Although the massacre occurred almost 80 years ago, it continues to touch the present generations. My paternal grandmother, born in 1911 in Armenia, was a survivor. She vividly described her family situation as homeless and broke. Her father, grandfather and uncle were all captured and presumably murdered. They were forced to abandon their homes and linger around the town for any sign of assistance. Relief arrived soon when an uncle, who lived in the United States, gave them enough money to emigrate to America.

In 1915, the world became aware of the Armenian genocide by newspapers, books, articles, official investigations and eyewitness accounts. Even following these valid accounts, the U.S. government has denied April 24 as a day of national recognition of the Armenian Genocide, The debates of 1985 and 1990 clearly reveal that the world is still withholding a formal declaration of these terrible events. The reason behind the U.S. government's decision for rejecting the day is that Turkey is an important NATO ally and jeopardizing the national security over an issue so insignificant would not be in the best interests of the American public.

As a result, the American government denied the day of remembrance to Armenians. This decision was hard to swallow for Armenian-Americans. They felt that the government to which they held allegiance to, contributed to and fought for had slighted them as a race. Armenians who began a new life in the United States decided to put aside their troubles and past experiences and work hard in their new homeland. Their determination and work ethic enabled them to blossom into reputable citizens of this country.

These survivors have rebuilt a proud race with strong family unity, despite the disappointing fact that they are disregarded as victims of an international atrocity by their government. Nevertheless, Armenians are proud of themselves, their fellow brothers and their history.

[Denyse Kachadoorian is in the 11th grade at Bullard High School.]

Mr. HORN. Mr. speaker, eighty years ago the world watched in horror as one of the most tragic, savage periods in modern history—the destruction of the Armenian culture by the Ottoman Empire in what later became the Republic of Turkey—unfolded. Between 1915 and 1923, over 1.5 million Armenian men, women, and children were systematically murdered by Ottoman leaders. Millions more were driven from lands that they and their ancestors had occupied for centuries. By 1923, the Armenian culture had been almost completely eradicated within the confines of what is now modern-day Turkey. That had once been a thriving Armenian populace of more than 2.5 million human beings in 1915, numbers around 80,000 today.

Racial/ethnic hatred was the reason for this brutal genocide—as it was in the Nazi death camps of Auschwitz and Dachau whose 50th liberation anniversary we are honoring this year. And therein lies one of the most important reasons that the world must never forget this shameful event. As we watch in horror at today's racial and ethnic atrocities in Bosnia and Rwanda, and as we remember the all too recent slaughter of one million Cambodians under the evil rule of Pol Pot, and as we listen in disgust to the racial hatred being preached by Americans of various racial and ethnic backgrounds, we must use this tragic anniversary of the Armenian Genocide to renew our efforts to make sure that any and all genocide atrocities never again occur. This is our memorial to those one and a half million human beings who were lost in the Armenian Genocide.

## GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on the special order just given.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SAXTON (at the request of Mr. ARMEY), for today on account of preparation for Base Realignment and Closure Commission hearing.

Mr. ROGERS (at the request of Mr. ARMEY), for today, on account of illness in the family.

Ms. ROS-LEHTINEN (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. MENENDEZ (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. BAESLER (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

Mr. MORAN (at the request of Mr. GEPHARDT), for today after 2:30 p.m. and tomorrow, 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 Ms. JACKSON-LEE) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. MINETA, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. HAMILTON, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes today.

(The following Members (at the request of Mr. WAMP) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes today.

Mr. DIAZ-BALART, 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 Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. MILLER of California.

Mr. KENNEDY of Massachusetts.

Mr. BERMAN in two instances.

Mr. HAMILTON in three instances.

Mr. OBERSTAR.

Mr. MOAKLEY.

Ms. DELAURO.

Mrs. MALONEY in three instances.

Mrs. LOWEY.

Mr. LEVIN.

Mr. FAZIO of California.

Mr. TOWNS in eight instances.

Mr. MENENDEZ in four instances.

Mr. BEILENSON.

Mr. GEJDENSON.

Mr. COLEMAN.

Mr. LANTOS.

Mr. GEPHARDT.

Mr. NADLER in two instances.

Mr. COSTELLO.

Ms. KAPTUR.

Mr. GONZALEZ.

Mr. BONIOR in two instances.

(The following Members (at the request of Mr. WAMP) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. LARGENT.

Mr. CLINGER.

Mrs. MORELLA.

Mr. DAVIS.

Mr. BAKER of California in three instances.

Mr. FORBES.

Mr. BUNNING.

Mr. WOLF.

Mr. SOLOMON in two instances.

Mr. BURTON of Indiana.

Mr. ZELIFF.

Mr. BOEHLERT.

Mr. COBLE.

Mr. SPENCE.

Mr. MARTINI.

Mr. ZIMMER.

Mr. SMITH of Michigan.

Mr. NEY.

(The following Members (at the request of Mrs. LOWEY) and to include extraneous matter:)

Mr. OWENS.

Mr. PAYNE of New Jersey.

Mr. GILLMOR in five instances.

Mr. GREENWOOD.

Mr. MFUME.

Mrs. JOHNSON of Connecticut.

Mr. THOMAS.

Mr. QUINN in two instances.

Mr. TAUZIN.

Mr. LOFGREN.

Mr. ENGEL.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet region, and for other purposes;

H.R. 517. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archaeological Protection Sites, and for other purposes;

H.R. 1380. An act to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act.

## ADJOURNMENT

Mrs. LOWEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 3, 1995, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

701. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of carrying out Federal marketing agreements and orders; to the Committee on Agriculture.

702. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $142 million to address urgent needs arising from the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, and to designate the amount made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-62); to the Committee on Appropriations and ordered to be printed.

703. A communication from the President of the United States transmitting amendments to the fiscal year 1996 appropriations requests for the Departments of Agriculture, Energy, Health and Human Services, Justice, Labor, and Transportation; the Environmental Protection Agency; the Information Security Oversight Office; the Federal Trade Commission; the Interstate Commerce Commission; and the National Archives and Records Administration, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 104-63); to the Committee on Appropriations and ordered to be printed.

704. A letter from the Comptroller General of the United States, the General Accounting Office, transmitting a review of the President's fourth special impoundment message for fiscal year 1995, pursuant to 2 U.S.C. 685 (H. Doc. No. 104-60); to the Committee on Appropriations and ordered to be printed.

705. A letter from the Mayor, District of Columbia, transmitting the District of Columbia Government's report on Anti-Deficiency Act violations for fiscal year 1994 covering the period October 1, 1993, through September 30, 1994, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

706. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104-61); to the Committee on Appropriations and ordered to be printed.

707. A letter from the Under Secretary of Defense (Comptroller), transmitting a report

of a violation of the Anti-Deficiency Act which occurred in the National Guard Bureau, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

708. A letter from the Under Secretary of Defense (Comptroller), 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.

709. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, the "Military Construction Authorization Act for Fiscal Year 1996", pursuant to 31 U.S.C. 1110; to the Committee on National Security.

710. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report regarding House Resolution 80; to the Committee on Banking and Financial Services.

711. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding House Resolution 80; to the Committee on Banking and Financial Services.

712. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

713. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Turkey, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

714. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Bermuda, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

715. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports the Chile, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

716. A letter from the General Counsel, National Security Agency, transmitting a report regarding House Resolution 80; to the Committee on Banking and Financial Services.

717. A letter from the Assistant Trade Representative for Legislative Affairs, Office of the U.S. Trade Representative, transmitting a report regarding House Resolution 80; to the Committee on Banking and Financial Services.

718. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Israel for defense articles and services (Transmittal No. 95-22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

719. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Israel for defense articles and services (Transmittal No. 95-21), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

720. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning a cooperative project with France (Transmittal No. 05-95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

721. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Rwanda (Transmittal No. 19-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

722. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the United Nations for use in Rwanda (Transmittal No. 20-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

723. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed sale of significant military equipment to Israel (Transmittal No. DTC-15-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

724. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the provision of defense hardware and services to Taiwan (Transmittal No. DTC-16-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

725. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance and manufacturing license agreements for the provision of defense hardware and services to the United Kingdom (Transmittal No. OTC-22-95 and OTC-24-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

726. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

727. A communication from the President of the United States, transmitting the sixth monthly report on the situation in Haiti, pursuant to 50 U.S.C. 1541 note; to the Committee on International Relations.

728. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Donald K. Steinberg, of California, to be Ambassador to the Republic of Angola; by A. Peter Burleigh, of California, to be Ambassador to the Democratic and Socialist Republic of Sri Lanka and to the Republic of Maldives; by David C. Litt, of Florida, to be Ambassador to the United Arab Emirates; by Patrick Nickolas Theros, of the District of Columbia, to be Ambassador to the State of Qatar; and by Larry C. Napper, of Texas, to be Ambassador to the Republic of Latvia, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

729. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

730. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

731. A letter from the Secretary of Defense, transmitting the Cooperative Threat Reduction [CTR] Program plan for fiscal years 1996-2001, pursuant to section 1205 (a), (b) of the National Defense Authorization Act of 1995; to the Committee on International Relations.

732. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of H.R. 831, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Reform and Oversight.

733. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the District of Columbia Board of Education's Personnel Screening Procedures for New Hires," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

734. A letter from the Acting Secretary of Agriculture, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

735. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

736. A letter from the Co-Chairmen, FDR Memorial Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

737. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

738. A letter from the President, Inter-American Foundation, 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.

739. A letter from the Chairman, Interstate Commerce Commission, transmitting the annual report under the Federal Manager's Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

740. A letter from the Chairman, Interstate Commerce Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

741. A letter from the Executive Director, Neighborhood Reinvestment Corporation, 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.

742. A letter from the Senior Counsel, Office of the U.S. Trade Representative, 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.

743. A letter from the Director, Office of Government Ethics, transmitting the annual

report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

744. A letter from the Secretary of Health and Human Services, 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.

745. A letter from the Secretary of Veterans Affairs, 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.

746. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

747. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

748. A letter from the Deputy Assistant Secretary for Water and Science, Department of the Interior, transmitting a draft of proposed legislation to amend the Helium Act to cease operation of the Government helium refinery, authorize facility and crude helium disposal, and cancel the helium debt; and for related purposes; to the Committee on Resources.

749. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to amend chapter 11 of title 35 to provide for early publication of patent applications, to amend chapter 14 of title 35 to provide provisional rights for the period of time between early publications and patent grant and to amend chapter 10 of title 35 to provide a prior art effect for published applications; to the Committee on the Judiciary.

750. A letter from the Deputy Secretary of Defense, transmitting concerning the Reusable Space Launch Technology Program; to the Committee on Science.

751. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1996 and 1997 for the Office of Commercial Space Transportation of the Department of Transportation, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Science.

752. A letter from the Acting Director, Office of Thrift Supervision, transmitting the Office's 1995 annual consumer report to Congress, pursuant to Public Law 101–73, section 301 (103 Stat. 279); jointly, to the Committees on Banking and Financial Services and Commerce.

753. A letter from the Assistant Secretary (Civil Rights), Office for Civil Rights, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413(b)(1); jointly, to the Committees on Economic and Educational Opportunities and the Judiciary.

754. A letter from the Secretary of Energy, transmitting the Department's second annual report on building energy efficiency standards activities, pursuant to 42 U.S.C. 6831–6837; jointly, to the Committees on Commerce and Transportation and Infrastructure.

755. A letter from the Secretary, Department of Commerce, transmitting the Department's report regarding bluefin tuna for 1993–1994, pursuant to 16 U.S.C. 9711; jointly, to the Committees on International Relations and Resources.

756. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title 49, United States Code (Transportation), to simplify and improve the organization of the Department of Transportation, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and Science.

757. A letter from the Chairman, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and related statutes to ease administration of the railroad retirement and railroad unemployment insurance programs and for other purposes; jointly, to the Committees on Ways and Means and Transportation and Infrastructure. May 2, 1995.

758. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on National Security, Ways and Means, International Relations, and Government Reform and Oversight.

759. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, fiscal year 1994, pursuant to 22 U.S.C. 3871; jointly, to the Committees on International Relations, the Judiciary, and Government Reform and Oversight.

## 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. HYDE:

H.R. 1528. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled United States versus Western Electric, Civil Action No. 82–0192, U.S. District Court for the District of Columbia, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself and Mr. ORTIZ) (both by request):

H.R. 1529. A bill to authorize certain construction at military installations for fiscal year 1996, and for other purposes; to the Committee on National Security.

By Mr. SPENCE (for himself and Mr. DELLUMS) (both by request):

H.R. 1530. A bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes; to the Committee on National Security.

By Mr. BILIRAKIS:

H.R. 1531. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the value of the service not performed for the employer while the employee is performing service as such a member; to the Committee on Ways and Means.

H.R. 1532. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to any employer who employs a member of the Ready Reserve or of the National Guard for a portion of the compensation paid by the employer while the employee is performing service as such a member; to the Committee on Ways and Means.

By Mr. BRYANT of Tennessee (for himself, Mr. MCCOLLUM, Mr. SMITH of Texas, Mr. SCHIFF, Mr. HEINEMAN, Mr. EMERSON, Mr. WICKER, Mr. INGLIS of South Carolina, Mr. CANADY, Mr. LARGENT, Mr. BARR, and Mrs. CHENOWETH):

H.R. 1533. A bill to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.R. 1534. A bill to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs, to authorize medical construction projects for that Department for fiscal year 1996, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GIBBONS (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. FORD, Mr. MATSUI, Mrs. KENNELLY, Mr. COYNE, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. PAYNE of Virginia, Mr. NEAL of Massachusetts, and Mr. FROST):

H.R. 1535. A bill to amend the Internal Revenue Code of 1986 to revise the tax rules on expatriation, to modify the basis rules for nonresident aliens becoming citizens or residents, and for other purposes; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 1536. A bill to amend title 38, United States Code, to extend for 2 years an expiring authority of the Secretary of Veterans Affairs with respect to determination of locality salaries for certain nurse anesthetist positions in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. JACOBS:

H.R. 1537. A bill to amend the Truth in Lending Act to provide that, for purposes of any grace period offered by a creditor, the date on a postmark shall establish the date on which payment was made unless the consumer establishes that payment was made on an earlier date; to the Committee on Banking and Financial Services.

By Mr. JOHNSON of South Dakota:

H.R. 1538. A bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers, and for other purposes; to the Committee on Resources.

By Mr. KENNEDY of Massachusetts (for himself, Mr. FROST, Mr. DELLUMS, Mr. MOAKLEY, Mr. KENNEDY of Rhode Island, Mr. BEILENSON, Mr. FATTAH, Mr. SABO, Mr. LIPINSKI, Mr. SKAGGS, Mr. GEJDENSON, and Mr. SERRANO):

H.R. 1539. A bill to amend title 23, United States Code, to provide a minimum level of funding for bicycle transportation facilities and pedestrian walkways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HALL of Ohio (for himself and Mr. SMITH of New Jersey):

H.R. 1540. A bill to amend title 18, United States Code, with respect to the dissemination of indecent material on cable television; to the Committee on the Judiciary.

By Mr. KING:

H.R. 1541. A bill to impose economic sanctions against persons who trade with Iran; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI:

H.R. 1542. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, and for other purposes; to the Committee on Resources.

H.R. 1543. A bill to amend the Harmonized Tariff Schedule of the United States to restore the duty rate that prevailed under the tariff schedules of the United States for certain twine, cordage, ropes, and cables; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 1544. A bill to prohibit the formation of private paramilitary organizations; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 1545. A bill to provide for the certification by the Federal Aviation Administration of airports serving commuter air carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHUMER (for himself, Mr. RANGEL, Mrs. MALONEY, Mr. NADLER, Ms. VELAZQUEZ, Mr. MANTON, Mr. ENGEL, Mrs. LOWEY, and Mr. TORRICELLI):

H.R. 1546. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of cooperative housing corporations; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, Mr. BROWN of California, Mr. ACKERMAN, Mr. JACOBS, Mr. WILSON, Mr. SHAYS, Mr. GEJDENSON, Mr. MANTON, Mr. DEUTSCH, Mr. VENTO, Mr. DELLUMS, Mr. LIPINSKI, Mr. EVANS, Mrs. LOWEY, Mr. FARR, Mr. LEWIS of Georgia, Mr. KLECZKA, and Mr. FRELINGHYSEN):

H.R. 1547. A bill to amend the Animal Welfare Act to strengthen the annual reporting requirements of research facilities conducting animal experimentation or testing and to improve the accountability of animal experimentation programs of the Department of Defense; to the Committee on Agriculture, and in addition to the Committee on National Security, 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. WICKER:

H.R. 1548. A bill to provide for an interpretive center at the Civil War battlefield of Corinth, MS, and for other purposes; to the Committee on Resources.

By Mr. JACOBS:

H.J. Res. 86. Joint resolution proposing an amendment to the Constitution of the United States providing for direct popular elections of the President and the Vice President, establishing a day for elections for the offices of the President, the Vice President, Senator, and Representative, and providing for primaries to nominate candidates for the offices 1 month before the elections; to the Committee on the Judiciary.

By Mr. NADLER:

H. Res. 137. Resolution to express the sense of the House of Representatives condemning the use of violence and terror to influence the actions of the Government of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Michigan (for himself, Mr. BROWNBACK, Mr. HOEKSTRA, Mr. FRANKS of New Jersey, Mr. BUNNING of Kentucky, Mrs. MYRICK, Mr. BASS, Mr. WICKER, Mr. HOKE, Mr. POMBO, and Mr. SCARBOROUGH):

H. Res. 138. Resolution repealing rule XLIX of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COBLE:

H.R. 1549. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Ways and Means.

By Mr. HILLEARY:

H.R. 1550. 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 *Carolyn*; 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. 65: Mrs. FOWLER, Mr. CALVERT, and Mr. NEY.

H.R. 70: Mr. FROST.

H.R. 98: Mr. KING, Mr. MILLER of Florida, and Mr. FRANKS of Connecticut.

H.R. 99: Ms. ESHOO, Mrs. MORELLA, Mr. ENGEL, Mr. UNDERWOOD, Mr. FOGLIETTA, Mr. FIELDS of Texas, Mr. BORSKI, Ms. DELAURO, and Mr. KING.

H.R. 103: Mr. YOUNG of Alaska, Mr. ROSE, Mr. TAYLOR of North Carolina, Mr. GALLEGLY, Mr. WATTS of Oklahoma, and Ms. NORTON.

H.R. 127: Mr. MILLER of California, Mr. SCOTT, Mr. SOLOMON, Mr. MORAN, Mr. HEINEMAN, Mr. HINCHEY, Mr. FOX, Mr. ORTON, Mr. KIM, Mr. NEY, Mrs. MALONEY, and Mr. EHLERS.

H.R. 263: Mr. FRANK of Massachusetts.

H.R. 264: Mr. FRANK of Massachusetts.

H.R. 303: Mr. CALVERT.

H.R. 353: Ms. WOOLSEY.

H.R. 357: Mr. HOLDEN and Mr. TORRICELLI.

H.R. 371: Mr. ROSE.

H.R. 375: Mrs. MEYERS of Kansas.

H.R. 390: Mr. COX, Mr. SHADEGG, Mr. GALLEGLY, and Ms. RIVERS.

H.R. 396: Mrs. MORELLA.

H.R. 427: Mr. SOLOMON and Mr. BONILLA.

H.R. 468: Mr. JOHNSON of South Dakota and Mr. UNDERWOOD.

H.R. 469: Mr. JOHNSON of South Dakota.

H.R. 497: Mr. SAXTON, Mrs. CHENOWETH, Mr. MANZULLO, and Mr. GOODLATTE.

H.R. 512: Mr. MINETA.

H.R. 549: Mr. CALVERT.

H.R. 559: Mr. STUPAK.

H.R. 580: Mr. HUTCHINSON, Mrs. MEYERS of Kansas, Mr. BURTON of Indiana, Mr. ENGEL, Mr. WYNN, Mr. CLYBURN, Mr. LINDER, Mr. BONILLA, Mr. COOLEY, Mr. FOX, Mr. HYDE, Mr. GOODLATTE, Mr. SPENCE, Mr. SMITH of New Jersey, Mr. HANSEN, Ms. WOOLSEY, Mr. PAXON, Mr. GREENWOOD, Mr. ZIMMER, Mr. CHAMBLISS, Mr. OBERSTAR, and Mr. CHRISTENSEN.

H.R. 598: Mr. BARTON of Texas, Mr. HAYES, Mr. SCHAEFER, Mr. BENTSEN, Mr. MONTGOMERY, Mr. MCHALE, Mr. PALLONE, Mr. RAMSTAD, Mr. LINDER, Mr. SPRATT, Mr. PORTMAN, Mr. LAUGHLIN, Mr. BALLENGER, Mr. THOMPSON, Mr. YOUNG of Alaska, Mr. DICKS, Mr. STENHOLM, Mr. TEJEDA, Mr. BAKER of Louisiana, Mr. DEUTSCH, Mr. COOLEY, Mr. EHLERS, Mr. COLLINS of Georgia, Mr. MCHUGH, Mr. OXLEY, Mr. LATHAM, Mr. WATTS of Oklahoma, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, Mr. HALL of Texas, Mr. HINCHEY, Mrs. CHENOWETH, Mr. CRAMER, Mrs. SMITH of Washington, Mr. DEFAZIO, Mr. SMITH of New Jersey, and Mr. CAMP.

H.R. 661: Mr. FROST and Mr. BARTLETT of Maryland.

H.R. 704: Mr. DAVIS, Mr. GUTIERREZ, Mr. BRYANT of Texas, and Mr. SENSENBRENNER.

H.R. 733: Mr. INGLIS of South Carolina.

H.R. 734: Mr. INGLIS of South Carolina.

H.R. 757: Mr. FRANK of Massachusetts and Mr. FOGLIETTA.

H.R. 782: Mr. CALVERT, Mr. HILLIARD, Mr. FROST, and Mrs. CLAYTON.

H.R. 783: Mr. JOHNSON of South Dakota, Mr. MONTGOMERY, Mr. DUNCAN, Mr. BACHUS, Mr. ROGERS, Mr. PICKETT, Mrs. FOWLER, Mr. EWING, Mr. LARGENT, and Mr. GOODLATTE.

H.R. 789: Mr. NETHERCUTT, Mr. JACOBS, Mr. RIGGS, and Mr. OBERSTAR.

H.R. 790: Mr. GALLEGLY, Mr. SISISKY, Mr. FOLEY, Mr. STUPAK, and Mr. UNDERWOOD.

H.R. 803: Mr. MOAKLEY, Mr. BENTSEN, Ms. DELAURO, Mr. MILLER of California, Mr. WAXMAN, Mr. GALLEGLY, Mr. BERMAN, Mr. STUDDS, Mr. DEUTSCH, and Mr. DIAZ-BALART.

H.R. 835: Mr. BOUCHER, Mr. COLEMAN, Mr. NADLER, Mr. ENGEL, Mr. DELLUMS, Mr. LEWIS of Georgia, Mr. WILLIAMS, Ms. LOFGREN, Mr. ROMERO-BARCELÓ, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. SERRANO.

H.R. 842: Mr. TIAHRT, Mr. FARR, Ms. NORTON, Mr. DIAZ-BALART, Mr. SCHAEFER, Mr. HASTERT, Mr. MCCOLLUM, Mr. PETERSON of Minnesota, Mr. FORD, Mr. HANCOCK, Mr. TANNER, Mr. FRAZER, MR. HEFLEY, Mr. MOORHEAD, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. KILDEE, Mr. FIELDS of Texas, Mr. DELLUMS, Mr. NORWOOD, Mr. THOMPSON, Mr. BROWN of California, Mr. JONES, Ms. ROYBAL-ALLARD, Mr. FAWELL, Mr. SPENCE, Mr. BENTSEN, Mr. LEWIS of Georgia, Mr. GOODLING, Mr. HANSEN, Mr. MARKEY, Mr. ROTH, and Mr. COMBEST.

H.R. 850: Mr. PETRI.

H.R. 882: Mr. FRANKS of New Jersey, Mrs. LOWEY, Mr. DOYLE, Mr. SERRANO, Mr. JOHNSTON of Florida, Mrs. VUCANOVICH, Ms. DELAURO, Ms. PRYCE, Mr. OLVER, Mr. SMITH of New Jersey, and Mrs. KENNELLY.

H.R. 895: Mr. MANTON.

H.R. 896: Mr. JOHNSON of South Dakota, Ms. ESHOO, and Mrs. MEYERS of Kansas.

H.R. 899: Mr. JOHNSON of South Dakota, Mr. TANNER, Mr. DEFAZIO, Mr. ROGERS, Mr. COX, Mr. MCINNIS, Mr. BALLENGER, and Mr. HERGER.

H.R. 910: Mr. LANTOS.

H.R. 930: Mr. RICHARDSON and Mr. COX.

H.R. 957: Mrs. THURMAN, Mr. Myers of Indiana, and Mr. CRAPO.

H.R. 958: Mr. MINETA, Mr. DINGELL, Mr. OBERSTAR, Mr. KING, Ms. Norton, Ms. DANNER, Mr. UNDERWOOD, and Ms. RIVERS.

H.R. 990: Mrs. LOWEY and Mr. SERRANO.

H.R. 1002: Ms. SLAUGHTER, Mr. SMITH of New Jersey, and Mr. CAMP.

H.R. 1003: Mr. UNDERWOOD, Mr. HOUGHTON, Mr. ENGEL, Mr. FROST, Mr. ENGLISH of Pennsylvania, and Mr. BARTLETT of Maryland.

H.R. 1010: Mr. ROMERO-BARCELÓ, Mr. PETE GEREN of Texas, Mr. TRAFICANT, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, Mr. CLYBURN, Mr. CRAMER, Mr. FOGLIETTA, and Mr. BENTSEN.

H.R. 1021: Mr. BENTSEN.

H.R. 1023: Mr. BENTSEN.

H.R. 1027: Mr. KLINK.

H.R. 1037: Mr. HOUGHTON.

H.R. 1061: Mr. GIBBONS, Mr. NEAL of Massachusetts, and Mr. CRAPO.

H.R. 1066: Mr. BAKER of California and Mr. SOLOMON.

H.R. 1078: Ms. SLAUGHTER, Mr. CANADY, Mr. PASTOR, and Mr. MINETA.

H.R. 1085: Mr. BOEHLERT.

H.R. 1090: Mrs. MEEK of Florida.

H.R. 1097: Mr. SMITH of New Jersey, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mrs. MYRICK, Mr. FOX, Mr. LINDER, Mr. FUNDERBURK, and Mr. SOLOMON.

H.R. 1104: Mr. GRAHAM, Mr. COOLEY, Mr. PETRI, and Mr. PAXON.

H.R. 1114: Mr. BLUTE, Mr. HANSEN, Mr. CRAPO, Mr. HASTERT, Mr. RADANOVICH, Mr. CREMEANS, Mr. MONTGOMERY, and Mr. BROWNBACK.

H.R. 1147: Mr. CARDIN, Mr. MEEHAN, and Mr. WAXMAN.

H.R. 1150: Mrs. MEYERS of Kansas.

H.R. 1153: Mrs. MEYERS of Kansas.

H.R. 1154: Ms. FURSE and Mr. NADLER.

H.R. 1170: Mr. DELAY.

H.R. 1172: Mr. GENE GREEN of Texas, Mr. MARTINEZ, Mr. LIPINSKI, Mr. PACKARD, Mr. FAWELL, Mr. LATOURETTE, Ms. PRYCE, Mr. TALENT, Mr. SHAYS, Mr. ZIMMER, and Mr. OLVER.

H.R. 1189: Mrs. MEEK of Florida, Mr. FRANK of Massachusetts, Mr. SAXTON, and Mr. GUTIERREZ.

H.R. 1194: Mr. FOGLIETTA.

H.R. 1195: Mr. SOLOMON.

H.R. 1202: Mr. INGLIS of South Carolina, Mr. STUDDS, Mr. BORSKI, and Mr. SERRANO.

H.R. 1203: Mr. SKEEN.

H.R. 1229: Mrs. CLAYTON.

H.R. 1232: Mrs. CUBIN and Mr. CALVERT.

H.R. 1235: Mrs. KELLY, Mr. STARK, and Mr. DORNAN.

H.R. 1242: Mr. PAXON, Mr. BEVILL, Mr. JOHNSON of South Dakota, Mr. KING, Mr. TIAHRT, Mr. EHRLICH, Mr. EMERSON, and Mr. MCINTOSH.

H.R. 1244: Mr. YATES.

H.R. 1256: Mr. ENGEL and Ms. SLAUGHTER.

H.R. 1278: Mr. CLAY, Ms. MCKINNEY, Mr. YATES, Ms. NORTON, Ms. RIVERS, Mr. MARTINEZ, and Mr. WILLIAMS.

H.R. 1318: Mr. CRANE.

H.R. 1352: Mr. COMBEST, Mr. JOHNSON of South Dakota, Mr. GUNDERSON, Mr. MCHALE, Mr. GEKAS, Mr. PASTOR, Mr. HUTCHINSON, Mr. HOLDEN, Mr. CRAPO, Mr. CALVERT, Mr. HOEKSTRA, Mr. MCHUGH, and Mr. GALLEGLY.

H.R. 1360: Mrs. LOWEY and Mr. BONIOR.

H.R. 1363: Mr. LOBIONDO and Mrs. MEYERS of Kansas.

H.R. 1384: Mr. KLECZKA.

H.R. 1386: Mrs. JOHNSON of Connecticut, Mr. CALVERT, Mr. OXLEY, Mr. SAXTON, Mr. EMERSON, Mr. BEVILL, Mr. MEEHAN, Mr. HUTCHINSON, Mr. ENGLISH of Pennsylvania, Mr. TIAHRT, Mr. ZIMMER, and Mr. WALSH.

H.R. 1402: Ms. PELOSI, Mr. FOGLIETTA, Mr. OWENS, and Mr. PAYNE of New Jersey.

H.R. 1418: Mr. JACOBS and Mr. ENGLISH of Pennsylvania.

H.R. 1425: Ms. ROS-LEHTINEN, Mr. DREIER, and Mr. FORBES.

H.R. 1454: Mr. JACOBS, Mr. JOHNSTON of Florida, Mr. FILNER, Mr. SMITH of New Jersey, and Mr. SENSENBRENNER.

H.R. 1455: Mr. MILLER of California, Mr. SERRANO, and Mr. MEEHAN.

H.R. 1456: Mr. CARDIN, Mr. LEWIS of Georgia, and Mr. TOWNS.

H.R. 1457: Mr. CARDIN, Mr. LEWIS of Georgia, and Mr. MCDERMOTT.

H.R. 1460: Mr. KIM.

H.R. 1500: Mr. COLEMAN, Mr. COYNE, Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mr. OLVER, Mr. PORTER, and Mr. ZIMMER.

H.R. 1514: Mr. HAMILTON, Mr. MONTGOMERY, Mrs. FOWLER, Mrs. MEEK of Florida, Ms. KAPTUR, Mr. DUNCAN, Mr. BRYANT of Tennessee, Mr. MYERS of Indiana, Mr. FOLEY, Mr. GILMAN, Mr. CUNNINGHAM, Mr. HOEKSTRA, Mr. ROGERS, Mrs. LINCOLN, Mr. SOLOMON, Ms. DANNER, Mr. HEFNER, Mr. JOHNSON of South Dakota, Mr. BRYANT of Texas, Mr. BURR, Mr. LARGENT, Mr. GORDON, Mr. LIPINSKI, and Mr. MARTINEZ.

H. Con. Res. 23: Mr. GRAHAM.

H. Con. Res. 42: Mrs. LOWEY, Mr. OLVER, Mr. FAZIO of California, Mr. SCHUMER, Mr. DEUTSCH, Mr. LIPINSKI, Mr. MCNULTY, and Mr. PICKETT.

H. Con. Res. 47: Mr. BEILENSON, Mr. BERMAN, Mr. BROWN of California, Mr. CARDIN, Mr. COSTELLO, Mr. COX, Mr. DINGELL, Mr. DOOLEY, Mr. ENGEL, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Mrs. LOWEY, Mr. LIPINSKI, Mrs. MALONEY, Mr. MANTON, Mr. MARTINI, Mr. MATSUI, Mr. MCNULTY, Mr. MEEHAN, Mrs. MORELLA, Mr. NADLER, Ms. PELOSI, Mr. RUSH, Mr. SCHUMER, Mr. SERRANO, Mr. STUDDS, Mr. TORKILDSEN, Mr. TORRICELLI, Mr. VISCLOSKY, Ms. WOOLSEY, Mr. WYDEN, and Mr. ZIMMER.

H. Con. Res. 50: Mr. PORTER, Mrs. LOWEY, Mr. COYNE, Mr. LIPINSKI, Mr. MCNULTY, and Mr. TRAFICANT.

H. Con. Res. 53: Mrs. LOWEY and Ms. BROWN of Florida.

H. Con. Res. 54: Mr. MCNULTY.

H. Con. Res. 63: Mrs. MEEK of Florida, Mr. ANDREWS, Mr. UNDERWOOD, Mr. MINGE, Mrs. LINCOLN, Mr. BAESLER, and Mr. LEWIS of California.

H. Res. 30: Mr. DIXON, Mr. PAXON, Mr. BALDACCI, Mr. HOLDEN, Mr. HOUGHTON, Mr. PAYNE of New Jersey, Mrs. THURMAN, Mr. WOLF, Mr. BONILLA, Mr. DICKEY, Mr. SCARBOROUGH, Mr. MONTGOMERY, Ms. SLAUGHTER, and Mr. SKEEN.

H. Res. 45: Mr. SERRANO.

H. Res. 122: Mr. BRYANT of Texas, Mrs. CLAYTON, Mr. CLEMENT, Mr. HINCHEY, Mr. JOHNSON of South Dakota, Mr. KLUG, Mr. LAFALCE, Mr. STUPAK, and Mr. WAXMAN.

H. Res. 135: Mr. FRANKS of Connecticut, Mr. ABERCROMBIE, Mr. FORBES, Mrs. MEYERS of Kansas, Mr. SPENCE, Mr. REYNOLDS, Mr. COBLE, Mrs. MEEK of Florida, Mr. LAZIO of New York, Mr. FRELINGHUYSEN, Mr. FUNDERBURK, Mr. MICA, Mr. MEEHAN, Mr. DOOLITTLE, Mr. LEWIS of Kentucky, Mr. ANDREWS, Mr. EHRLICH, Mr. INGLIS of South Carolina, Mr. SOLOMON, Mr. BEVILL, Mr. HAYES, Mr. JOHNSTON of Florida, Mr. BARRETT of Nebraska, Mr. HERGER, Mr. WOLF, Mr. SAXTON, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. KNOLLENBERG, Mr. MCCOLLUM, Mr. BOEHLERT, Mr. WHITE, Mr. ROYCE, Mr. CALLAHAN, Mr. MARTINI, Mr. FOLEY, Mr. MCKEON, Mr. COMBEST, Mr. QUILLEN, Mr. FATTAH, Mr. DUNCAN, Mr. POSHARD, Mr. LIVINGSTON, Ms. PRYCE, Mr. THORNBERRY, Ms. DELAURO, Mr. GALLEGLY, Mr. BARR, Mr. DOOLEY, Mr. RAHALL, Ms. NORTON, Mr. ZELIFF, Mr. BEREUTER, Mr. CHRISTENSEN, Mr. MCINNIS, Mr. DE LA GARZA, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. PICKETT, Mrs. SEASTRAND, Mr. RADANOVICH, Mr. ZIMMER, and Mr. MANTON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 97: Mr. ENGLISH of Pennsylvania.

H.R. 370: Mr. ENGLISH of Pennsylvania.

# SENATE—*Tuesday, May 2, 1995*

*(Legislative day of Monday, May 1, 1995)*

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

The PRESIDENT pro tempore. The Chaplain will now deliver the morning prayer.

PRAYER

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

Let us pray:

Almighty God, Creator, Sustainer, and Lord of all, You who have brought light out of darkness and have created us to know You, we praise You for Your guidance. As we begin the work of this Senate today, we acknowledge again our total dependence on You. Revelation of Your truth comes in relationship with You; Your inspiration is given when we are illuminated with Your spirit. Therefore, we prepare for the decisive decisions of this day by opening our minds to the inflow of Your spirit. We confess that we need Your divine intelligence to invade our thinking brains and flood us with Your light in the dimness of our limited understanding.

Gracious Lord, You know what is ahead today for the women and men of this Senate. Crucial issues confront them. Votes will be cast and aspects of the future of our Nation will be shaped by what is decided. And so, we say with the Psalmist, "Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day."—Psalm 25: 4–5. "I delight to do Your will, O my God, and Your law is within my heart."—Psalm 40:8.

We praise You Lord, that when this day comes to an end we will have the deep inner peace of knowing that You heard and answered this prayer for guidance. In the name of Him who is Truth. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. SANTORUM. Mr. President, this morning, the leader time has been reserved, and the Senate will immediately resume consideration of H.R. 956, the product liability bill.

Under the order, there will be 60 minutes of debate equally divided between the two managers, or their designees. At the conclusion of debate, at 11 o'clock, the Senate will begin a series of rollcall votes on, or in relation to, the pending second-degree amendments to the McConnell amendment.

The Senate will recess between the hours of 12:30 p.m. and 2:15 p.m. today for the weekly policy luncheons to meet.

Senators should be aware that further rollcall votes can be expected throughout today's session.

## COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 956, the product liability bill, which the clerk will report.

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.

The Senate resumed consideration of the bill.

Pending:

(1) Gorton amendment No. 596, in the nature of a substitute.

(2) McConnell amendment No. 603 (to amendment No. 596) to reform the health care liability system and improve health care quality through the establishment of quality assurance programs.

(3) Thomas amendment No. 604 (to amendment No. 603) to provide for the consideration of health care liability claims relating to certain obstetric services.

(4) Wellstone amendment No. 605 (to amendment No. 603) to revise provisions regarding reports on medical malpractice data and access to certain information.

(5) Snowe amendment No. 608 (to amendment No. 603) to limit the amount of punitive damages that may be awarded in a health care liability action.

(6) Kyl amendment No. 609 (to amendment No. 603) to provide for full compensation for noneconomic losses in civil actions.

(7) Kyl amendment No. 611 (to amendment No. 603) to place a limitation of $500,000 on noneconomic damages that are awarded to compensate a claimant for pain, suffering, emotional distress, and other related injuries.

(8) DeWine amendment No. 612 (to amendment No. 603) to clarify that the provisions of this title do not apply to action involving sexual abuse.

(9) Hatch amendment No. 613 (to amendment No. 603) to permit the Attorney General to award grants for establishing or maintaining alternative dispute resolution mechanisms.

(10) Simon/Wellstone amendment No. 614 (to amendment No. 603) to clarify the preemption of State laws.

(11) Kennedy amendment No. 607 (to amendment No. 603) in the nature of a substitute.

(12) Kennedy amendment No. 615 (to amendment No. 603) to clarify the preemption of State laws.

(13) DeWine (for Dodd) amendment No. 616 (to amendment No. 603) to provide for uniform standards for the awarding of punitive damages.

Mr. GORTON. Mr. President, we are now under a time agreement of 1 hour for the final debate on all of the second-degree amendments to the McConnell amendment on medical malpractice.

Seeing no Senator prepared to debate, I suggest the absence of a quorum and ask unanimous consent that it be charged equally against both sides.

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

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. I thank the Chair.

Mr. President, as a chief advocate and sponsor and manager of the product liability reform bill, which, as far as I know, is still being debated on the floor, I want to comment on the situation on the floor as I see it now.

From just about every corner of the Senate floor, an amendment of some kind dealing with malpractice—not product liability, but malpractice—has been offered. So much so, in fact, that we now have 12 amendments on malpractice in the pipeline. I am hoping that the Senate will not have to vote on 12 amendments, and I hope indeed some of them can be worked out, dropped, or whatever.

As I also said on Thursday when I last spoke, I share my colleagues' interest in malpractice reform. In fact, I daresay that I more than share my colleagues' interest on this subject. To me, it is part of the problem with our health care system. It is intimately related to cost and psychology and whether doctors' kids or anyone's children want to go into medicine or not. And malpractice reform is something I want very much to do. But I do not want to do it at the risk of killing product liability reform. It is as simple as that.

I think if we were to adopt malpractice reform in conflict, not only would it fail, but so would product liability. So in the interest of bringing malpractice reform into the discussion, everything would lose. We can win

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

product liability on a clean bill, which Senator GORTON and I want. But we cannot win product liability if there are substantial or unsubstantial amendments attached to it, and malpractice reform is a very substantial amendment. We cannot win both.

As I said, I think at some point Senators have to choose: Do they want product liability reform? Do they want medical malpractice reform? Do they want nothing? Of course, there are many who want nothing.

I just do not see 12 amendments on medical malpractice to a product liability reform bill as the way to produce actual results, results which will be signed into law. It may make a lot of people feel good to offer their own iterations on medical malpractice to this bill. We have had some terrific speeches.

As somebody trying to enact something called a product liability bill for the last 9 years, it just does not make me feel very confident that this is the route to actually enacting either product liability reform or medical malpractice reform.

I repeat, I hope my colleagues understand this: If malpractice reform were to pass, and I do not think it will, if it were to pass and become part of the product liability bill, the product liability bill would lose. It is 100 percent guaranteed it would lose. So we would lose malpractice and we would lose product liability.

I do not understand that. I do not understand that. I think malpractice reform ought to be pursued just the way a bipartisan team of Senators have tried to enact this product liability reform bill. It ought to be done in the same manner—separately. That is, by getting a bill reported out of committee, onto the Senate Calendar, having the majority leader call it up, debating it on its own terms and with the time needed to work out any differences and issues that can be resolved here in the Senate.

Trying to enact malpractice reform by amending a product liability reform bill with enough issues of its own, for Heaven's sakes, just does not make sense to me. Maybe I will be proven wrong. I think the chances of that are almost zero percent. Maybe some kind of consensus will emerge around here on what form of malpractice reform should be attached to the product liability reform bill and we will suddenly have about 70 votes for a bill with both.

That was the original conversation, because of the surge of that nature in the House. People said malpractice will help products. That is what Jim Todd with the American Medical Association said to me and Dick Davidson of the American Hospital Association, and Tom Scully of the Federation of American Health Systems. They all said that to me; it will help.

All of the product liability alliance folks who surged in the House make the same assumption about the Senate. We are just very different. We are a very different body. It will not work here. This talk about getting 70 votes for a bill with both—I am highly skeptical.

As somebody who has worked very hard, as have Senator GORTON and many others here, on trying to enact product liability reform, I want to send a very clear signal to the Senators and to the citizens who also want to see a law enacted to achieve this result, this is no time for loading up this bill—neither now with these malpractice amendments nor after they have been disposed of. After they have been disposed of, there will be a chance for more amendments. Then there will also be not the time to load up the bill.

This is no time for amendment proliferation. This is no time to use this bill to make speeches on other issues to try to satisfy other interests, to try to feel good about writing amendments on other priorities, like malpractice reform.

This is the time to focus on the job at hand, and it is called product liability. We have a large, good group of Senators on both sides of the aisle who are prepared to vote for product liability reform, one of the most contentious issues that we face in any year in which we take this subject up, which is every other year. Up until this time we have lost every single year. We have lost nefariously, we have lost flat out, we have just sort of lost, but we have lost. It has always been close.

The majority of the Senate has always wanted product liability, but we have just fallen short, for one reason or another, of cloture. This year we can get it. This year we can do cloture and we can get a product liability bill which, in turn, will put the opposition in substantial disarray, and then we can move on to other aspects like malpractice reform, securities, that kind of thing, all of which I strongly favor, particularly malpractice.

So, again, this is the time to focus on the job at hand. I think that malpractice reform, in fact, is such a serious subject that it deserves far more attention than it has gotten. It deserves far more debate than it has gotten.

I am not convinced that there are 10 percent of the Senators who will vote on these amendments who understand what malpractice reform is all about. I do not mean that to insult any of my colleagues, but just as I think product liability reform is extremely complicated—particularly for nonlawyers such as myself—malpractice becomes more so because we are dealing with humans in a different way. It is a hard subject that deserves a very serious effort, but not on this bill.

Again, and in concluding, I am more than anxious to take up a bill on malpractice reform. I understand the urgency and the voices of the doctors and the health care institutions in my State of West Virginia and elsewhere. It is not right that it has to take so long to do something about problems with malpractice. It is the No. 1 subject on the minds of physicians, the No. 1 subject on the minds of hospitals. They desperately want it.

It also is not right to pretend that we can act on malpractice reform when trying to enact a serious piece of legislation on a different issue, which is called product liability.

My hope is that we simply will concentrate on product liability, that we will try to keep away amendments, that we will drive this thing through to a conclusion and get one excellent piece of work done.

I thank the Chair. I yield the floor. Mr. President, I suggest the absence of a quorum and ask the time be divided equally between the opponents and the proponents.

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

The legislative clerk proceeded to call the roll.

Mr. GORTON. 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. GORTON. Mr. President, I yield 6 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, we spent, now, 2 full days debating this underlying medical malpractice amendment and numerous second-degree amendments. I am privileged to be a cosponsor of the underlying first-degree amendment with the Senator from Kentucky, [Mr. MCCONNELL] and the Senator from Kansas [Mrs. KASSEBAUM]. I would like to take a few moments here to put this debate and the amendment in perspective.

Surprisingly, to my knowledge this is the first time the full Senate has engaged in a real debate on medical malpractice reform, even though this issue has been the subject of countless debates in State legislatures throughout America going back to the 1970's, when I was part of the State Legislature of Connecticut. I am pleased the issue and the problem has finally come to this point, and I want to express my admiration to my colleagues on both sides of this issue for the thoughtful remarks they have made over the last days.

We have heard a variety of views expressed, of course, but I am pleased to note there is broad agreement that our present system for compensating patients who have been injured by medical malpractice is ineffective, inefficient, and in many respects unfair The

system promotes the overuse of medical tests and procedures and simply diverts too much money away from victims. I know we have heard a lot of numbers in the past couple of days, but to me the most important one is this: Less than half of the money spent on medical malpractice in this country goes to the victims of malpractice. Less than 50 cents of every dollar that goes into the medical malpractice system in this country goes to those who are injured as a result of malpractice.

So the aim of the amendment is not to protect doctors who are guilty or health professionals who are guilty of negligence that injures patients. Quite the contrary, the aim of the amendment is to make sure that more, rather than less than half a dollar of every dollar that goes into this system, goes to the patients who are injured and not to those, including the attorneys, who are churning, moving the current system.

We can argue about the numbers, obviously, but I hope most of my colleagues will agree that the existing medical malpractice system does contribute to the high cost of health care. The cost of liability insurance has been estimated, the most recent number I could find, at $9 billion in 1992. That is not money that just comes out of the air or is printed by the Government; that is money that comes from everybody who is paying premiums for insurance for health care.

The respected health care consulting firm Lewin-VHI has estimated conservatively the cost of defensive medicine—this is beyond the $9 billion in premiums—but the cost of defensive medicine, which is to say medicine practiced by health professionals not for what they take to be the medical needs of their patients but defensively because they are worried about lawsuits, is $25 billion a year. Again, that is $25 billion coming out of the pockets of everybody who is paying health care costs.

That number may seem to some who look at the big picture of health care spending somehow small. If it does, they have perhaps lost touch with reality, because $25 billion is a lot of money. It is not small in any sense. We can and should do something to reduce that number.

Taxpayers and health care consumers bear the financial burden of those costs. I say taxpayers because we are paying for it in Medicare and Medicaid and every other Government-supported health care program. Tens of billions of dollars every year is not a trivial amount of money to taxpayers and consumers in this country.

The underlying amendment we will vote on today will begin to address the inefficiencies and perverse effects of our current malpractice system by directing a greater proportion of malpractice awards to victims, by discouraging frivolous lawsuits, and by enhancing programs that are aimed at improving the quality of medical practice, which is what this is all about.

The amendment will also improve consumer information, a key part of preventing malpractice, by establishing an advisory panel to improve quality assurance programs and consumer information. The panel will also look at ways to strengthen the national practitioner data bank. My colleague, Senator WELLSTONE, has offered an amendment that would open the data bank without this review. I respectfully suggest that his amendment goes too far too quickly, though I am sympathetic to the goal.

I believe the underlying amendment sponsored by Senators MCCONNELL, KASSEBAUM, and myself will lead us appropriately down the path but will do it with some also appropriate caution.

Mr. President, the underlying amendment is not new. It is not radical. It is a very moderate proposal which contains provisions from health care reform bills reported out of committees during the last Congress with the exception of the statute of limitations (a 2-year time limit that does not include a statute of repose) and a cap on punitive damages which is identical to the cap in the underlying product liability bill. Every provision in the pending first-degree amendment was contained either in President Clinton's health care reform proposal, the bill reported out of the Senate Labor Committee, or the bill reported out of the Senate Finance Committee last year.

I agree with my colleagues who have argued that medical liability reform is only a small part of health care reform. But it is a substantial and important beginning. As both Democrats and Republicans concluded last year, malpractice reform is an important part of health care reform. Today we have an opportunity to take a modest and reasonable proconsumer step forward on this problem.

I thank the Chair. I thank my colleagues, and I urge them to vote for the underlying amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I yield 5 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, the opponents of this medical malpractice amendment have wildly attacked it. But, this amendment is very reasonable and moderate reform. In fact, if you compare it to some of the proposals from last year's health care debate, you will see many familiar provisions.

For example, the original Clinton Health Security Act contained a cap on attorney contingent fees, collateral source reform, periodic payment of damages, and mandatory alternative dispute resolution. The medical malpractice provisions reported from the Finance Committee contained joint and several liability reform, a cap on noneconomic damages, and mandatory alternative dispute resolution with modified loser-pays for those who go onto court and do not improve upon the ADR decision. By omitting the cap on pain and suffering, this amendment does not go as far as the Finance Committee's proposals which were reported out of the committee, on a bipartisan basis.

During last year's health care debate, some argued for the Canadian single-payer system. Canada's single-payer system also includes some very strict rules on malpractice cases. While Canada's doctors do not pay malpractice insurance premiums, they pay a membership fee to the Canadian Medical Protective Association. In the United States, doctors and hospitals buy malpractice insurance, costing tens of thousands of dollars annually. And, according to the Medical Liability Monitor, more than half of all doctors have experienced 9- to 15-percent increases in their malpractice premiums in each of 1993 and 1994.

In Canada, noneconomic damages are capped at $240,000. The McConnell-Lieberman-Kassebaum amendment does not cap noneconomic damages, although Senator KYL has an amendment pending to add a cap of $500,000.

In Canada, contingency fees are illegal in some parts of the country and uncommon in the rest of the country. Our amendment sets a limit on attorney contingent fees, to ensure that most of the award goes to the injured party.

In Canada, a plaintiff who loses, risks having to pay the defendant's legal fees. This amendment contains no loser-pays provision.

So, Mr. President, in comparing this amendment to last year's efforts on medical malpractice, as well as to Canada's law, we have very moderate reform proposed here.

And, those who support product liability reform should support medical malpractice reform. Enacting the underlying bill on its own will, in my judgment, make the legal system more complex. What will happen in a case where the injured party alleges malpractice over certain drug treatment? It product liability reform is enacted, the drug company will fall under the new law, but there will have to be a separate lawsuit regarding the conduct of the doctor or hospital. Such a result would be ridiculous.

The opponents assert that we are somehow trying to shield negligent doctors and hospitals. Nothing could be further from the truth. No one loses the right to sue under this amendment. An injured party will be fully compensated for his or her injuries. Negligent doctors and hospitals will be

held accountable for the injuries they cause.

In addition, this amendment takes important steps in the direction of assuring quality care for all patients.

While protecting the rights of the injured to get compensation for their injuries, this amendment also gives the American people relief from the tort tax. We know the litigation tax adds thousands of dollars annually to the household budgets of all American families. It adds extra costs to the delivery of a baby, as well as to the cost of a heart pacemaker.

Relief from the tort tax and an end to the lawsuit gamble are the goals of our effort. We know that most of the money spent in the litigation system does not go to the injured victims; they get only 43 cents of every dollar spent in the liability system. The legal system is akin to the casinos of Las Vegas and Atlantic City. Sometimes you win big, but most times the house—that is the system, made up of lawyers and related court costs, is the biggest winner.

The only opponents we have in this legal reform fight are the trial lawyers. They have the biggest stake in maintaining the status quo. The injured people they represent will be treated better under this amendment. They will get more compensation for their injuries. So, if you are for the victims, you should vote for this amendment. I urge my colleagues to adopt the McConnell-Lieberman-Kassebaum amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from California is recognized for 7 minutes.

Mrs. BOXER. Mr. President, I thank the Senator for yielding because I know he and I do not agree on this issue. So it must be in some ways a painful thing for him to yield to me. So I want to say to my friend, Senator ROCKEFELLER, I thank him very much for yielding me this time.

Mr. President, what are we doing here in the Senate today? We are voting, beginning to vote, to change a legal system that, while not perfect, is adjudged to be the best in the world. We are not tinkering around the edges. We are not dealing with frivolous lawsuits. We are in essence, if you follow the Contract With America, taking away the rights of average citizens to get justice in the courtroom. And what I find most remarkable about this in this Republican Congress is that this is the same Republican Congress that says let the States decide most matters, they are closer to the people. But in this case, the U.S. Senate and the House of Representatives, well, we are going to substitute our judgment for that of a local jury, a local judge, who knows the community, who is of, by, and from the community. I do not think we should be able to prejudge what a damage award should be, whether it is in a medical malpractice case or whether it is in a product liability case, the underlying bill.

Let me give you an example. Most Americans were stunned to hear that a physician in Florida in treating a gentleman actually cut off the wrong leg of that man. It meant that they had to then cut off the other leg and the man lost both legs.

In the debate on this subject of capping the damages and what people could receive in medical malpractice cases, a Republican Congressman—who happens to be a doctor—took to the floor of the House. He has served there for many years. And this Congressman was asked by another colleague, a Democratic colleague, "What do you think about the fact that a physician cut off the wrong leg of a victim, and now this gentleman has no legs at all?" He can never hope to have anything like a normal life. And this Republican doctor-Congressman said mistakes happen. These things happen. And then he was asked, what is it worth, the fact that a man has no legs and can never have the semblance of an ordinary life again? And he said, mistakes will happen.

Well, he does not know what it is worth.

These things happen.

The fact is we do not know, but a jury and a judge together will make that decision in accordance with State law. But, no, we are going to destroy all of this.

Now, the story which all America shared, unfortunately, is not that isolated. Although we know we have the best doctors in the world, the most healing doctors in the world, this is not isolated. It is a very small percent. Of all tort cases filed, only 7 percent are medical malpractice. But we are going to take the iron fist of the Senate and say we know best what a future victim should be awarded.

Now, let me tell you about a couple of cases. You also probably read about Betsy Lehman, who died after given a massive overdose of a strong chemotherapy drug. That story was publicized by the Boston Globe. Are we to tell the family of this young woman what the damages should be to that family? I think not.

How about Grand Rapids, MI? The wrong breast of a 69-year-old cancer patient was negligently cut off during a mastectomy. In Denver, CO, an anesthesiologist fell asleep during a routine operation on an 8-year-old boy. The child died, and we are going to tell the people in Colorado what that family should be awarded. I think there is something misguided going on here.

I have to believe there is some special interests that are involved here because the interests of the American people are not being served because we are all potential victims. We are all potential victims.

At the New England Medical Center, two skin cancer patients died when a highly toxic drug called Cisplatin was given to them at three times the recommended dosage. In California, my great State, Harry Jordan went into the hospital to have a diseased kidney removed. Instead, the surgeons removed his healthy kidney, and he remained on dialysis for the rest of his life. He died last month, and we are going to tell the jury and the judge what to do in this kind of case.

We could go on with examples. The fact is we have the safest products in the world, and we have the best physicians in the world. I have to believe that our system of justice, although not perfect, has played a role in this. And I say often to myself—and this has to do with the underlying bill on product safety—how many of us remember engines exploding in cars?

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mrs. BOXER. I ask for 1 more minute, if I might.

The PRESIDING OFFICER. The Senator from Washington controls the time.

Mr. GORTON. I will yield a minute to the Senator.

Mrs. BOXER. I thank the Senator so much. I say to my friends, I know these are arguments they do not enjoy hearing, and I therefore appreciate the generosity.

We all remember engines of cars exploding, company executives saying, "Well, we figured we would have a few explosions. We write it off as a cost of doing business." This Senate wants to limit the punitive damages to those future companies that would act in such a despicable fashion. Most of our companies are good and most of them care, but the bad apples should know they will be hit with punitive damages, not just a slap on the wrist. Should this Republican contract pass, the most change will occur in the boardroom—not in the courtroom, in the boardroom—as people are getting ready to put new products on the market saying, well, we do not have to worry; the Senate, the Republican contract saved us from being hit with a meaningful punitive damages suit.

So in closing, Mr. President, I wish to again thank my colleagues. I will be supporting some of these amendments that are coming before us because they will make the bill a little better. I will be opposing others. But nothing that we do here by way of amendment convinces me that we are on the right path.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington has 6 minutes remaining.

Mr. GORTON. Mr. President, among other things, the distinguished Senator from California spoke about special interests. I find that remarkable in light of an article which appeared a couple of weeks ago in the Wall Street Journal, and a followup report on campaign contributions to congressional candidates which shows that the largest single special interest involved in campaigns for Congress is the American Trial Lawyers Association and its members. In their contributions, they outdo the Fortune 500; they outdo organized labor; they outdo, multiplied by 4 or 5 times, oil and gas lobbyists' contributions. They are, by a significant margin, the No. 1 special interest from the point of view of contributions to political campaigns in the United States.

Now, Mr. President, I do not normally argue this point of view. I am inclined to think that most of these lobbying organizations support the people who are already on their sides. But to attack the legislation as being special interest legislation, when the opponents are supported by the largest of all of the special interests, seems to me somewhat paradoxical.

Mrs. BOXER. Will the Senator yield? Will the Senator yield to me on that point?

Mr. GORTON. This is particularly true——

Mrs. BOXER. Will the Senator yield to me on that point?

Mr. GORTON. No, not right now.

Mrs. BOXER. I will wait, thanks.

Mr. GORTON. This is particularly true, Mr. President, when we reflect on the fact that it is that special interest which is the greatest beneficiary of the present system as, of all of the money that goes into medical malpractice, only 40 percent gets to the victims and 60 percent goes to the transactions costs; that is to say, the attorneys, the expert witnesses, the insurance adjusters and the like who involve themselves in the question.

The greatest amount of money by far goes not to victims but to transaction costs.

In my view, that is the great scandal of the present system, whether we are dealing with medical malpractice or with product liability. The costs of the system outside of the compensation provided for any of the parties is so overwhelmingly on one side that I think it would be those who speak about victims and victims' rights who would be most in favor of a dramatic and drastic reform of the present system, most in favor of it, to create a system in which the transaction costs, the lawyer's fees were dramatically less, and a much greater percentage went to those who were victims.

I will be perfectly happy to yield to the Senator from California for a question.

Mrs. BOXER. I thank the Senator very much.

Is the Senator aware that well over 100 organizations, including some from his State, oppose this underlying bill very, very strongly? Because I think what the Senator is doing in his remarks is leading people to believe that there is one group that is opposed to it.

I read into the RECORD a number of groups the last time. Every single consumer organization you can name, both State based and nationally based: citizen action groups, public interest law people, Coalition of Silicon Survivors, and Colorado DES Action. The DES sons also oppose certain liability reforms.

What I wish to point out to my friend is I really respect his right to disagree——

Mr. GORTON. I understand the question now.

Mrs. BOXER. I ask unanimous consent to put this list of people who oppose this bill into the RECORD at this time, and I thank my friend for yielding.

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

STATE BASED ORGANIZATIONS OPPOSED TO "LEGAL REFORM" IN THE SENATE (S. 565)

Alabama Citizen Action.
Alaska PIRG.
Arizona Consumers Council.
Arizona Citizen Action.
Consumer Federation of California.
California Citizen Action.
Center for Public Interest Law at the University of San Diego.
California Motor Voters.
California Crime Victims Legal Clinic.
California Public Interest Research Group (CALPIRG).
Fair Housing Council of San Gabriel Valley.
Colorado Coalition for Accountability & Justice.
Colorado Steelworkers Union Local 2102.
Coalition of Silicon Survivors.
Colorado DES Action.
Denver UAW.
Colorado ACLU.
Denver Gray Panthers.
Colorado Public Interest Research Group (CoPIRG).
Colorado Clean Water Action.
Colorado Senior Lobby.
Connecticut Citizen Action Group.
ConnPIRG (Connecticut Public Interest Research Group).
Delaware Coalition for Accountability and Justice.
Delaware AARP.
Delaware Council of Senior Citizens.
Delaware AFL-CIO.
Delaware Federation of Women's Clubs.
Delaware Women and Wellness.
Delaware Breast Cancer Coalition.
Building Trades Council of Delaware.
UAW Local 1183—Delaware.
Delaware Sierra Club.
Delaware Audubon Society.
Save the Wetlands and Bays—Delaware.
Florida Consumer Action Network.
Florida PIRG.
Florida Consumer Fraud Watch.
Georgia Citizen Action.
Georgia Consumer Center.
Citizen Advocacy Center of Illinois.
Chicago & Central States ACTWU.
Idaho Citizens Action Network.
Idaho Consumer Affairs, Inc.
Illinois Public Action.
Illinois Council Against Handgun Violence.
Illinois PIRG.
Citizens Action Coalition of Indiana.
Iowa Citizen Action Network.
Iowa UAW.
Iowa State Council of Senior Citizens.
Kentucky Citizen Action.
Louisiana Citizen Action.
Maine People's Alliance.
Maryland Citizen Action.
Maryland State Teachers Association.
Maryland Coalition for Accountability & Justice.
Planned Parenthood of Maryland.
Law Foundation of Prince George's County.
Maryland PIRG.
Maryland Sierra Club.
Teamsters Joint Council No. 62.
UFCW Local 400.
White Lung Association & National Asbestos Victims.
Sexual Assault/Domestic Violence Center, Inc.
IBEW Local 24.
Maryland Clean Water Action.
Maryland Employment Lawyers Association.
Health Education Resource Organization (H.E.R.O.).
Environmental Action Foundation.
Massachusetts Jobs with Justice.
Massachusetts Consumer Association.
Massachusetts Citizen Action.
MassPIRG (Massachusetts Public Interest Research Group).
Michigan Consumer Federation.
Michigan Citizen Action.
Public Interest Research Group in Michigan (PIRGIM).
Minnesota COACT.
Minnesotans for Safe Foods.
Missouri Citizen Action.
Missouri PIRG.
Montana PIRG.
Nebraska Citizen Action.
Nebraska Coalition for Accountability & Justice.
Nebraska Farmers Union.
Nebraska Women's Political Network.
Nebraska National Organization for Women.
United Rubber Workers of America, Local 286.
Communications Workers of America, Local 7470.
Nebraska Head Injury Association.
Nebraska Center for Rural Affairs.
New Hampshire Citizen Action.
New Jersey Citizen Action.
White Lung Association of New Jersey.
New Jersey Tenants Organization.
Consumers League of New Jersey.
Cornucopia Network of New Jersey.
New Jersey DES Action.
NJPIRG (New Jersey Public Interest Research Group).
New Jersey Environmental Federation.
New Mexico Citizen Action.
Citizen Action of New York.
Essex West Hudson Labor Council.
Uniformed Firefighters Association of Greater New York.
Empire State Consumer Association.
New York Consumer Assembly.
Niagara Consumer Association.
North Carolina Citizen Action.
North Carolina Consumers Council.
North Dakota Coalition for Accountability & Justice.
North Dakota Public Employees Association.

North Dakota DES Action.
North Dakota Clean Water Action.
Dakota Center for Independent Living.
North Dakota Breast Implant Coalition.
North Dakota Progressive Coalition.
Laborer's International Union, Local 580.
Boilermaker's Local 647.
Ironworkers Local 793.
United Transportation Union.
Sierra Club, Agassiz Basin Group.
Plumbers & Pipefitters Local 338.
United Church of Christ.
Teamsters Local 116.
Teamsters Local 123.
Plumbers & Pipefitters, Local 795.
Workers Against Inhumane Treatment.
Ohio Citizen Action.
Ohio Consumer League.
Ohio PIRG.
Oregon Fair Share.
Oregon Consumer League.
Oregon State Public Interest Research Group (OSPIRG).
Pennsylvania Citizens Consumer Council.
Pennsylvania Institute for Community Services.
Victims Against Lethal Valves (V.A.L.V.).
Citizen Action of Pennsylvania.
Pennsylvania DES Action.
Pennsylvania AFL–CIO.
SmokeFree Pennsylvania.
PennPIRG (Pennsylvania Public Interest Research Group).
South Dakota Coalition for Accountability & Justice.
South Dakota AFSCME.
East River Group Sierra Club.
Black Hills Group Sierra Club.
South Dakota State University.
IBEW, Local 426.
South Dakota DES Action.
South Dakota Peace & Justice Center.
Native American Women's Health & Education Center.
Native American Women's Reproductive Rights Coalition.
South Dakota AFL–CIO.
UFCW Local 304A.
Yankton Sioux Tribe.
South Dakota Coalition Against Domestic Violence.
South Dakota Advocacy Network.
South Dakota United Transportation Union.
South Dakota United Paperworkers International Union.
Tennessee Citizen Action.
Texas Citizen Action.
Texas Alliance for Human Needs.
Texas Public Citizen.
Defenders of the Rights of Texans.
Vermont PIRG.
Virginia National Organization for Women.
Virginia Citizen Action.
Virginia Citizens Consumer Council.
Washington Citizen Action.
WASHPIRG (Washington Public Interest Research Group).
West Virginia Citizen Action Group.
Wisconsin Consumers League.
Wisconsin PIRG.
Wisconsin Citizen Action.
Center for Public Representation, Inc.

ORGANIZATIONS OPPOSED TO "LEGAL REFORM" IN THE SENATE (S. 565)

(95 as of April 24, 1995)

Action on Smoking & Health.
AIDS Action Council.
Alliance Against Intoxicated Motorists.
Alliance for Justice.
American Association of Retired People (AARP).
American Bar Association.
American Coalition for Abuse Awareness.
American Council on Consumer Awareness.
American Fed. of Labor/Congress of Industrial Organizations (AFL–CIO).
American Public Health Association.
Americans for Democratic Action.
Americans for Non-Smokers' Rights.
Arab American Anti-Discrimination Committee.
Association of Trial Lawyers of America.
Center for Public Interest Research.
Business and Professional Women.
Center for Women's Policy Studies.
Children NOW.
Citizen Action.
Citizen Advocacy Center.
Citizens Clearinghouse for Hazardous Waste.
Clean Water Action.
Coalition for Consumer Rights.
Coalition of Labor Union Women.
Coalition to Stop Gun Violence.
Command Trust Network.
Committee for Children.
Conference of Chief Justices.
Consumer Action.
Consumer Federation of America.
Consumers for Civil Justice.
Consumer Protection Association.
Consumers Union.
Democratic Processes Center.
DES Action USA.
Families Advocating Injury Reduction (FAIR).
Federation of Organizations for Professional Women.
Fund for a Feminist Majority.
Gray Panthers.
Handgun Control Inc.
Help Us Regain the Children (HURT).
Hollywood Women's Political Committee.
Intl. Assn. of Machinists & Aerospace Workers (IAM).
Intl. Brotherhood of Teamsters.
Intl. Ladies Garment Workers Union.
Intl. Longshoremen's & Warehousemen Union.
Institute for Injury Reduction.
Lambda Legal Defense & Education Fund.
Latino Civil Rights Task Force.
Mothers Against Sexual Abuse.
Motor Voters.
NAACP (Natl. Assn. for the Advancement of Colored People).
Natl. Asbestos Victims Legal Action Organizing Committee.
Natl. Association of School Psychologists.
Natl. Breast Implant Coalition.
Natl. Conference of State Legislatures.
Natl. Consumers League.
Natl. Council of Jewish Women.
Natl. Council of Senior Citizens.
Natl. Fair Housing Coalition.
Natl. Family Farm Coalition.
Natl. Farmers Union.
Natl. Gay & Lesbian Task Force.
Natl. Head Injury Foundation.
Natl. Hispanic Council on Aging.
Natl. Minority AIDS Council.
Natl. Organization on Disability.
Natl. Rainbow Coalition.
Natl. Women's Health Network.
Natl. Women's Law Center.
Native American Rights Fund.
Network for Environmental & Economic Responsibility.
NOW Legal Defense & Education Fund.
Nuclear Information and Resource Service.
People's Medical Society.
Prevention First.
Public Citizen.
Public Voice for Food & Health Policy.
Purple Ribbon Project.
Safety Attorney Federation.
Southern Christian Leadership Conference.
STOP (Safe Tables Our Priority).
The Sierra Club.
Third Generation Network.
Trauma Foundation.
UAW (United Automobile, Aerospace & Agric. Imp. Workers of America).
U.S. Public Interest Research Group.
USWA (United Steelworkers of America).
Violence Policy Center.
Voices for Victims Inc.
Women Against Gun Violence.
Women's Institute for Freedom of the Press.
Women's Legal Defense Fund.
YWCA (Young Women's Christian Association).
Youth ALIVE.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Washington.

Mr. GORTON. Mr. President, yes, the Senator from Washington is quite aware of that list of organizations. Of course, there are all kinds of organizations that are on both sides of this case. The point made by the Senator from Washington was that overwhelmingly of these special interests, the largest single special interest in the United States, when one measures that influence by the amount of money put into the political system, is ATLA, the trial lawyers.

This is not surprising, given the fact that they are the principal beneficiaries to a considerably larger degree than the very victims whom they claim to be representing. That is the point from the perspective of organizations. The biggest special interest, the richest special interest, the special interest that gives the greatest amount of money leads the opposition to this view and contributes to many of the other organizations which are opposed to it.

But that does not, as this Senator said, necessarily mean that they are wrong or that the other side is right. When, however, we have a system which hurts innovation, destroys American competitiveness in some industries, and gives 60 percent of all the money in the system to those who game the system rather than victims, there is something wrong, and that something ought to be corrected.

PREEMPTION IN THE MCCONNELL-LIEBERMAN-KASSEBAUM AMENDMENT

Mrs. KASSEBAUM. Mr. President, last week I spoke in favor of the pending amendment on medical liability and addressed, very briefly, the issue of Federal preemption.

I want to take a few moments this morning to explain more fully my reasons for supporting a limited Federal preemption of State medical liability laws and to urge my colleagues to reject both the Simon and the Kennedy preemption amendments to the underlying McConnell-Kassebaum-Lieberman amendment.

Mr. President, the Federal Government has a significant stake in reforming the health care liability system

both because of the effect of the system on interstate commerce and because of the enormous amount spent by the Federal Government on health care.

Last Thursday, I spoke of the need to achieve some degree of uniformity and certainty in the system. Without greater predictability, insurance rates will continue to reflect the potential for unlimited exposure to risk. And these higher insurance rates will continue to be passed along to the American consumer.

THE PRIVATE SECTOR DESERVES TO BENEFIT FROM THE SAME TYPE OF PROTECTIONS THAT THE FEDERAL GOVERNMENT HAS AFFORDED ITSELF

The Federal Government already has taken significant steps to limit its own exposure for costs associated with health care liability. For example, damages resulting from health claims disputes and redress in claims dispute cases are limited for Federal employees receiving health coverage under the Federal Employees Health Benefit Act [FEHBA], and for Medicare beneficiaries. There are no punitive or extra-contractual damages allowed under FEHBA or Medicare. *See Hayes* v. *Prudential Ins. Co.*, 819 F.2d 921 (9th Cir. 1987); *Homewood Professional Care Ctr., Ltd.* v. *Heckler*, 764 F.2d 1242 (7th Cir. 1985).

Moreover, responding to an outcry from Federal Community Health Centers about skyrocketing malpractice insurance premiums, Congress in 1992 limited the exposure of centers and their providers to malpractice claims by placing them under the Federal Tort Claims Act and taking steps that go well beyond the reforms in this legislation. In addition to having judgments paid from a Federal fund, that act: (1) allows liability to be determined by a judge rather than a jury (28 U.S.C. 2402); (2) contains a 2-year statute of limitations that is more restrictive than the one contained in this legislation (28 U.S.C. 2401); (3) prohibits the awarding of punitive damages (28 U.S.C. 2674); (4) places a cap on lawyers' contingency fees of 25 percent of a litigated claim and 20 percent of a settlement (28 U.S.C. 2678); disallows prejudgment interest (28 U.S.C. 2674), and requires claimants to exhaust administrative remedies before proceeding to court (28 U.S.C. 2675).

Mr. President, I believe that the private sector is entitled to the same type of protections that the Federal Government has extended to its own health providers.

AS THE LARGEST SINGLE PAYER OF HEALTH CARE SERVICES, THE FEDERAL GOVERNMENT HAS A COMPELLING INTEREST IN HEALTH CARE LIABILITY REFORM

While the Federal Government has limited its exposure to health care liability claims in certain instances, large gaps remain. In particular, liability for health care professionals and providers who treat Medicaid and Medicare patients remain subject to uneven and sometimes insufficient State medical liability reforms. One-third of total health care spending in this country is paid by the Federal Government. According to the Congressional Budget Office, Federal spending for Medicare will reach $177 billion in fiscal year 1995, while Medicaid grants to States will total $96 billion.

Therefore, I believe that there is a direct, compelling Federal interest in reforming the Nation's outmoded medical liability system.

FEDERAL LEGISLATION IS NECESSARY BECAUSE OF THE INCREASINGLY INTERSTATE CHARACTER OF HEALTH CARE DELIVERY

Moreover, some degree of uniformity is essential because health care markets are becoming increasingly regional, if not national. Telemedicine, by its very nature, is designed to overcome barriers to the delivery of medicine, including long distances, geographic limitations, and political borders. Some of the finest medical facilities in the United States—such as the Mayo Clinic in Minnesota, Stanford University in California, Barnes Hospital in Missouri, the Cleveland Clinic in Ohio, and the Dartmouth Medical Center in New Hampshire—treat patients from across the Nation, and around the world.

While I do not believe there is a need for absolute uniformity in all aspects of the health care system, I do believe that some minimum level of medical liability reforms are necessary to the continued development of a cost-effective private health care system. This is particularly true where, as under this legislation, insurers and other third party payers may be sued as defendants in health care liability actions.

As health care providers continue to consolidate and form integrated networks of care in response to market forces, economic pressure, and emerging treatment patterns, the number of individuals who receive health care services in one State while having them financed by entities in another will continue to increase.

While health care services generally are delivered locally, this does not necessarily mean that health care is delivered within State borders. To the contrary: more than 40 percent of Americans live in cities and counties that border on State lines; in 26 States, more than half of the population lives in cities and counties that border on State lines, and over 50 percent of the population in 26 States lives in border cities and counties. In these areas, it is even more likely that a patient will live or work in one State, receive health care services in another, and have his or her bills paid by a third-party payer in another State. A recent analysis of health services purchased across State borders found, for example: First, that Vermont and New Hampshire residents visit an out-of-State physician nearly one-quarter of the time; second, that Wyoming residents visit out-of-State doctors over one-third of the time, and third, that nearly 40 percent of the patients admitted to Delaware hospitals travel from out of the State.

FEDERAL LEGISLATION IS NECESSARY BECAUSE OF STATE CONSTITUTIONAL IMPEDIMENTS

Some have argued that this legislation is an unnecessary intrusion into an area of the law that traditionally has been the domain of the States. I would like to point out, however, that many of the opponents of Federal medical liability reform are, at the same time, aggressively challenging State tort reform efforts by arguing that the reforms are unconstitutional under State constitutions. As a result, many States have been frustrated in their efforts to pass meaningful tort reform. For example: First, statutes of limitations in health care liability actions have been held to violate State constitutions in Arizona; second, limits on punitive damage awards in health care liability actions have been held unconstitutional in Alabama, and third, periodic payment schedules for damage awards in health care liability actions have been held to violate State constitutions in Arizona, New Hampshire, and Ohio.

PREEMPTION PROVISIONS IN THE MCCONNELL-LIEBERMAN-KASSEBAUM AMENDMENT

Mr. President, the preemption provisions contained in the McConnell-Lieberman-Kassebaum amendment are designed to give both the States and the courts clear guidance as to the scope of the reforms contained in the legislation.

The amendment does not preempt State laws that: First, place greater restrictions on the amount of or standards for awarding noneconomic or punitive damages; second, place greater limitations on the awarding of attorneys fees for awards in excess of $150,000; third, permit a lower threshold for the periodic payment of future damages; fourth, establish a shorter period of time during which a health care liability action may be initiated or a more restrictive rule with respect to the time at which the period of limitations begins to run, or fifth, implement collateral source rule reform that either permits the introduction of evidence of collateral source benefits or provides for the mandatory offset of such benefits from damage awards.

The amendment also states specifically that it should not be construed to preempt any State law which: First, permits State officials to commence health care liability actions; second, permits provider-based dispute resolution; third, places a limit on total damages awarded in a health care liability action; fourth, places a maximum limit on the time in which such an action may be initiated, or fifth, provides for defenses in addition to those contained in the act.

Last week and again yesterday, some of my colleagues argued that the so-called one-sided preemption provisions contained in the McConnell amendment were both novel and, somehow, unfair. I believe these arguments are without merit.

For the record, I would like to make clear that the characterization that all of the preemption provisions in the legislation are "one-sided" is simply incorrect. Two examples are instructive. First, the preemption provisions allow State collateral source reform measures to differ widely from the provisions contained in the legislation. States not only have the flexibility under the McConnell-Lieberman-Kassebaum amendment to adopt evidentiary collateral source rules and mandatory offset rules that permit introduction of collateral source benefits after trial, but may, in fact, adopt a whole range of collateral source rule reforms that are more favorable to claimants than those contained in the amendment. Second, the amendment makes clear that State laws limiting attorneys fees for awards of $150,000 or less may be both more restrictive than the 33⅓ percent set forth in the legislation and less restrictive.

In support of the preemption provisions contained in the McConnell-Lieberman-Kassebaum amendment, I would like to note further the long history of this Congress in setting minimum Federal standards and allowing the States significant flexibility beyond those standards. See, e.g., Clean Air Act Amendments of 1990, Pub. L. 101-549; Safe Drinking Water Act, Pub. L. 93-523; Civil Rights Act of 1964, Pub. L. 88-352; Americans With Disabilities Act, Pub. L. 101-336.

Moreover, nearly every health care reform bill introduced last Congress—including President Clinton's "Health Security Act"—contained this type of Federal preemption for medical liability reforms. See, e.g., President Clinton's Health Security Act, H.R. 3600; Senator DOLE and Senator PACKWOOD's health care reform bill, S. 2374; Senator CHAFEE's Health Equity Access Reform Today Act, S. 1770; Representative Cooper's Managed Competition Act, H.R. 3222; the House Republican leadership plan, H.R. 3080; the bipartisan mainstream coalition health bill, and the House bipartisan health reform bill.

Another recent and relevant example of liability reform legislation containing the type of Federal preemption language included in the McConnell-Lieberman-Kassebaum amendment is S. 1458, the General Aviation Revitalization Act of 1994. That legislation provided in part that no civil action for damages arising out of an accident involving a general aviation aircraft could be brought against the manufacturer of the aircraft or the manufacturer of any component part of the aircraft, if the accident occurred more than 18 years after the date of the aircraft's delivery or the component part's installation. S. 1458, which passed the Senate on March 16, 1994 by a vote of 91 to 8, preempts State law only to the extent that such law permitted civil actions to be commenced after 18 years. See Public Law 103-298.

I believe that the underlying amendment is loyal to this tradition.

In conclusion, Mr. President, I would like to point out that many of those who oppose the preemption principles embodied in this legislation have repeatedly and enthusiastically embraced those principles in other legislative contexts.

For example, S. 7, the Family Health Insurance Protection Act, provides a clear example of one-sided preemption.

Section 1011 provides that State laws will not be preempted only if they: First, contain preexisting condition waiting periods that are "less than those" established in S 7; second, limit variations in premium rates "beyond the variations permitted" in S. 7, and third, expand the size of the small group market to include groups "in excess of" the size set forth in the legislation.

Section 1012 of that legislation contains even more expansive one-sided preemption provisions. It states that: "Nothing in this Act shall be construed as prohibiting States from enacting [any] health care reform measures that exceed the measures established under this Act, including reforms that expand access to health care services—for example, higher taxes—control health care costs, and so forth, institute tighter premium caps or cost controls, and enhance the quality of care.

Mr. President, as I said earlier, I do not believe there is a need for absolute uniformity in this area. But I do believe it is important to set some very clear minimum Federal standards that all States must meet.

The standards in the McConnell-Lieberman-Kassebaum amendment are only a floor. The amendment does not preempt States from going further with medical malpractice reforms they may decide are necessary. I think this is the best way to balance the need for some State flexibility with the need for greater certainty and predictability in the system.

MEDICAL MALPRACTICE REFORM

Mr. PELL. Mr. President, I wish to make a few observations regarding the effort sponsored by Senator MCCONNELL to add comprehensive medical malpractice reform to the product liability legislation currently pending before us.

I was much torn about the McConnell amendment because I support medical malpractice reform and believe the time has come to profoundly change the current system. Yet, in the end, I decided to vote against the McConnell amendment.

I did so because I was deeply concerned that adding this desirable but controversial reform effort to the pending legislation would gravely endanger the cause of product liability reform, a cause I have supported for many years. After many years of frustration I have real hope that we will achieve product liability reform in this Congress and I wanted to avoid any action which would endanger that hope. I would add that I was persuaded in this regard by the sponsor of the product liability reform effort, Senator ROCKEFELLER.

However, I look forward to the opportunity to fully address medical malpractice reform later in this Congress when the issues can be aired fully and not be encumbered by the desire to achieve progress in other areas of legal system reform. While I do not support all the provisions of the McConnell amendment, I do support its thrust and would welcome the opportunity to debate the issue strictly on its own merits.

MEDICAL MALPRACTICE REFORM

Mr. ROTH. Mr. President, I have always been a staunch supporter of our Federal system of government, which has as its most fundamental principle the idea that matters of governance ought to be left as much as possible to the States. Traditionally, one such matter left to the States has been the administration of medical malpractice law.

By virtue of its overwhelming financial stake in the Nation's health care, however, the Federal Government has a unique and compelling interest in the delivery of care, and this interest leads me to support the McConnell amendment on medical malpractice reform. The McConnell amendment reforms medical malpractice law by creating certain minimum standards, such as a cap on punitive damages, that will apply nationwide. It permits States, however, to pass more thorough-going reforms if they wish to do so.

The Federal Government is the largest purchaser of health care, and it finances 32 percent of the Nation's health care spending through the Medicare and Medicaid programs, federally qualified community health centers, the veterans health care, military health care, Indian health care, and many other programs. In fact, the Federal Government spent $280.6 billion in 1993 purchasing health care services—more than for any other service.

Projections of the growth of health care expenditures continue to escalate, and the Federal Government's role in paying for these services will also continue to grow—unless we begin to take steps to control the rate of growth. In the meantime, we should be working on increasing access to health care coverage. Savings achieved through medical malpractice reform will not only save the taxpayers of America significant amounts, it will help expand access to care.

Based on the experience with federally qualified community health centers, the evidence is good that the McConnell amendment will lead to cost savings and expanded access to care. Currently, more than 500 of these community and migrant health centers receive Federal funding. These centers provide essential primary care for about 6 million people living in areas where there are few physicians or other health care providers. In fact, we have three such important centers in Delaware—the Henrietta Johnson Community Health Center in Southbridge, the West Side Community Health Center in Wilmington, and the DelMarVa Rural Ministries in Kent County. In October 1992, Congress enacted a type of medical malpractice reform for federally supported community health centers by extending the Federal Tort Claims Act [FTCA] to cover these centers. A Government Accounting Office report estimates that for calendar years 1993 through 1995, a total of $54.8 million was saved by bringing the community health centers within the reach of the FTCA.

It is clear to me that medical malpractice reform is needed in order to control the Federal Government's enormous share of our national health care costs and, thus, to ensure broad access to quality care. The Physician Payment Review Commission, which is charged with advising Congress regarding Medicare policy, has advised in its latest report that Federal medical malpractice reform should be enacted. The report states that "the medical liability system does not adequately prevent medical injuries or compensate injured patients. There is concern that the current functioning of this system promotes the practice of defensive medicine and may impede efforts to improve the cost effectiveness of care." Last year, these problems led me to vote in favor of medical malpractice reform when the Senate Finance Committee considered it during its deliberations on health care reform. Because the problems are with us still, this year I support the McConnell amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GORTON. 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. GORTON. Mr. President, I ask unanimous consent that, following the conclusion of the first rollcall vote, all remaining consecutive rollcall votes be limited to 10 minutes.

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

Mr. GORTON. I now ask for regular order.

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AMENDMENT NO. 604

The PRESIDING OFFICER. Regular order provides for the Thomas amendment to recur as the pending amendment.

Mr. ROCKEFELLER. Mr. President, I move to table the Thomas amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. Mr. President, for the information of all Senators, there is a potential for as many as 12 back-to-back votes, beginning now. All Senators are urged to remain on the floor during this voting sequence.

I ask unanimous consent that, notwithstanding the consent for the recess at 12:30, the Senate stand in recess immediately following the disposition of the McConnell amendment.

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

VOTE ON MOTION TO TABLE AMENDMENT NO. 604

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia [Mr. ROCKEFELLER] to table the amendment of the Senator from Wyoming [Mr. THOMAS].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—39

| | | |
|---|---|---|
| Akaka | Glenn | Moseley-Braun |
| Biden | Gorton | Moynihan |
| Bingaman | Harkin | Murray |
| Boxer | Heflin | Packwood |
| Bradley | Hollings | Pell |
| Breaux | Inouye | Robb |
| Bumpers | Jeffords | Rockefeller |
| Cohen | Kassebaum | Sarbanes |
| D'Amato | Kennedy | Simon |
| Daschle | Kerry | Snowe |
| DeWine | Kohl | Specter |
| Dodd | Lautenberg | Thompson |
| Feingold | Levin | Wellstone |

NAYS—61

| | | |
|---|---|---|
| Abraham | Feinstein | Mack |
| Ashcroft | Ford | McCain |
| Baucus | Frist | McConnell |
| Bennett | Graham | Mikulski |
| Bond | Gramm | Murkowski |
| Brown | Grams | Nickles |
| Bryan | Grassley | Nunn |
| Burns | Gregg | Pressler |
| Byrd | Hatch | Pryor |
| Campbell | Hatfield | Reid |
| Chafee | Helms | Roth |
| Coats | Hutchison | Santorum |
| Cochran | Inhofe | Shelby |
| Conrad | Johnston | Simpson |
| Coverdell | Kempthorne | Smith |
| Craig | Kerrey | Stevens |
| Dole | Kyl | Thomas |
| Domenici | Leahy | Thurmond |
| Dorgan | Lieberman | Warner |
| Exon | Lott | |
| Faircloth | Lugar | |

So the motion to lay on the table the amendment (No. 604) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 604) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

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

VOTE ON MOTION TO TABLE AMENDMENT NO. 605

The PRESIDING OFFICER. The question occurs on amendment numbered 605.

Mr. GORTON. Mr. President, I move to table the Wellstone amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—69

| | | |
|---|---|---|
| Abraham | Ford | Lott |
| Ashcroft | Frist | Lugar |
| Baucus | Glenn | McCain |
| Bennett | Gorton | McConnell |
| Biden | Graham | Moynihan |
| Breaux | Gramm | Murkowski |
| Brown | Grams | Nickles |
| Bumpers | Grassley | Nunn |
| Burns | Gregg | Packwood |
| Campbell | Hatch | Pressler |
| Chafee | Hatfield | Pryor |
| Coats | Heflin | Rockefeller |
| Cochran | Helms | Roth |
| Cohen | Hutchison | Santorum |
| Coverdell | Inhofe | Shelby |
| Craig | Jeffords | Simpson |
| D'Amato | Johnston | Smith |
| DeWine | Kassebaum | Specter |
| Dodd | Kempthorne | Stevens |
| Dole | Kohl | Thomas |
| Domenici | Kyl | Thompson |
| Faircloth | Leahy | Thurmond |
| Feinstein | Lieberman | Warner |

NAYS—31

| | | |
|---|---|---|
| Akaka | Feingold | Moseley-Braun |
| Bingaman | Harkin | Murray |
| Bond | Hollings | Pell |
| Boxer | Inouye | Reid |
| Bradley | Kennedy | Robb |
| Bryan | Kerrey | Sarbanes |
| Byrd | Kerry | Simon |
| Conrad | Lautenberg | Snowe |
| Daschle | Levin | Wellstone |
| Dorgan | Mack | |
| Exon | Mikulski | |

So the motion to lay on the table the amendment (No. 605) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 608

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—61

| | | |
|---|---|---|
| Abraham | Gorton | McConnell |
| Bennett | Grams | Mikulski |
| Bond | Grassley | Moseley-Braun |
| Brown | Gregg | Murkowski |
| Burns | Hatch | Nickles |
| Campbell | Hatfield | Nunn |
| Chafee | Helms | Pressler |
| Coats | Hutchison | Robb |
| Cochran | Inhofe | Roth |
| Cohen | Jeffords | Santorum |
| Conrad | Kassebaum | Shelby |
| Coverdell | Kempthorne | Simpson |
| Craig | Kerrey | Snowe |
| D'Amato | Kohl | Specter |
| Daschle | Kyl | Stevens |
| DeWine | Lautenberg | Thomas |
| Dole | Levin | Thompson |
| Domenici | Lieberman | Thurmond |
| Faircloth | Lott | Warner |
| Feinstein | Mack | |
| Frist | McCain | |

NAYS—39

| | | |
|---|---|---|
| Akaka | Exon | Leahy |
| Ashcroft | Feingold | Lugar |
| Baucus | Ford | Moynihan |
| Biden | Glenn | Murray |
| Bingaman | Graham | Packwood |
| Boxer | Gramm | Pell |
| Bradley | Harkin | Pryor |
| Breaux | Heflin | Reid |
| Bryan | Hollings | Rockefeller |
| Bumpers | Inouye | Sarbanes |
| Byrd | Johnston | Simon |
| Dodd | Kennedy | Smith |
| Dorgan | Kerry | Wellstone |

So the amendment (No. 608) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 609

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 609 by the Senator from Arizona [Mr. KYL].

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I move to table the pending amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 609

The PRESIDING OFFICER (Mr. KEMPTHORNE). The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—65

| | | |
|---|---|---|
| Abraham | Feinstein | Mikulski |
| Akaka | Ford | Moynihan |
| Ashcroft | Frist | Murkowski |
| Biden | Glenn | Murray |
| Bingaman | Gorton | Nunn |
| Boxer | Graham | Packwood |
| Bradley | Harkin | Pell |
| Breaux | Hatch | Pressler |
| Bryan | Heflin | Pryor |
| Bumpers | Hollings | Reid |
| Burns | Jeffords | Robb |
| Campbell | Johnston | Rockefeller |
| Cochran | Kassebaum | Roth |
| Cohen | Kennedy | Sarbanes |
| Conrad | Kerrey | Shelby |
| D'Amato | Kerry | Snowe |
| Daschle | Kohl | Specter |
| DeWine | Lautenberg | Stevens |
| Dodd | Leahy | Thompson |
| Dorgan | Levin | Warner |
| Exon | Lieberman | Wellstone |
| Feingold | Mack | |

NAYS—35

| | | |
|---|---|---|
| Baucus | Gramm | Lugar |
| Bennett | Grams | McCain |
| Bond | Grassley | McConnell |
| Brown | Gregg | Moseley-Braun |
| Byrd | Hatfield | Nickles |
| Chafee | Helms | Santorum |
| Coats | Hutchison | Simon |
| Coverdell | Inhofe | Simpson |
| Craig | Inouye | Smith |
| Dole | Kempthorne | Thomas |
| Domenici | Kyl | Thurmond |
| Faircloth | Lott | |

So the motion to table the amendment (No. 609) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 611

The PRESIDING OFFICER. The question now is on the Kyl amendment No. 611.

Mr. ROCKEFELLER. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—56

| | | |
|---|---|---|
| Akaka | Dorgan | Kohl |
| Biden | Feingold | Lautenberg |
| Bingaman | Feinstein | Leahy |
| Bond | Ford | Levin |
| Boxer | Glenn | Lieberman |
| Bradley | Gorton | McConnell |
| Breaux | Graham | Mikulski |
| Bryan | Harkin | Moseley-Braun |
| Bumpers | Heflin | Moynihan |
| Byrd | Hollings | Murray |
| Cohen | Inouye | Nunn |
| Conrad | Jeffords | Packwood |
| D'Amato | Johnston | Pressler |
| Daschle | Kennedy | Pryor |
| DeWine | Kerrey | Reid |
| Dodd | Kerry | Robb |
| Rockefeller | Simon | Thompson |
| Sarbanes | Simpson | Wellstone |
| Shelby | Specter | |

NAYS—44

| | | |
|---|---|---|
| Abraham | Faircloth | Lugar |
| Ashcroft | Frist | Mack |
| Baucus | Gramm | McCain |
| Bennett | Grams | Murkowski |
| Brown | Grassley | Nickles |
| Burns | Gregg | Pell |
| Campbell | Hatch | Roth |
| Chafee | Hatfield | Santorum |
| Coats | Helms | Smith |
| Cochran | Hutchison | Snowe |
| Coverdell | Inhofe | Stevens |
| Craig | Kassebaum | Thomas |
| Dole | Kempthorne | Thurmond |
| Domenici | Kyl | Warner |
| Exon | Lott | |

So the motion to lay on the table the amendment (No. 611) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 612

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 612, offered by the Senator from Ohio.

Mr. GORTON. Mr. President, this is a noncontroversial amendment.

So the amendment (No. 612) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 613

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 613, offered by the Senator from Utah.

Mr. GORTON. Mr. President, this is also a noncontroversial amendment.

So the amendment (No. 613) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUEST

Mr. DOLE. Mr. President, I ask unanimous consent we have the next vote and then we recess for the policy luncheons until 2:15, and then come back and complete the additional rollcall votes.

There will be one additional rollcall vote. The remainder of the votes will follow at 2:15.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, reserving the right to object, I am going to withdraw my amendment at this point. I do not know if that affects the majority leader's schedule, but I ask unanimous consent to withdraw my amendment.

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

The amendment (No. 616) was withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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, after consultation with the Democratic leader and a number of people who are conducting hearings, I withdraw the request. We will just go ahead and complete the votes now.

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

AMENDMENT NO. 614

The PRESIDING OFFICER. The question, then, is on agreeing to the Simon amendment (No. 614).

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I move to table the Simon amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 614

The PRESIDING OFFICER. The question occurs on the motion to lay on the table the amendment, No. 614.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 51, nays 49, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—51

| | | |
|---|---|---|
| Ashcroft | Gorton | Lugar |
| Bennett | Gramm | Mack |
| Bond | Grams | McCain |
| Brown | Grassley | McConnell |
| Burns | Gregg | Murkowski |
| Campbell | Hatch | Nickles |
| Chafee | Hatfield | Pressler |
| Coats | Helms | Robb |
| Cochran | Hutchison | Rockefeller |
| Coverdell | Inhofe | Roth |
| Craig | Jeffords | Santorum |
| Dodd | Kassebaum | Smith |
| Dole | Kempthorne | Snowe |
| Domenici | Kyl | Stevens |
| Exon | Lautenberg | Thomas |
| Faircloth | Lieberman | Thurmond |
| Frist | Lott | Warner |

NAYS—49

| | | |
|---|---|---|
| Abraham | Cohen | Harkin |
| Akaka | Conrad | Heflin |
| Baucus | D'Amato | Hollings |
| Biden | Daschle | Inouye |
| Bingaman | DeWine | Johnston |
| Boxer | Dorgan | Kennedy |
| Bradley | Feingold | Kerrey |
| Breaux | Feinstein | Kerry |
| Bryan | Ford | Kohl |
| Bumpers | Glenn | Leahy |
| Byrd | Graham | Levin |
| Mikulski | Pell | Simpson |
| Moseley-Braun | Pryor | Specter |
| Moynihan | Reid | Thompson |
| Murray | Sarbanes | Wellstone |
| Nunn | Shelby | |
| Packwood | Simon | |

So the motion to lay on the table the amendment (No. 614) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 607

The PRESIDING OFFICER. The question now occurs on amendment No. 607 offered by the Senator from Massachusetts [Mr. KENNEDY].

Mr. GORTON. Mr. President, I move to table the Kennedy amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 607. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—55

| | | |
|---|---|---|
| Abraham | Graham | McCain |
| Ashcroft | Gramm | McConnell |
| Bennett | Grams | Murkowski |
| Bond | Grassley | Nickles |
| Brown | Gregg | Packwood |
| Burns | Hatch | Pressler |
| Campbell | Hatfield | Robb |
| Chafee | Heflin | Rockefeller |
| Coats | Helms | Roth |
| Cochran | Hutchison | Santorum |
| Coverdell | Inhofe | Smith |
| Craig | Jeffords | Snowe |
| DeWine | Kassebaum | Stevens |
| Dole | Kempthorne | Thomas |
| Domenici | Kyl | Thompson |
| Exon | Lieberman | Thurmond |
| Faircloth | Lott | Warner |
| Frist | Lugar | |
| Gorton | Mack | |

NAYS—45

| | | |
|---|---|---|
| Akaka | Dorgan | Levin |
| Baucus | Feingold | Mikulski |
| Biden | Feinstein | Moseley-Braun |
| Bingaman | Ford | Moynihan |
| Boxer | Glenn | Murray |
| Bradley | Harkin | Nunn |
| Breaux | Hollings | Pell |
| Bryan | Inouye | Pryor |
| Bumpers | Johnston | Reid |
| Byrd | Kennedy | Sarbanes |
| Cohen | Kerrey | Shelby |
| Conrad | Kerry | Simon |
| D'Amato | Kohl | Simpson |
| Daschle | Lautenberg | Specter |
| Dodd | Leahy | Wellstone |

So the motion to table the amendment (No. 607) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 615

The PRESIDING OFFICER. The question is on agreeing to amendment No. 615 offered by the Senator from Massachusetts [Mr. KENNEDY].

The amendment (No. 615) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 603, AS AMENDED

The PRESIDING OFFICER. The pending measure is amendment No. 603, as amended, offered by the Senator from Kentucky [Mr. MCCONNELL].

Mr. GORTON. Mr. President, I ask for the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

VOTE ON AMENDMENT NO. 603, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 603, as amended.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—53

| | | |
|---|---|---|
| Abraham | Frist | Mack |
| Ashcroft | Gorton | McCain |
| Bennett | Gramm | McConnell |
| Bond | Grams | Murkowski |
| Brown | Grassley | Nickles |
| Burns | Gregg | Nunn |
| Campbell | Hatch | Pressler |
| Chafee | Hatfield | Robb |
| Coats | Helms | Roth |
| Cochran | Hutchison | Santorum |
| Coverdell | Inhofe | Simpson |
| Craig | Jeffords | Smith |
| DeWine | Kassebaum | Snowe |
| Dole | Kempthorne | Stevens |
| Domenici | Kyl | Thomas |
| Exon | Lieberman | Thurmond |
| Faircloth | Lott | Warner |
| Feinstein | Lugar | |

NAYS—47

| | | |
|---|---|---|
| Akaka | Feingold | Mikulski |
| Baucus | Ford | Moseley-Braun |
| Biden | Glenn | Moynihan |
| Bingaman | Graham | Murray |
| Boxer | Harkin | Packwood |
| Bradley | Heflin | Pell |
| Breaux | Hollings | Pryor |
| Bryan | Inouye | Reid |
| Bumpers | Johnston | Rockefeller |
| Byrd | Kennedy | Sarbanes |
| Cohen | Kerrey | Shelby |
| Conrad | Kerry | Simon |
| D'Amato | Kohl | Specter |
| Daschle | Lautenberg | Thompson |
| Dodd | Leahy | Wellstone |
| Dorgan | Levin | |

So the amendment (No. 603), as amended, was agreed to.

## CHANGE OF VOTE

Mr. PACKWOOD. Mr. President, on rollcall vote No. 139 I voted "yea." It was my intention to vote "no." Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

CHANGE OF VOTE

Mr. HATFIELD. Mr. President, on rollcall vote No. 137 I voted "yea." It was my intention to vote "no." Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. HELMS. Mr. President, I ask unanimous consent that I be permitted to proceed very briefly as in the morning business.

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

## HAVE THE CUBAN PEOPLE BEEN SOLD DOWN THE RIVER?

Mr. HELMS. Mr. President, at noon today, Attorney General Reno made a formal announcement that has dismayed the Cuban people.

The Attorney General, speaking for the President, announced that effective immediately the Cubans interdicted at sea will be forcibly returned to face the wrath of Fidel Castro.

Mr. President, of course, Mr. Castro has said he will take no punitive action against Cubans forcibly returned to his tyranny. But the Cuban people, many of whom died before firing squads, and others who languished for years as political prisoners in Castro's prisons, learned the hard way the value of Mr. Castro's word.

Mr. President, there has been another sad and tragic moment involving the Clinton administration's dealings with the Cuban people. I am already receiving in my office an endless stream of telephone calls and faxes from Cuban-Americans who feel they have again been betrayed by the administration.

For more than 35 years, Mr. President, the United States has been a safe haven for Cubans fleeing Castro's repressive Communist dictatorship. Last year, Mr. President, the Clinton administration began a reversal of this policy. Cuban Americans now appropriately fear that the administration has joined hands with the Castro regime in an effort having the continuing effect of enslaving the people of Cuba.

Today's announcement, described as the result of secret negotiations between the administration and the Castro regime, is seen as a sign that the United States will now work in partnership with Castro's brutal security apparatus by intercepting and capturing escaping Cuban refugees and turning them over directly to Castro's thugs. How sad it is, Mr. President, that the United States is now viewed as an accomplice in Castro's repression of the Cuban people.

Mr. President, if the United States wants to send naval vessels to surround Cuba, it should not be done to cooperate with the Castro regime. It should be done to blockade and strangle his brutal dictatorship once and for all. This development is another reason why Congress must pass the Cuban Liberty and Democratic Solidarity Act. In the face of this vacillation, the Congress must reaffirm that United States policy is to isolate and replace Fidel Castro, not to keep the Cuban people imprisoned in Castro's tropical gulag.

I ask unanimous consent the full text of the statement issued at noon by the Attorney General, Ms. Reno, be printed in the RECORD at the conclusion of my remarks.

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

STATEMENT OF ATTORNEY GENERAL JANET RENO REGARDING CUBAN MIGRATION

I would like to make an announcement regarding Cuban migration.

It has long been the policy of the United States that Cubans who wish to migrate to the United States should do so by legal means. The U.S. Interests Section in Havana accepts and processes requests for visas, and it also operates an in-country program for those Cubans who seek refugee status for entry into the United States.

Pursuant to this policy, last August I announced that Cubans attempting irregular means of migration to the United States on boats and rafts would not be allowed to enter this country, but rather would be brought to the United States Naval base at Guantanamo Bay, where they would be offered safe haven.

Last September, following negotiations with representatives of the Cuban government, the United States announced that it would increase Cuban migration to the United States to permit 20,000 legal entrants per year. This program, which includes immigrant visas, refugee applications, and a Special Cuban Migration Program designed to broaden the pool of potential entrants, is on target, and we expect to continue legal Cuban migration at this level in the years to come. This year alone, we expect to bring 7,000 Cuban refugees to the United States through our in-country program in Havana.

Following recent diplomatic exchanges with the Cuban government, the United States is now prepared to take another important step towards regularizing Cuban migration between Cuba and the United States.

First, with respect to Guantanamo:

We will continue to bring to the United States those persons who are eligible for special humanitarian parole under the guidelines announced by the President last October and December.

The government of Cuba has agreed to accept all Cuban nationals in Guantanamo who wish to return home, as well as persons who have previously been deported from the United States and persons who would be ineligible for admission to the United States because of criminal record, medical, physical, or mental condition, or commission of acts of violence while at Guantanamo.

All other Cubans in the safe haven will be considered for entry into the United States on a case-by-case basis as "Special Guantanamo Entrants", bearing in mind the impact of paroles on state and local economies and the need for adequate sponsorships. As has been true for all Cubans and Haitians previously paroled into the United States from Guantanamo, sponsorship and resettlement assistance will be obtained prior to entry. The number of these "Special Guantanamo Entrants" admitted to the United States will be credited against the 20,000 annual Cuban migration figure, beginning in September of this year, at the rate of 5,000 per year (regardless of when the Special Guantanamo Entrants are admitted).

Second, with regard to future irregular migration:

Effective immediately, Cuban migrants intercepted at sea attempting to enter the United States, or who enter Guantanamo illegally, will be taken to Cuba, where U.S. consular officers will assist those who wish to apply to come to the United States through already established mechanisms. Cubans must know that the only way to come to the United States is by applying in Cuba.

All returnees will be permitted to apply for refugee status at the U.S. Interests Sections in Havana. Cuba is one of only three countries in the world in which the United States conducts in-country processing for refugees. The Government of Cuba has committed to the Government of the United States that on one will suffer reprisals, lose benefits, or be prejudiced in any manner, either because he or she sought to depart irregularly or because he or she has applied for refugee status at the U.S. Interests Section. The Cuban Government made a similar commitment in the context of the September 1994 agreement, and we are satisfied that it has been honored. Moreover, the Government of Cuba will permit monitoring by U.S. consular officers of the treatment of all returnees.

Migrants intercepted at sea or in Guantanamo will be advised that they will be taken back to Cuba, where U.S. consular officials will meet them at the dock and assist those who wish to apply for refugee admission to the United States at the Interests Section in Havana. They will be told that the Government of Cuba has provided a commitment to the United States Government that they will suffer no adverse consequences or reprisals of any sort, and that U.S. consular officers will monitor their treatment. They will also be told that those persons who seek resettlement in the United States as refugees must use the in-country refugee program.

Measures will be taken to ensure that persons who claim a genuine need for protection which they believe cannot be satisfied by applying at the U.S. Interests Section in Havana will be examined before return.

Cubans who reach the United States through irregular means will be placed in exclusion proceedings, detained, and treated as are all illegal migrants from other countries.

The United States Government reiterates its opposition to the use of violence in connection with departure from Cuba and its determination to prosecute cases of hijacking and alien smuggling.

These new procedures represent another important step towards regularizing migration procedures with Cuba, finding a humanitarian solution to the situation at Guantanamo, and preventing another uncontrolled and dangerous outflow from Cuba.

The United States policy towards Cuba remains the same. We remain committed to the Cuban Democracy Act and its central goal—promoting a peaceful transition to democracy in Cuba. We will continue to enforce the economic embargo to pressure the Cuban regime to reform. We will continue to reach out to the Cuban people through private humanitarian assistance and through the free flow of ideas and information to

strengthen Cuba's fledgling civil society. And we remain ready to respond in carefully calibrated ways to meaningful steps toward political and economic reform in Cuba.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

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

## THE ATTORNEY GENERAL'S ANNOUNCEMENT ON CUBAN MIGRATION

Mr. GRAHAM. Mr. President, it had not been my intention to speak at this moment but I happened to be on the floor and heard the Senator from North Carolina. I would like, if I could, to put in context what the Attorney General announced at noon today.

The first component of the announcement was that the United States would adopt a new policy relative to those detainees who are currently being held at the naval station at Guantanamo Bay. For some background, in the late summer and early fall of 1994, a large exodus of Cubans commenced from that island and were interdicted by United States Coast Guard and some military vessels. The decision was made by the U.S. Government at that time to establish a safe haven at Guantanamo Naval Station, to which in excess of 30,000 persons who had been interdicted at sea were subsequently taken.

In September 1994, the United States Government, as part of what has been a continuing negotiation with the Cuban Government, held negotiations on the specific and limited and singular topic of immigration. As a result of that, an agreement was reached. Parts of that agreement provided that the United States would provide no less than 20,000 visas per year for Cubans wishing to come legally to the United States, and would do so through a process administered by the United States interest section in Havana. Also, as part of that agreement, the Cuban Government agreed to undertake those steps which would be necessary in order to prevent a continuation or restart of a mass exodus from Cuba.

Over time, the U.S. Government determined that there were three categories of persons at Guantanamo who deserved to be granted parole in the United States, those three being families with children, the elderly, and those who had serious medical problems. Under those three categories of parole, approximately 7,000 to 8,000 persons have been paroled into the United States thus far. There are another 2,000 to 3,000 to be paroled into the United States. That will leave at Guantanamo a population of approximately 15,000, plus or minus, which will be composed largely of single males, older adolescents, and young adults.

Over the past several months, there has been growing concern about what will happen at Guantanamo when we end up with that population. Recently, first privately and increasingly publicly, the representatives of the U.S. military—including General Sheehan, who is the Commander, Atlantic Command, which has responsibility for the U.S. military interests in the Caribbean—indicated that they felt it would be a very serious situation with potential for riots or other major unrest.

I personally have visited Guantanamo twice since it has been a principal safe haven for at one time Haitians, then mixed Haitians and Cubans, and now primarily Cubans. I concur, as a lay person, in what I observed at Guantanamo: It is a very stark environment. Many would think Guantanamo would look like their vision of a Caribbean island. It is not. It is a very formidable, rocky, dry, arid place where cactus is more prominent than palm trees. There is great concern about the potential of having a large number of persons of a young male status, without any hope or expectations for their future, being detained for an extended period under those circumstances.

I might say, this Senate spoke to that issue itself just a few weeks ago when the Department of Defense requested a supplemental appropriation of over $50 million in order to enhance the conditions at Guantanamo—things like putting in permanent showers and bathroom facilities where currently portable facilities are being utilized. The Senate elected not to fund that supplemental appropriation and expressed in its declination to do so the need for the United States to determine what its long-term policy was going to be relative to the detainees at Guantanamo.

So we have had the opportunity as a Senate to speak on this issue, and what we said to the administration was: Come up with a policy of how to deal with this situation before we commit an additional $50 million on top of the $1 million a day we are spending in order to maintain the population which is currently at Guantanamo.

Another part of this very unfortunate situation was the fact that there is great concern in the United States about the increasing number of immigrants. What seemed to be a strategy that would try to maximize the positives and minimize what are inherently going to be negatives in this situation was a policy that said let us take some of those 20,000 visas a year we are committed to offer through the interest section in Havana, and let us shift those to Guantanamo and assign those to those persons who, on a case-by-case basis, can meet the standards of entry to the United States. That has seemed to me for a number of months to be a rational policy, one not without risk or problems, but better than a set of unhappy other alternatives that face the United States.

I am pleased the administration did not wait until we had a riot at Guantanamo in order to act; that the administration essentially took the direction which this Senate had given, to state what our long-term policy was going to be vis-a-vis Guantanamo. That policy will be that over the next 3 years, we will shift visas from the interest section in Havana to Guantanamo, to begin the process of depopulating Guantanamo. Those who meet our standards will receive one of the visas for entry to the United States. Those who do not meet our standards will be sent back to Cuba.

The major concern about that policy was the concern that is referred to as remagnetizing Guantanamo. If you depopulate Guantanamo through this process but in the course of that you create such a strong impetus for people to go to Guantanamo and it refills, then you are back to where you are today.

The Cuban Government has restated its commitment of last September; that is, that it will enforce against mass exodus from the island. The United States, now having said we will not take people to Guantanamo as a safe haven, the policy which the Attorney General announced today is that those persons who are interdicted at sea will be given an on-board screening at sea to determine if they have a legitimate claim of political asylum.

If they have such a legitimate claim for political asylum, they will be given a special processing commensurate with that status and with our history of humanitarian outreach to political asylees and our obligations under international law.

If they do not meet that standard, then they will be returned directly to Cuba. That is a provision of this which causes great concern to many people, including myself. I recognize the long history that the United States has had relative to a special relationship with the people of Cuba. This policy was taken as what was considered to be a necessary backstop to the steps to depopulate Guantanamo without, in the process of depopulating, creating the very impetus that would repopulate it.

Mr. President, I am a cosponsor of the legislation that the Senator from North Carolina has introduced. I was the principal Senate sponsor of the Cuban Democracy Act, which today represents the basis of United States policy toward Cuba. That policy, as the President stated, is unchanged. That policy is one of economic and political isolation of Cuba as the most appropriate United States policy for purposes of closing down the 35-year nightmare which Fidel Castro has represented to the people of Cuba.

It is a policy that says we will outline with specificity and with compassion what our policy will be toward the people of Cuba during this reign of terror of Fidel Castro, and we will stipulate what our policy will be upon Castro's fall, to reintegrate a democratic and free Cuba into the international family of peace-loving nations and eliminate the one blotch that remains on the map of democracies of the Western Hemisphere, which is Cuba.

That was the essence of the Cuban Democracy Act. The legislation which I am cosponsoring with the Senator from North Carolina extends those principles toward the same goal of a rapid, hopefully peaceful transition of Cuba from the tyranny that exists today to a free and democratic government.

The decision the President made today was a difficult one. It represents a selection among a series of difficult choices. I respect the fact he did not wait for a crisis to make the decision. He has made it firmly. He has done what will achieve, I think, the maximum national security benefits to the United States in terms of our military base at Guantanamo.

The U.S. Department of Defense supported this proposition. It will allow Guantanamo to return to its role as an important part of our hemispheric security. It will not serve as a magnet for future buildup and diversion from its military use. It will stop almost $1 million a day of expenditure that we have been making at Guantanamo.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 2 minutes.

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

Mr. GRAHAM. Mr. President, there were some difficult decisions that had to be made around that core judgment. The result of the series of decisions will be: First that there will be no increase of total Cuban immigration into the United States, legal Cuban immigration, beyond that to which the United States was already committed.

Second, that immigration will now come from two streams, partially from Havana and partially from those persons who are at Guantanamo.

Third, the American people will be assured that only people from either place—Havana or Guantanamo—who will enter the United States will be those who meet our standards for entry.

Fourth, steps have been taken to demagnetize Guantanamo for further population buildup.

Within that policy, the American principle of recognition of political asylum and provision for those persons who seek freedom to make the case that they are seeking freedom out of the basis of a legitimate fear of political persecution will be maintained. They will be afforded that opportunity. The Attorney General outlined in summary form today what those steps will be.

So, Mr. President, I appreciate the leadership which the President has taken in making a difficult decision. I believe this Senate should appreciate the fact that he has responded to our request for leadership on this matter; that the U.S. Department of Defense will now be able to return its personnel and facilities to their intended purpose of security of the United States; and that we will be able to say that our policy of respecting human rights, and particularly respecting the rights of those claiming political asylum, will be maintained.

They are difficult choices, but in my judgment, choices that had to be made.

The PRESIDING OFFICER. The Senator from North Carolina.

MOTION TO RECONSIDER VOTE ON AMENDMENT NO. 603

Mr. HELMS. Mr. President, was a motion to reconsider the vote on amendment No. 603 made?

The PRESIDING OFFICER. The motion was not made.

Mr. HELMS. I make such a motion and I move to table the motion.

The motion to lay on the table was agreed to.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent I may speak for 5 minutes as in morning business.

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

## THE NOMINATION OF DR. HENRY FOSTER

Mr. SPECTER. Mr. President, I have sought recognition to urge the Senate to consider the nomination of Dr. Henry Foster to be Surgeon General, to consider that nomination ultimately on the Senate floor. I urge that this be done for two reasons: First, out of basic fairness to Dr. Foster and, second, as an important sign that men and women can place themselves up for nomination for important positions without fear of being, in effect, railroaded out of town without having an opportunity for their positions and their cases and their records to be heard.

This morning, Dr. Foster testified before the Committee on Labor and Human Resources and the preliminary reports are that Dr. Foster has been an impressive witness on his own behalf. After Dr. Foster's name was submitted for the position of Surgeon General, I met with him extensively to discuss his record, after having reviewed his educational record, his record as a practicing physician, the work that he had done against teenage pregnancy, the work he had done for poor people, and the work he had done in a community context.

Let us strip away the facade, Mr. President. What has really occurred on Dr. Foster's nomination is an objection to his having performed abortions, and it seems to me that when Dr. Foster has performed abortions, however many, a medical procedure permitted by the U.S. Constitution, that ought not to be a reason for his disqualification.

Before any other consideration had arisen as to issues about performing hysterectomies or an issue about syphilis in studies of African-Americans or the question about how many abortions he had performed, there was an immediate cry that Dr. Foster was disqualified because he had performed abortions.

I think that is totally inappropriate, that is just wrong, to disqualify a nominee for Surgeon General because that person has performed a medical procedure which is permitted by the U.S. Constitution.

With respect to the issue of how many abortions he had performed and what information had come from the White House—and it appears at one point the White House made a representation of only one abortion; that was not what Dr. Foster had represented—that ought not to be held against him and ought not to be a smokescreen or a red herring for saying that he is disqualified. Whatever Dr. Foster has said about the number of abortions, that ought to be a question for the full Senate to consider. And whatever the contentions are about the performance of hysterectomies or about the syphilis testing on African Americans, that again is a question for consideration by the full Senate.

Now, I know, Mr. President, there have been statements by some that they are going to filibuster the nomination. Well, if they choose to filibuster the nomination, so be it. Let us have it out on the Senate floor. And there are some who say that if the nomination is voted out by committee, and it is not brought to the floor, they are going to tie up the Senate. I do not think we need those kinds of threats for the Senate to consider its business and decide whether Dr. Henry Foster is qualified to be Surgeon General.

It is my hope that the committee will report Dr. Foster to the floor for consideration by the Senate, and that can be done in a variety of ways. It can be done on an affirmative vote by a majority saying he is qualified, it could be done on a vote by the committee saying that he ought to be considered without recommendation, or it can even be done if the committee votes Dr. Foster down, as we have had with nominees. Judge Bork was voted down by the committee but it was voted to the Senate floor. Or Judge

Thomas, later Justice Thomas, was a tie vote in the committee and was voted to the Senate floor.

It seems to me, in fairness to Dr. Foster, he ought to be considered by the full Senate, and in fairness to the system where we are asking people to come to Washington under very difficult circumstances as a matter of precedent somebody ought not to be, in effect, railroaded out of town without having the Senate consider his nomination.

So as this matter is being considered today by the committee, I wanted to make these comments because the core question here, Mr. President, stripped away from all the subterfuge, stripped away from all the smoke, stripped away from all the red herrings is whether Dr. Foster ought to be disqualified for performing abortions, however many, a medical procedure authorized by the U.S. Constitution. I think the Senate ought to face up to that squarely. If the balance of the testimony shows qualification, as I think it will, based upon my examination of the record and my detailed conversations with Dr. Foster in questioning of him, then I think he ought to be confirmed.

I thank the Chair and yield the floor.

## RECESS UNTIL 2:15 P.M.

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

Thereupon, at 1:41 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

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

## T. OSCAR TREVINO, JR., 1995 TEXAS SMALL BUSINESS PERSON OF THE YEAR

Mrs. HUTCHISON. Mr. President, I want to recognize the leadership of a small business person in my State who is being honored today by the Small Business Administration as the Small Business Person of the Year in Texas.

Mr. Oscar Trevino, Jr. is president of J.L. Steel, Inc. He is what America is all about, Mr. President. He took a company, J.L. Steel, from $400,000 in revenues in the first year, in 1989, and built that company to over $13 million in revenues last year. It is the fifth fastest growing Hispanic-owned company in the United States.

I am really proud of this Texan. He has really added to the economic vitality of our community in that he now has 140 employees that are working and paying taxes and are good citizens of our State. I am very pleased to honor him today.

Mr. President, I ask unanimous consent that his biography be printed in the RECORD.

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

BIOGRAPHY OF T. OSCAR TREVINO, JR.

It was 1989, and Oscar Trevino was comfortable with his company care and steady paycheck. He and neighbor Jan La Point were chatting on the lawn after dinner, while the kids played out front. It seems that Jan was having trouble expanding her two-year-old company, and Oscar was interested.

Before he realized it, he had worked out a business plan on his computer, and they were in business as J.L. Steel. Oscar borrowed against his retirement account, his credit cards and from family to become 51 percent owner of the firm. From $400,000 in revenues that first year, J.L. Steel has grown to nearly $13.6 million in revenues last year, making it the fifth fastest-growing Hispanic-owned company in the United States, with an annual growth rate of 235 percent.

J.L. Steel installs reinforced steel in highways, bridges and buildings. The firm competes for government and private contracts in Texas, Oklahoma and Louisiana, and satisfies its customers with reliable estimates, quality workmanship and attention to detail in the reams of accompanying paperwork. The firm has called on the SBA twice: in 1992 for a loan guarantee to finance growth and again in 1993, when it was certified as an 8(a) contractor, allowing it to compete for jobs from the federal government.

Oscar himself started out as a laborer, working summers for a major general-contracting firm while he earned a civil engineering degree from Texas A&M. He stayed with the firm after he graduated in 1978, advancing to become project manager by 1989. He hasn't forgotten how difficult it can be for others, and J.L. Steel has an aggressive equal-opportunity policy.

Oscar supports fledgling companies by helping them with marketing, construction practices and subcontracting opportunities. His tireless advocacy work on behalf of minority- and women-owned businesses includes work on various boards and committees, including the Dallas Minority Business Enterprise Advisory Committee and the Disadvantaged Business Enterprise Support Services program of the Texas Engineering Extension Service. He also helped the Association of General Contractors of Texas develop and promote fair and equitable goals, and training and apprenticeship programs for minorities and women.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 743 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, having completed work on all of the amendments relating to medical malpractice, the floor of the Senate is now open for other amendments to the product liability legislation. I understand that serious amendments are to be proposed extending the punitive damages provisions of this bill to all litigation and extending the rules related to joint liability to all litigation. At the same time, there are a number of other amendments, both those which would broaden the legislation and those which would narrow it, which is appropriate and is relative to be discussed in connection with this bill.

I do hope at this point, after more than a week of debate, that proponents and opponents to these amendments will be willing to consider adequate, but relatively brief, time agreements, so that we can move the legislation forward. As Members come to the floor to present their amendments, I intend to make that suggestion to them, and we can have first-rate debate and votes and perhaps fewer quorum calls than we have had for some time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. It is amendment No. 596 to H.R. 956.

AMENDMENT NO. 617

(Purpose: To provide for certain limitations on punitive damages, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. EXON, Mr. HATCH, Mr. MCCONNELL, Mr. ABRAHAM, Mr. KYL, Mr. THOMAS, Mrs. HUTCHISON, and Mr. GRAMM, proposes an amendment numbered 617.

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

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

The amendment is as follows:

On page 19, strike line 12 through line 5 on page 21, and insert the following:

**SEC. 107. PUNITIVE DAMAGES IN CIVIL ACTIONS.**

(a) FINDINGS.—The Congress finds that—

(1) punitive damages are imposed pursuant to vague, subjective, and often retrospective standards of liability, and these standards vary from State to State;

(2) the magnitude and unpredictability of punitive damage awards in civil actions have increased dramatically over the last 40 years, unreasonably inflating the cost of settling litigation, and discouraging socially useful and productive activity;

(3) excessive, arbitrary, and unpredictable punitive damage awards impair and burden commerce, imposing unreasonable and unjustified costs on consumers, taxpayers, governmental entities, large and small businesses, volunteer organizations, and nonprofit entities;

(4) products and services originating in a State with reasonable punitive damage provisions are still subject to excessive punitive damage awards because claimants have an economic incentive to bring suit in States in which punitive damage awards are arbitrary and inadequately controlled;

(5) because of the national scope of the problems created by excessive, arbitrary, and unpredictable punitive damage awards, it is not possible for the several States to enact laws that fully and effectively respond to the national economic and constitutional problems created by punitive damages; and

(6) the Supreme Court of the United States has recognized that punitive damages can produce grossly excessive, wholly unreasonable, and often arbitrary punishment, and therefore raise serious constitutional due process concerns.

(b) GENERAL RULE.—Notwithstanding any other provision of this Act, in any civil action whose subject matter affects commerce brought in any Federal or State court on any theory, punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant only if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct by the defendant that was either—

(1) specifically intended to cause harm; or

(2) carried out with conscious, flagrant disregard to the rights or safety of others.

(c) PROPORTIONAL AWARDS.—The amount of punitive damages that may be awarded to a claimant in any civil action subject to this section shall not exceed 2 times the sum of—

(1) the amount awarded to the claimant for economic loss; and

(2) the amount awarded to the claimant for noneconomic loss.

This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

(d) BIFURCATION.—At the request of any party, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded and the amount of such an award. If a separate proceeding is requested—

(1) evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded; and

(2) evidence admissible in the punitive damages proceeding may include evidence of the defendant's profits, if any, from its alleged wrongdoing.

(e) APPLICABILITY.—Nothing in this section shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by the United States, or by any State, under any law;

(2) create any cause of action or any right to punitive damages;

(3) supersede or alter any Federal law;

(4) preempt, supersede, or alter any State law to the extent that such law would further limit the availability or amount of punitive damages;

(5) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(6) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(7) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(f) FEDERAL CAUSE OF ACTION PRECLUDED.—Nothing in this section shall confer jurisdiction on the Federal district courts of the United States under section 1331 or 1337 of title 28, United States Code, over any civil action covered under this section.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "claimant" means any person who brings a civil action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) The term "clear and convincing evidence" means that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard shall be more than that required under preponderance of the evidence, and less than that required for proof beyond a reasonable doubt.

(3) The term "commerce" means commerce between or among the several States, or with foreign nations.

(4)(A) The term "economic loss" means any objectively verifiable monetary losses resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, costs of repair or replacement, costs of replacement services in the home, including child care, transportation, food preparation, and household care, costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

(B) The term "economic loss" shall not include noneconomic loss.

(5) The term "harm" means any legally cognizable wrong or injury for which damages may be imposed.

(6)(A) The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(B) The term "noneconomic loss" shall not include economic loss or punitive damages.

(7) The term "punitive damages" means damages awarded against any person or entity to punish such person or entity or to deter such person or entity, or others, from engaging in similar behavior in the future.

(8) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision of any of the foregoing.

(h) EFFECTIVE DATE.—This section shall apply to any civil action in which trial has not commenced before the date of enactment of this Act.

Mr. DOLE. Mr. President, this is a bipartisan amendment—Senator EXON is a cosponsor, as are Senators HATCH, MCCONNELL, ABRAHAM, KYL, THOMAS, HUTCHISON, and GRAMM.

This is an amendment that offers needed protections from lawsuit abuse to every American—small business or large; volunteer or charitable organizations. The spectre of lawsuit abuse hangs over us all, and our amendment would expand the protections in the Gorton substitute to ensure that every American is covered.

The bill as it now stands calls for limiting punitive damages in product liability cases to three times economic damages, or $250,000, whichever is greater.

This amendment makes two changes: It would extend the limits on punitive damages beyond product liability to all civil cases; and it would provide a rule of proportionality that limits punitive damages to two times compensatory damages; that is, any economic and noneconomic damages combined.

This amendment is needed because our Nation desperately needs broadly based relief from lawsuit abuse.

America's litigation tax—the tort tax—hurts every American; at least every American who is not a personal injury lawyer.

Anyone who cares about middle-class American families, consumers, and workers would want that litigation tax reduced.

We all know the numbers: $20 in the cost of an ordinary $100 step ladder goes to the litigation tax, as does one-sixth of the price of an $18,000 pacemaker and $8 of an $11.50 DPT childhood vaccine.

The litigation tax is a national "value subtracted" tax—$1,200 on every American, rich or poor, with nothing received in return.

And where does that money go? According to a 1986 Rand Corp. study, less than half ends up with those who are suing. Most goes to trial expenses and particularly to lawyers.

In other words, the litigation tax takes income right out of the middle-class family's pocket and puts it into the pockets of one of the wealthiest groups in America—personal injury lawyers.

Even worse, just the fear of litigation has led to the canceling of life-saving research and product improvements in many fields. Companies are afraid of being sued over anything that is new and this has made America less safe.

In other words, the biggest cost of the litigation tax may be measured, not in dollars, but in lives.

The underlying bill goes a long way toward reducing the abuses we currently suffer. But, in my view, it leaves many deserving organizations and small businesses outside its protective scope.

The litigation tax is paid, not just by consumers who buy products, but by

every nonprofit organization, every small business, every municipality in the Nation—and those who depend on the services they provide.

This amendment will free our nonprofit organizations, small businesses, and local governments to serve America without first serving up a tribute to personal injury lawyers.

We do not have to look far to count the costs of the litigation tax to nonprofits, small businesses, and municipalties—and to the rest of America.

For example, the head of the Girls Scout Council of the Nation's Capital Area wrote this to House leaders during the debate over there:

> Locally, we must sell 87,000 boxes of cookies each year to pay for liability insurance. We have no diving boards at our camps. We will never own horses. And, many local schools will no longer provide meeting space for our volunteers.

The chief executive officer of Little League Baseball, Dr. Creighton Hale, has issued a similar plea.

Writing in the Wall Street Journal recently, Dr. Hale reported that, as he put it:

> In recent years, litigation has been the end result of two boys colliding in the outfield [the two picked themselves up and sued the coach]. * * * In still another case—

He continued:

> A man and woman won a cash settlement when the woman was hit by a ball a player failed to catch. The player was her daughter.

Dr. Hale says:

> The costs of this litigation lunacy score out * * * in bewildered dads calling our offices asking about personal liability, and volunteer coaches waking up to the fact that they're taking major league risks.

And he added:

> It's a problem common to all nonprofit organizations and the volunteers they depend on.

This is not even close to being in the ballpark of what most people think of when we think of justice in America.

Mr. President, legal speculators have declared war on American volunteerism, entrepreneurship, and local government—the institutions that make for strong communities and a better America.

Expanding the limits on punitive damages to all civil suits will help end the legal speculators' war on these institutions. It will help return justice to the law. It will reach into every home and school and town board and small business and community group in the Nation.

It will tell them that they need not fear for their financial security when they venture outside their home to help a neighbor or open a small business.

It will tell them the siege is over.

Mr. President, it seems to me that this is a very, very important amendment to the substitute. It is one that I hope my colleagues will look at very, very carefully.

I would certainly be willing to enter into a time agreement on this amendment. We would like to finish action on the punitive damage amendment today, as well as a joint and several liability amendment. I hope we can reach some time agreement. I state that now so that my colleagues on the other side of this issue, perhaps we can negotiate a time agreement later this afternoon.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Utah.

Mr. HATCH. Mr. President, I am pleased to be a cosponsor of the amendment to S. 565.

This amendment would, in effect, extend the punitive damage provision of S. 565 for product liability actions to all civil actions. The subject matter affects interstate commerce brought in State or Federal courts.

Our system of civil justice is broken, in the eyes of many people. The American people do deserve better. They deserve change. They deserve some common sense in our legal system.

I hope we can pass this amendment, along with some others, and send S. 565 to the President for his signature.

Let me be clear: The pending amendment helps volunteer organizations, towns, cities, counties, States, farmers, small businesses, transportation companies, convenience stores, blood banks, school boards, as well as product manufacturers. This amendment is proconsumer.

The pending amendment focuses on one aspect of our civil justice system: Punitive damages. Punitive damages are not awarded to compensate a victim of wrongdoing. These damages constitute punishment in an effort to deter future egregious misconduct.

Punitive damage reform is not about shielding wrongdoers from liability, nor does such reform prevent victims of wrongdoing from being rightfully compensated for their injuries or for their damages. Safeguards are needed to protect against abuse in the form of punitive damages.

In a 1994 opinion authored by Justice Stevens, the Supreme Court noted that punitive damages pose an acute danger of arbitrary deprivation of property. That was the Honda Motor Co. case.

More than that, our current punitive damage system harms consumers. I wish all of my colleagues could have heard the testimony of George L. Priest, who appeared before the Judiciary Committee on April 4 of this year. Mr. Priest is a professor of law and economics at the Yale Law School and has taught in the area of tort law, product liability and damages for 21 years, for the last 15 years at Yale.

Since 1982, he has been the director of the Yale Law School program in civil liability. He has studied jury verdicts extensively, and he did not appear before the committee on behalf of any client, interest, or group.

Professor Priest testified, "The reform of punitive damages alone, even reforms that would cap punitive damages or introduce a proportionality cap, will help consumers."

I note that the amendment before Members embodies a proportionality principle for punitive damages. I will return to Professor Priest's remarks later in my remarks and to this point later.

Let me give examples of what is wrong. This past September, an Alabama Supreme Court upheld a multimillion dollar punitive damage award against an automobile distributor who failed to inform a buyer that his new vehicle had been refinished to cure superficial paint damage. The amount expended to refinish this automobile, $601, was less than 3 percent of the vehicle's suggested price. A number of States do not require disclosure of repairs costing below a 3 percent threshold. Indeed, Alabama later adopted such a minimum threshold statute after the events which occurred in this case.

The victim was a purchaser of a $40,000 automobile. Nine months after his purchase, he took his vehicle to Slick Finish, an independent automobile detailing shop, to make the car look "snazzier" than it normally does—to use his terms. He was not then dissatisfied with the vehicle's look and had not previously noticed any problems with the car's finish. It was then that he was told by the detailer of the partial refinishing.

As a result of the discovery, he sued the automobile dealer, the North American distributor, and the manufacturer for fraud and breach of contract. He also sought an award for punitive damages. He won and he did hit the jackpot.

At trial, the jury was allowed to assess damages for each of the partially refinished vehicles that had been sold throughout the United States for a period of 10 years. The jury returned a verdict of $4,000 in compensatory damages. It also returned a verdict of $4 million in punitive damages.

On appeal to the State Supreme Court, the punitive damages award was reduced to $2 million, applicable only to the North American distributor. The U.S. Supreme Court has accepted this case for review of the constitutionality of the $2 million punitive damage award.

There is some indication that the law, though, did not permit that type of an award but the court decided anyway that they would halve the award from $4 million to $2 million.

My colleagues want to know why Americans are fed up with the civil justice system? I defy any Member of this body to read the opinion in this case and tell the American people that justice was done.

Why does it matter? In this case, it is not the purchasers of $40,000 automobiles that I am so concerned about, although they are consumers too. But the North American distributor of this automobile, spending tens of thousands of dollars in fees to defend a lawsuit over a $601 paint refinishing, and subject to a ridiculous $2 million punitive damage award, employs our constituents. Many of those employees cannot afford such expensive cars—nor can they afford such ridiculous results from our legal system. If the cost of business goes up, that cost will get passed on, and a business can only raise prices so far before its product becomes uncompetitive. At some point, that business will have to reduce its payroll. Who makes out like bandits from this case? The purchaser of a car with a $601 refinished paint job and, of course, his lawyer. I mean, punitive damages, for this case? And 2 million dollars' worth?

I should also note that this same defendant can be sued again and again for punitive damages by every owner of a partially refinished vehicle. In fact, according to defense counsel, the same plaintiff's attorney has filed 24 other similar lawsuits. No surprise there.

As a further note about this fiasco, in one of those other cases, the jury awarded no punitive damages. The very same conduct by the defendant and in one case, it is socked with $2 million in punitive damages and in another case zero punitive damages. Who knows what the litigation lottery will bring in the other, similar cases.

Let us look at another example. The September 26, 1994, National Law Journal, has a headline reading: "Blockbuster Busted for $123.6 Million."

A Dallas, TX, judge ordered Blockbuster Entertainment Corp., Video Superstores Master LP, and an individual to pay $14.7 million in damages and interest and $108.9 million in punitive damages to an individual investor. Why?

In 1986, the investor invested in the first Blockbuster franchises, and according to his attorney, "he was supposed to be included in the sale when the general partner sold." But the plaintiff-investor was not informed when such a sale was made. He charged the three defendants with breach of fiduciary duty and fraud. Aside from the $14.7 million in damages and interest, as mentioned earlier, the judge assessed just over $36 million in punitive damages to each of the three defendants, or an astonishing $108.9 million in punitive damages assessed against the defendants.

If the defendants in this case did breach their fiduciary duty and commit fraud, the plaintiff should be made whole. The pending amendment would not alter anyone's right to such a recovery.

But is this a case where punitive damages should also be imposed for the wrong? Moreover, after over $10 million in actual damages and nearly $4 million in interest, is there a further deterrent effect by imposing punitive damages? I do not have all of the facts, and I understand the case is under appeal. But even if punitive damages are appropriate, is it sensible to impose nearly 109 million dollars' worth, or over 7 times the award of damages and interest? I might add, if this plaintiff could meet the substantive standard of the pending amendment, the amendment itself would allow over $30 million in punitive damages. Frankly, that is an astronomical award itself, yet critics of this amendment argue that it is penurious.

My colleagues should understand, as the American people do, such awards impose costs. Prices on goods and services can be affected, wages and benefits paid to employees and the level of employment itself can be affected. The availability of goods and services can be affected.

Let me go back to Alabama, for yet another case, demonstrating the lack of common sense in our current civil justice system giving rise to this amendment. Indeed, this example is so outrageous, I will simply quote, at some length, the well-considered testimony of Professor Priest, at our April 4, 1995, hearing. This is from his written statement:

In the case *Gallant* v. *Prudential*, decided this past April 1994, Iran and Leslie Gallant sued Prudential Life Insurance Company based on the actions of a Prudential agent. The Gallant's had purchased a combination life insurance-annuity policy with a $25,000 face value at a monthly premium of roughly $39.00. At the time of sale, the agent had told them that the value of the annuity was roughly twice what in fact it was; the agent had added together the table indicating "Projected Return" with the table indicating the lower "Guaranteed Return." A jury found this action fraudulent and held the agent liable and Prudential separately liable for failing to better supervise the agent.

Professor Priest goes on to say:

Fortunately, the problem was discovered before either the policyholder had died or had retired to receive the annuity. Thus, to the time of trial, there was no true economic loss beyond the failed expectation of the larger future return. I have carefully read the transcript of the testimony, and the Gallants testified that, between the time that they discovered the misinformation and Prudential called them to offer a remedy (Prudential offered to return their premiums or to discuss adjusting the policy), they had suffered roughly two weeks of sleepless nights and substantial anger at having been misled. That was the extent of their "mental anguish".

Twenty years ago, I taught cases of this nature in a course entitled Restitution, in which the appropriate remedy was restitution of all paid premiums or out-of-pocket costs. On very rare occasions such as especially egregious actions by a defendant, some courts considered awarding plaintiffs the benefit of the bargains, say, by increasing their annuity benefits.

Our modern world has changed: After a one and one-half day trial, an Alabama jury awarded the Gallants damages equal to $30,000 in economic loss; $400,000 in mental anguish; and $25 million in punitive damages.

Again the face value of the policy was only $25,000, and they had not yet qualified to receive that. Think about it. A $25,000 policy, the agent made a mistake, they have 2 weeks of alleged sleepless nights, they were angry for much of that time, and they got $30,000 in economic loss, $400,000 for their 2 weeks of sleepless nights and anger, and $25 million in punitive damages.

Professor Priest said:

I do not wish to minimize the harm to the Gallants, especially the indignity of the misrepresentation, nor to condone the fraudulent actions of the agent, apparently perpetrated on several other Alabama citizens who recovered separately. Nevertheless, there is not a single person to whom I have described this case—not an attorney, whether plaintiff or defendant; not a liberal or a conservative; not even a radical or idealist Yale Law student (or faculty member)—who has not been shocked by the outcome or who could defend it as a rational or sensible verdict in the context of the harm. Again, many defenders of punitive damages argue that exceptionally large verdicts are usually overturned on appeal. Alabama provides a review procedure for punitive damages verdicts that the U.S. Supreme Court has approved. In the Gallant case, however, the judge conducting the review affirmed the $25 million award in its entirety, though directing part of the amount to be paid to the State.

What will be the effect of a punitive damages verdict of this nature? The Gallants appear to be persons of modest means (before the verdict). Does a verdict of this nature help middle- or low-income consumers? Totally, the opposite. The insurance policy in question—face value, $25,000—was the cheapest form of life insurance annuity available on the market; again, its monthly premium was only $39.00. Obviously, at such a premium, the insurance carrier could not be expecting to make a substantial profit on the policy. Indeed, an expert in the case estimated that over the entire life of the policy, the premiums net of payouts paid by the Gallants would increase Prudential's assets by only $46.00. Prudential, like most other life insurance companies, profits more substantially from large dollar, rather than small dollar policies. The expert estimated that the verdict reduced dividends to every Alabama policyholder . . . by $323.

That points out the ridiculousness of this.

Priest goes on to say:

How do we analyze a case like this in terms of whether punitive damages serve a necessary deterrent effect? In his closing argument, the . . . attorney for the Gallants asked the jury to determine a level of damages that would send a message to the giant Prudential Life Insurance Company that fraudulent behavior on the part of an agent will not be tolerated. What kind of damages message is necessary to achieve that effect? Obviously, if the insurer stood to gain no more than $46 over the life of the policy, any damages judgment greater than $46 sends the insurer a message by making the policy unprofitable. (Of course, I ignore entirely Prudential's defense costs plus the reputational harm from the lawsuit.) The jury in the Gallant case went substantially beyond that amount, however, in awarding

compensatory damages of $30,000 for economic loss and $400,000 for the mental anguish of the two weeks' lost sleep and anger. It certainly cannot be argued that the jury has undervalued the Gallant's compensatory loss—indeed, the $400,000 for the mental anguish award is extreme. Furthermore, there is no reason to think that the agent's behavior in other contexts would go undetected. (Prudential later settled other cases brought by the agent's clients.) As a consequence, there is no justification for a punitive damages award whatsoever.

What will be the effect of punitive damages verdicts such as that in the Gallant case? In the face of such a verdict, what is the rational response of an insurer like Prudential or other insurers selling similar policies? Regrettably, but necessarily in a competitive industry, the rational response is to quit selling such low value policies altogether. It makes little sense to expose the company and its policyholders to the risk of such a damages verdict given the very small gain from the sale of such a policy.

Is this the type of product that our civil liability system should drive from the market? Obviously, not, and low-income consumers in Alabama are directly harmed as a result. Here, the dramatically differential effects of such verdicts on high-income versus low-income consumers are made clear. In my own view, it is far more important to our society to have our insurance industry provide life insurance coverage to low-income citizens, since the relatively affluent of our society have other means of providing financial security for their families. The availability of financial protection and security at relatively low cost will be substantially diminished if such low premium policies, as here, are no longer available.

More generally, where expected punitive damages verdicts are added to the price of products and services, the first to feel the effect will be low-income consumers. And where the magnitude of punitive damages verdicts rise, imperiling the continued provision of the product or service, the first to be affected will be those products and services with the lowest profit margins, most attractive to the low-income. The Gallant case provides a dramatic example of the effect. Following Gallant and other large punitive damages verdicts, several insurers have quit offering coverage in Alabama altogether.

I understand this case settled for an undisclosed sum. I urge my colleagues to take a close look at the concerns raised by Professor Priest.

The consequences of our current civil justice system can be felt in many ways.

The July 17, 1992, Science magazine reported that Abbott Laboratories put off testing for a drug that might prevent the spread of AIDS from infected pregnant women to their newborns. Why? According to the article, "Abbott officials announced that testing its HIV hyperimmune globulin (HIVIG) * * * would make the company too vulnerable to lawsuits." This action touched off some controversy. The Science article continued:

In spite of the uproar, National Institute of Health officials agree with Abbott that liability is a significant issue in AIDS vaccine and therapy research. A recent investigation by Science (April 10, 1992, page 168) revealed that fear of lawsuits has led several HIV vaccine developers to delay or even abandon promising projects.

Creighton Hale, chief executive officer of Little League Baseball, wrote about lawsuits filed against coaches over the ordinary mishaps of a baseball game in the February 13, 1995, Wall Street Journal. He noted, "from my spot in the bleachers, the costs of this litigation lunacy [result in] bewildered dads calling our offices asking about personal liability, and volunteer coaches waking up to the fact that they're taking on major league risks." He went on to say significantly, "It's a problem common to all nonprofits and the volunteers they depend on. Little League Baseball has seen its liability insurance skyrocket 1000 percent—from $75 dollars per league annually to $795—in a recent five year period. Good Samaritans are caught in a suicide squeeze."

Mr. Hale urged Congress to extend common sense legal reform beyond products liability cases to cover volunteers and others. I note that Ms. Jan A. Verhage, executive director of the Girl Scouts Council of the Nation's Capital, which also serves the surrounding Maryland and Virginia communities, wrote to Speaker GINGRICH on February 13, 1995. She asked that legal reform legislation be extended to include organizations like the Girl Scouts.

Now, she was not speaking for the national organization. But her comments are very telling: "Locally we must sell 87,000 boxes of these Girl Scout cookies each year to pay for liability insurance. We have no diving boards at our camps. We will never own horses, and many local schools will no longer provide meeting space for our volunteers."

Paul A. Crotty, the top lawyer for New York City, wrote to Commerce Committee Chairman LARRY PRESSLER on April 5, 1995, on behalf of New York City and Mayor Guiliani. He urged that the punitive damages provision in the underlying products liability bill be extended to all cases. He wrote, "Although punitive damages generally cannot be imposed against cities, they generally can be imposed against governmental employees. Excessive awards against individuals providing government services can be as destructive as large awards against businesses that manufacture or sell products."

This is all just the tip of the iceberg.

STATISTICS

Let me say a word about the battle of statistics that rages over punitive damages. Supporters and opponents of this amendment can rely on various studies about the number and dollar amount of punitive damages awards. We heard reports on some such studies in the Judiciary Committee. There is no single definitive study.

But let me say this: Anyone with even a passing familiarity with our civil justice system knows that the likelihood of a punitive damages award, justified or not, is far greater today than 40 years ago. Moreover, and this is the crucial point, even beyond the increase in the frequency and amount of actual awards over that time, the mere threat of punitive damages affects volunteers, school boards, businesses of all sizes. The mere inclusion of a claim for punitive damages in today's litigation climate boosts the settlement value of a case, regardless of the case's merits. Insurance premiums go up, products and services are curtailed, innovation is stifled, consumer prices go up, and payroll costs rise, adversely affecting employment.

Professor Priest states,

Forty years ago, punitive damages verdicts were exceptionally rare and were available against only the most extreme and egregious of defendant actions. The world of civil litigation is severely different today. Both the number and, especially, magnitude of punitive damages judgments have increased dramatically, indeed the frequency of claims for punitive damages has increased to approach the routine. These claims affect the settlement process, both increasing the litigation rate and, necessarily, increasing the ultimate magnitude of settlements even in cases that are settled out of court.

The terrible, irrational consequences of these developments are easy to see. Take the $601 paint refinishing case in Alabama that mushroomed into a $2 million litigation bonanza. If the plaintiff knew punitive damages were not a real possibility, the case could have settled. How utterly wasteful to the economy to have such a minor case, the equivalent of less than a fender-bender under any rational view, actually proceed through depositions and discovery, let alone actually be tried and then go through the appeals process. For heaven's sake, this paint refinishing case is now before the Supreme Court of the United States. What a waste of the company's resources which go to its lawyers and to court costs, and of scarce judicial resources. Only the plaintiff and his lawyer, if on a contingent fee, benefit from this windfall.

A civil justice system where all of this can happen is broken. One of the problems which needs fixing is the lack of meaningful control over punitive damages.

DETERRENCE

The cost of our current civil justice system might be offset at least somewhat if it actually does deter egregious wrongdoing. Here again, listen to the testimony of Professor Priest:

I have never once seen a careful study in a specific case showing that a punitive damages judgment of some particular amount was necessary to deter some particular wrongful behavior.

* * * forty years ago, in a tort law regime that provided little in the way of consumer remedies, it might have been that ever-increasing civil liability verdicts, including punitive damages verdicts, would serve to reduce the number of accidents. That view, however, has been totally discredited today, and I know of no serious tort scholar publishing in a major legal journal who could

maintain it. Instead, it is widely accepted—and it is a routine proposition of a first-year modern torts course—that compensatory damages—economic losses and pain and suffering—serve a complete deterrent purpose in addition to their role in compensating injured parties. Compensatory damages impose costs on defendants who wrongfully fail to prevent accidents, costs equal in amount to the injuries suffered * * *.

He also testified that adverse publicity is another powerful deterrent to wrongdoers.

Let me stress that the pending amendment, of course, by no means eliminates punitive damages. Indeed, it allows punitive damages in an appropriate case, in an amount up to three times economic damages or $250,000, whichever is greater.

Actually, that was the old rule. Senator SNOWE's language allows two times the total of compensatory and noneconomic damages.

CONSUMERS

Do punitive damages help consumers? Here, again, is the testimony of Professor Priest: "The central problem of punitive damages, however, is that except in the rare cases of jury undervaluation of damages or underlitigation, punitive damages settlements and verdicts affirmatively harm consumers, and low-income consumers most of all.

"Where punitive damages become a commonplace of civil litigation as in Alabama, or even where they become a significant risk of business operations, consumers are harmed because expected punitive damage verdicts or settlements must be built into the price of products and services. The effect of the greater frequency and magnitude of punitive damages recoveries of modern times has been to increase the price level for all products and services provided in the U.S. economy."

Indeed, Mr. President, as mentioned earlier, a punitive damage award in a case like Gallant versus Prudential, involving a combination life insurance-annuity policy with a $25,000 face value and $39 monthly premium, can only make insurance less available and more costly for middle- and low-income people.

Mr. President, the problems with the current punitive damages regime in this country are national in scope. Only Congress can fix these problems.

The pending amendment would require that the claimant establish by clear and convincing evidence that the harmful conduct was carried out with conscious, flagrant indifference to the rights or safety of the claimant before winning an award of punitive damages. It would then place a proportional limit on punitive damages of up to two times the sum of a plaintiff's economic loss and noneconomic loss.

Any party to the action could obtain a separate proceeding for the consideration of whether punitive damages are to be awarded and the amount of such award. Our amendment does not supersede or later any Federal law. It does not deny States the right to enact punitive damages provisions, consistent with this amendment, or to place further limits on such awards. These are worthy provisions.

I urge support for the Dole amendment.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Arizona.

Mr. KYL. I speak in support of the Dole amendment. The comments of the Senator from Utah just given really portray I think in the most thorough way the basic thrust of this amendment and the arguments for it. I will very briefly just add at the margins some information which I think helps to flesh out the arguments that have just been made by the Senator from Utah.

As he pointed out, this amendment would extend the product liability punitive damage limitation in the Gorton-Rockefeller bill to be set at two times the economic damages in all civil actions involving interstate commerce. The exception is the civil rights and environmental laws. Therefore, at the margin, this amendment makes the underlying bill even better than it is.

Historically, as has been noted, punitive damages were awarded in only the rarest and most egregious cases in order to punish, to make an example of the defendant when that defendant's conduct fell below a certain standard. According to Prof. George Priest of Yale Law School, who has already been quoted here, 65 to 78 percent of all tort actions over the last fiscal year include punitive damages in the pleadings. So what was originally designed to be a recovery in the very most narrow situation has now become part of the pleadings in a majority, even exceeding three-fourths, of the cases. Although punitive damage awards represent a relatively small part of the overall awards, the amount of the average award continues to increase.

For example, according to Investors Business Daily, in an article of April 3 of this year, a study of jury awards between 1965 and 1984 shows that the average inflation adjusted damage award increased 1,595 percent, Mr. President. These awards clearly are skyrocketing, and they need to be reined in. Punitive damage awards have in effect become a lottery in which the jackpot is continuously doubling. The lawyer's incentive to file suit is the 30 percent of the settlement amount and the 40 percent of most trial judgments that he or she realizes. The plaintiff's incentive is the often outrageous jury verdict.

Two well-publicized examples will be recalled by most people: The nearly $1 million awarded to the McDonald's customer who put hot coffee between her legs while driving and, unfortunately, was burned; and the Alabama case in which actual damages totaled only $1,200 but the jury awarded $4 million in punitive damages.

I said that punitive damages were skyrocketing a moment ago. Those were not my words. Those were the words in an opinion of Justice Sandra Day O'Connor, who said in a 1993 Supreme Court opinion that they were "skyrocketing." She was addressing a lower court ruling which upheld a $4.3 million award, Mr. President, to a convicted felon who, in the course of violently robbing a 72-year-old subway passenger, was shot and paralyzed by a transit authority police officer. The case was McCummings versus New York City Transit Authority, 1993.

This is outrageous, Mr. President. It is the kind of cap that we need to place into law. These outrageous punitive damages create a tort tax paid by consumers in the form of higher prices, higher insurance premiums, and reduced market choice and quality.

It is a regressive tort tax paid disproportionately by citizens on the lower end of the economic spectrum because higher prices, of course, hit them the hardest.

Do punitive damages serve as a necessary deterrent? Sadly, Mr. President, in many cases, no.

Again, according to Richard Posner, the best theory is that full compensatory damages generate exactly the optimal level of deterrent.

Mr. President, punitive damages are a quasi-criminal remedy. They are the product of a bygone era when the resources of public prosecutors were slim.

Today, public prosecutors are better able to serve the public interest in a certain level of punishment. To the contrary, plaintiffs and their lawyers seeking huge punitive damages awards often initiate litigation without consideration of the public interest, but of their own interest. That is why these damages need to be controlled.

Let me cite just a few of the examples. The Senator from Utah cited some egregious examples a moment ago.

Another example: A juror in a punitive damages case said that his fellow jurors discussed a damage award of between $100,000 and $8.5 million before deciding on $10 million. Later, when asked why $10 million was chosen, this juror said, "Quite honestly, I think it had something to do with finding a round figure. We were given no guidelines."

There was a recent article in USA Today, March 6, 1995, which I think had some interesting points to make and some other examples to cite. I will cite just a couple quotations from the article.

The court system that's supposed to assure fair compensation for people harmed through the fault of others looks at times more like a gambling casino than the house of Justice.

Some injured individuals are walking away with pots of money—far, far beyond any actual losses they've suffered.

Here are some of the horror stories that the USA Today story cited.

The Alabama woman awarded $250,000 in punitive damages even though she wasn't injured and wasn't even present when a gas water heater malfunctioned.

The San Francisco mugger who won a $24,595 judgment for leg injuries when a cab driver pinned him to a wall with his taxi to keep the criminal from escaping.

The Miami woman awarded $250,000 after she, having used cocaine and alcohol and splashed herself with gasoline, was severely burned trying to light a barbecue.

The Florida theme park ordered to pay 86 percent of a woman's award for injuries received on its "Grand Prix" ride, even though the jury found the park only 1 percent at fault and the woman's husband—who rammed his car into hers—85 percent at fault.

The tricycle manufacturer who settled out of court for $7.5 million rather than risk an even more generous jury award over the color of its trikes.

According to one five-state study, the dollar volume of punitive-damage awards against business alone is up 89-fold over a 20-year span.

I want to quote just one other thing from this USA Today article before I close, Mr. President.

Given the emotional pull of tragic personal injuries or honest businesses driven to bankruptcy, few opportunities to exaggerate have been missed by either side. But there is at bottom an undeniable sense: The system doesn't operate fairly. And that sense of unfairness invites opportunists to try to cash in—looking for a jackpot on the chance that the system's unfairness will work in their favor:

And then this article goes on to note a couple other cases.

Like the Michigan man who lost an eye when a July 4 skyrocket exploded in his face and then sued his parents for letting him set off fireworks when he was drunk.

Or the 305-pound man who had a stomach-stapling operation and sued the hospital because he was allowed near a refrigerator and ate so much he popped his staples.

Mr. President, these examples would be humorous if the problem were not so serious. The problem is that we are all paying for this, for this jackpot, this lottery that is called punitive damages. It is time to rein it in. It is time to put a modest cap on these punitive damages.

That is all the amendment of the majority leader does. It is time that we adopt this kind of approach to the liability reform that is before us today and, hopefully, that we will be voting on later this afternoon. I urge my colleagues to support this amendment.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, I rise again to report to my colleagues on our situation and to make a reflection.

This morning, we conducted a series of rollcall votes. I believe there were eight. They all had to do with something called malpractice reform, which is not part of the product liability reform.

We were able to accept two amendments, which means that we did not accept others. Those were on fairly minor issues, I might say.

Of the eight amendments that required votes, the Senate adopted three by sort of an interesting variety of margins. The net result is that the product liability bill, which is the sole focus of the concern of the Senator from West Virginia, as well as the Senator from the State of Washington, now includes the malpractice proposal as offered by the Senator from Kentucky, which prevailed with 53 votes.

So that means we now have a bill which has product liability in it, has malpractice reform in it. I have indicated before that I think at some point Senators are going to have to make a choice. I do not think when it comes right down to it, we are going to be voting on a bill that has these two elements in it. We may be voting on no bill that has, therefore, nothing in it. Or we may be voting on a bill that has both elements in it which causes both elements to lose, products and malpractice, which is in nobody's interest. Now we found another one. I say this with all respect and without anything but respect. But we are debating an amendment by the majority leader, with a number of other Senators as cosponsors, to limit punitive damages in all civil actions, not just product liability. So now this comes from the House.

This, again, opens up an entire new range of problems and possibilities for product liability and the chances of passage. This is opening the whole thing up. It is all civil torts. I recognize the basis of the amendment. There is a very impressive array of organizations, including municipalities, small businesses, nonprofit groups—they want to curb the costs—and problems associated with punitive damages in our legal system. They have that right in a democracy, and they are exercising that right. And now we are seeing the results of that.

I am not going to get into the substance of the amendment or into the merits of the amendment. I simply want to indicate that this is not product liability as it has been introduced. It is, again, trying to open it up so that other things can be attached to it. Some may think that helps it. Some may think that by adding other extraneous areas it shows that they are abreast of everything that is going on in the House and fighting with equal vigor, and I understand that; I understand it politically, substantively, and every other way.

But it does not help product liability to pass. I would remind Senators, as I have on a number of occasions and I will continue, that the underlying amendment here is the Product Liability Reform Fairness Act of 1995. For both those who oppose it and who favor it and who have invested a lot of time in it, it is this bill which we want to see acted upon.

So I just make this point at the beginning of the debate. And I am perfectly willing to have a time agreement. I understand the majority leader will be very amenable to a time agreement. I think that is being shopped on both sides. I do not expect this debate to go on for a very long time. But, again, it is an extraneous amendment. I simply point that out. It hurts the possibilities of product liability reform. I think it has almost no chance of passing. Of course, a vote will tell that, but I forecast that. Thus, I wonder what it is in fact we are accomplishing by all of this.

I thank the Chair and yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I turned on the TV in the office and was amused to see a series of whining and moaning and groaning with respect to punitive damages. This contract crowd is going in two different directions. Under the contract now, the welfare recipient is to show more responsibility. Under the contract, we have a family. They do not want Government in anything, but they want it in everything. They want it in the family. I would think that would be the last thing, to get into the family. But the contract crowd wants a family bill. And, of course, fundamental to the family is that we punish the child when it misbehaves. We spank the baby and teach it some discipline when it misbehaves and teach it how to do right as opposed to doing wrong.

But when it comes to large corporate America and manufacturers, there should be no spanking. All of a sudden, it costs consumers. Mr. President, whoever thought for a second that this bill is in the interests of consumers? It is the biggest fraud that ever tried to be perpetrated on this august body. Every consumer organization in the United States of any size, care, or responsibility is absolutely opposed to the bill.

And with regard to the better legal minds of the American Bar Association, the State supreme court justices and their Conference of Chief Justices of the several State supreme courts, the Conference of State legislatures, the attorneys general, oh, yes, they are going to look out for them? Uh-uh, no, they are looking out for manufacturers. Look at the section in here that exempts the manufacturer. They have

all of these great provisions in here because they say they are so concerned about consumers, except when you mention manufacturers. They say, by the way, manufacturers should be exempt from this bill.

Now, come on. I will read several things about punitive damages, and I will go right to the heart of the issue. It is not saving consumers' pocketbooks and costs. This crowd knows the cost of everything and the value of nothing. The truth of the matter is on account of product liability in this country of ours, we have the safest products and we are saving our citizenry from injury, from maiming, from blindness, from being killed over and over again by the millions. Why do you think there were over 19 million car recalls in the last 10 years? We went to the Department of Transportation and we summed up all these automobile recalls. And if you think the big automobile companies—not only in the United States, but Toyota in Japan, and others—are recalling defective automobiles to save consumers money—they are doing it to save themselves money on account of product liability, because they are going to get nailed. And so to save themselves money, they save lives and injury to the consuming public. It is not the pocketbook that we are involved with here. On the contrary, it is the safety of products and the safety of our citizenry.

So let us quit bringing all of these cases, one by one, out here, and say, oh, what a terrible punitive damage verdict this is and thereby we have a national problem. Not so.

The States have handled this. And rather than going into this case or that case—I do not countenance for a second that there are not some mistakes. There are mistakes everywhere in the administration of the law. That does not call for national legislation. But, in a general sense, if you take all the product liability verdicts in the last 30 years—and this is what we asked when we saw the witness take the stand in the Commerce Committee. We asked Jonathan S. Massey, an expert who had defended punitive damages before the U.S. Supreme Court, allegedly the most experienced attorney. I said, yes, but I still get these anecdotal incidents of what we would call outrageous punitive damage findings.

I said, "Could you please go and get into the record exactly all the punitive damage verdicts for the last 30 years, since 1965, and find out just exactly how many there were, and what were the amendments and then add them all up?" With respect to that, I ask unanimous consent to have this material printed in the RECORD.

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

APRIL 13, 1995.

Hon. ERNEST F. HOLLINGS,
*U.S. Senate Committee on Commerce, Science and Transportation, Washington, DC.*

DEAR SENATOR HOLLINGS: At the hearing on April 4, 1995 before the Consumer Affairs, Foreign Commerce, and Tourism Committee of the Committee on Commerce, Science, and Transportation on S. 565, the Product Liability Fairness Act of 1995, you asked me to compare the $3 billion in punitive damages awarded in the Pennzoil v. Texaco case with the sum of punitive damage awards in all product liability cases since 1965.

The attached pages show that punitive damage awards in products liability cases since 1965 come to a fraction of the $3 billion figure. For products liability cases in which the punitive damage award is known, the total comes to $953,073,079. There are 109 additional cases in which the punitive damage award was not reported by the court or either party, most likely because it was not large. If one were to extrapolate for those 109 cases by taking the average award in cases in which the punitive award is known—which would err on the side of the inflating punitive damage awards in products liability cases—the total of punitive damage awards in all products liability cases since 1965 would come to only $1,337,832,211—less than half the award in Pennzoil v. Texaco.

I hope this information is of assistance.

Sincerely,

JONATHAN S. MASSEY.

PRODUCT LIABILITY PUNITIVE AWARDS, 1965–PRESENT

Alabama—20 cases—$58,604,000; 9 additional cases with unknown amounts.

Alaska—2 cases—$2,520,000; 1 additional case with unknown amounts.

Arizona—6 cases—$3,362,500; 3 additional cases with unknown amounts.

Alabama—1 case—$25,000,000; 0 additional cases with unknown amounts.

Alaska—1 case—$1,000,000; 0 additional cases with unknown amounts.

Arizona—2 cases—$6,000,000; 3 additional cases with unknown amounts.

California—17 cases—$35,854,000; 9 additional cases with unknown amounts.

Florida—1 case—$1,000,000; 0 additional cases with unknown amounts.

Connecticut—1 case—$688,000; 0 additional cases with unknown amounts.

Florida—1 case—$519,000; 0 additional cases with unknown amounts.

California—4 cases—$3,618,653; 0 additional cases with unknown amounts.

Florida—1 case—$750,000; 0 additional cases with unknown amounts.

California—3 cases—$2,425,000; 0 additional cases with unknown amounts.

Colorado—3 cases—$7,350,000; 1 additional case with unknown amounts.

Connecticut—0 cases—$0; 1 additional case with unknown amounts.

Delaware—2 cases—$75,120,000; 0 additional cases with unknown amounts.

Florida—26 cases—$40,607,000; 9 additional cases with unknown amounts.

California—1 case—$30,000; 0 additional cases with unknown amounts.

Florida—2 case—$3,500,000; 0 additional cases with unknown amounts.

Georgia—10 cases—$43,378,333; 3 additional cases with unknown amounts.

Hawaii—1 case—$11,250,000; 0 additional cases with unknown amounts.

Idaho—0 cases—$0; 1 additional case with unknown amounts.

Illinois—16 cases—$44,149,827; 3 additional cases with unknown amounts.

Minnesota—1 case—$7,000,000; 0 additional cases with unknown amounts.

Illinois—3 cases—$5,000,000; 0 additional cases with unknown amounts.

Indiana—1 case—$500,000; 0 additional cases with unknown amounts.

Iowa—1 case—$50,000; 2 additional cases with unknown amounts.

Kansas—7 cases—$47,521,500; 1 additional case with unknown amounts.

Kentucky—2 cases—$6,500,000; 0 additional cases with unknown amounts.

Louisiana—2 cases—$8,171,885; 0 additional cases with unknown amounts.

Maine—3 cases—$5,112,500; 0 additional cases with unknown amounts.

Maryland—3 cases—$77,200,000; 2 additional cases with unknown amounts.

Michigan—2 cases—$400,000; 0 additional cases with unknown amounts.

Minnesota—4 cases—$10,000,000; 1 additional case with unknown amounts.

Mississippi—4 cases—$2,790,000; 1 additional case with unknown amounts.

Missouri—9 cases—$20,785,000; 1 additional case with unknown amounts.

Montana—2 cases—$1,600,000; 1 additional case with unknown amounts.

Nevada—1 case—$40,000; 1 additional case with unknown amounts.

New Jersey—4 cases—$900,000; 5 additional cases with unknown amounts.

New Mexico—4 cases—$1,715,000; 1 additional case with unknown amounts.

New York—7 cases—$6,019,000; 6 additional cases with unknown amounts.

North Carolina—2 cases—$4,500,000; 0 additional cases with unknown amounts.

Ohio—6 cases—$4,393,000; 1 additional case with unknown amounts.

Oklahoma—6 cases—$15,390,000; 1 additional case with unknown amounts.

Oregon—3 cases—$62,700,000; 0 additional cases with unknown amounts.

Pennsylvania—5 cases—$16,298,000; 8 additional cases with unknown amounts.

Rhode Island—1 case—$9,700,000; 0 additional cases with unknown amounts.

South Carolina—5 cases—$2,945,500; 4 additional cases with unknown amounts.

Rhode Island—1 case—$100,000; 0 additional cases with unknown amounts.

South Dakota—1 case—$2,500,000; 0 additional cases with unknown amounts.

Tennessee—4 cases—$4,720,000; 3 additional cases with unknown amounts.

Texas—38 cases—$217,098,000; 19 additional cases with unknown amounts.

Utah—1 case—$300,000; 0 additional cases with unknown amounts.

Virginia—2 cases—$340,000; 0 additional cases with unknown amounts.

West Virginia—3 cases—$2,433,100; 4 additional cases with unknown amounts.

Wisconsin—7 cases—$10,622,000; 4 additional cases with unknown amounts.

Florida—1 case—$2,500,000; 0 additional cases with unknown amounts.

Wisconsin—2 cases—$26,000,000; 0 additional cases with unknown amounts.

District of Columbia—1 case—$2,500,000; 0 additional cases with unknown amounts.

Grand total—270 cases—$953,073,079; 109 additional cases with unknown amounts.

Average punitive award: $3,529,900.

Extrapolated total of all awards: $1,337,832,211.

Mr. HOLLINGS. Mr. President, the pages show that punitive damage awards in product liability cases since 1965 come to a fraction of $3 billion. To be exact, they come to $1,337,832,211.

Why does this Senator say "a fraction" of $3 billion? If we go to the

Pennzoil versus Texaco case, of businesses suing businesses, what do we get? We get almost a $12 billion verdict that included what? It included a finding of punitive damages in the amount of 3 billion bucks.

In other words, of all the product liability punitive damage findings in the last 30 years amounting to $1.3 billion, we have one business-against-business case of $3 billion. Or another one, since they are picking out cases, I will pick the *Exxon Valdez* case, a case where Exxon was sued and they came in with a verdict of what in punitive damages? Mr. President, $3 billion.

I cannot find out the amount for businesses, there are so many of them. But it is up into the billions and billions of dollars. If this Congress was really interested in lowering the verdicts in tort cases, they would go right to the businesses suing businesses. They would go right to the automobile accident cases. They would go to all the other kinds of tort cases.

The fact is that, of all the civil findings in the United States of America, tort filings only amount to 9 percent of the total amount of civil findings; and of the 9 percent, product liability amounts to 4 percent of the 9 percent or .36 of 1 percent.

Another problem solved by the States. The Supreme Court Justices and legislatures say we handle it, and I will go right, for example, to my own State of South Carolina with respect to punitive damages.

In a recent case of the State versus Rush, but the heading would be Gamble versus Stevenson, an appeal of the Southern Bell Telephone Telegraph.

Now, I read from the opinion of the Supreme Court as follows: "In South Carolina punitive damages are allowed in the interest of society." Listen to that. We would think punitive damages was the most heinous offense that ever occurred without any relation in the world to the good it has done.

Why do we fine motorists for speeding and disobeying our motor vehicle laws in America? We fine them. Why do we fine the others for their various crimes? To make certain they do not commit them again. Similarly, with manufacturers.

Punitive damages—fine them, to make absolutely sure that they do not repeat their wrong.

They would say we cannot lose, we are making money. So why has Chrysler recalled 4 million cars to fix the back latch on the door? Not on account of the cost. They could get by with that. They would leave it there, but they know that there are chances now brought to the attention of the public that they are not only going to be verdicts against them in compensatory damages but in punitive damages. No longer can they factor it in the cost of product because of punitive damages.

This is the very element that is bringing about the safety—not taking care of the parties involved but taking care of society, generally—that is the point to be made here.

The first sentence:

> In South Carolina, punitive damages are allowed in the interest of society in the nature of punishment and as a warning and example to deter the wrongdoer and others from committing like offenses in the future. Moreover, they serve as an indication of private rights when it is proved that such have been wantonly, willfully, or maliciously violated. Lastly, punitive damages may be awarded only upon a finding of actual damage. In the instant case the trial judge's jury charge concluded the degree of recklessness requisite to punitive damage award, that such an award was to punish a defendant or deter and stop it and others from similar conduct in the future, that is, to make an example of the defendant.

That is an affirmative action program, to make an example. Everybody is interested in affirmative action. Here it is. Make an example of the defendant, the wrongdoer. "That it must find actual damages before awarding punitive damages and that in calculating the amount of such damages, it may consider the defendant's ability to pay."

Now, Mr. President, to ensure that a punitive damages award is proper, the trial court shall conduct a post trial review and consider the following: one, the defendant's degree of culpability; two, duration of the conduct.

Mind you me, Mr. President, this is not the jury, the runaway juries, the same people that elected Members in Congress, all of a sudden impanelled and with a sworn oath, to find unanimously by a preponderance of the evidence, willful misconduct. And all 12 having found such, that same crowd that elects and sends Members, all of a sudden, they have lost their minds, their judgment. They are runaway and now have to be restricted by national restrictions. For what? For manufacturers, that is for what, and for less safety in America.

Let me read that again:

> To ensure that punitive damages award is proper, the trial court shall conduct a posttrial review that may consider the following:
>
> 1, defendant's degree of culpability; 2, the duration of the conduct; 3, the defendant's awareness or concealment; 4, the existence of similar past conduct; 5, likelihood the award will deter the defendant or others from like conduct; 6, whether the award is reasonably related to the harm likely to result from such conduct; 7, defendant's ability to pay; 8, as noted in Haslip case, "other factors" deemed appropriate.

That is, the court, not only the 12 impaneled jurors, but the court itself, shall review and study.

Now, generally, this is a law that applies in 45 of the 50 States but, of course, due to the Conference Board, due to the Business Advisory Roundtable, due to the National Association of Manufacturers' lobbyists that have been going on for years and they come and report at every election time, "Now, Senator, we have to do something about tort reform or product liability reform."

The average Senator or candidate, not aware of the ramifications, not having attended any of the hearings or otherwise, might say, "Oh? I am trying to get votes. Reform?" They get caught. Words do mean things in our society. And they say, "Heavens, I can get the support of this strong crowd. I can even get financial contributions if all I have to say is yes, yes, I am for reform. Product liability? Put me down."

They put them down. Then they come here and they get embarrassed because they finally hear the truth of the matter here. And I sort of get embarrassed for them.

The reason I get embarrassed for them is just this. I got a letter today from my distinguished colleague and friend, Drew Lewis, the chairman of Union Pacific Corp., dated April 27. He is a former Secretary of Transportation. He did an outstanding job. I do not speak in criticism or derision. Rather, I speak—and this is the factual dismay that I have—because I know he knows better. It is a short letter and I know why he is writing it.

> Union Pacific urges your support for S. 565, the Product Liability Fairness Act legislation. The U.S. legal system is out of control. The high cost of litigation and large damage awards translate into higher prices for consumers. Typically less than half the money awarded in product liability cases goes to compensate the claimant. The winner is the trial attorney, not the American consumer. If American business is going to succeed in the global marketplace and American jobs are to grow, your vote is critical. Please vote for cloture and final passage of S. 565.
>
> Sincerely, Drew.

Let us take that little letter here and see it exactly. I know this gentleman knows better. He is the most sophisticated of former public servants and corporate executives and he has been around. I know his entities. The Business Roundtable and the National Association of Manufacturers and all got him to write this thing and it was ground out.

He calls it the "Fairness Act." He picked up the title. That is not what they called it over on the House side. It started off—if you get the title of the bill itself on the desk here, you will find out—"To establish legal standards and procedures for product liability litigation." At least it was straightforward in the House. Applesauce in the U.S. Senate. Fairness? Fair to whom? Not consumers. This crowd does not represent consumers. I have; they have not.

When I asked the distinguished Chair where was the record here whereby trial lawyers had done in their clients, under the Abraham amendment, he had one letter from a constituent in Michigan. I knew that there were not a big wave of clients being done in. In fact, had it not been for the trial lawyers, they would not have received anything.

After all, these manufacturers do have a team of attorneys, investigators, adjusters, local attorneys and otherwise, and they readily, on any kind of claim or letter they get, immediately zoom in and, generally speaking, settle the case or claim. It is good business judgment that they do; it is good business judgment they do. They do not want to be claimed to have unsafe products.

It is only when they deny an obvious claim that should be compensated that it comes to the trial lawyers. We do not scare up cases—except, of course, in these class action suits, like asbestosis. But that is what had to be done. That is exactly what was done with respect to the example of the Senator from Michigan in his letter with the Senator from Kentucky relative to the airlines. They had to go and get all the airlines together, get law firms all over the country, and assemble 2.1 million clients.

In the letter to the colleagues, under the Abraham-McConnell letter, it appeared that, heavens above, quoting the Washington Post, the lawyers got $16.1 million in fees and the client got a $25 gift certificate for travel. I knew that the client just getting $25 and the lawyer getting $16 million would not be approved by any court. So we went back to the record.

Yes, in a class action of that kind, what was the number of clients? It was 2.1 million. What was the amount of the verdict? It was $438 million. How many law firms? They had 37 law firms all over the country, and the average fee was not a third, or 33⅓ percent, or 25 percent, or 20 percent, or 10 percent, or 5 percent, or 1 percent. The average fee of the attorneys involved was less—less than 1 percent. Had they not correlated all that, it would not look so garish and enormous to us unstudied witnesses here.

But this is the Fairness Act, they say. Then the next sentence, "The United States legal system is out of control."

That is sheer nonsense. If it is out of control, it is on account of businesses suing businesses. It certainly is not a litigation explosion. We have proved that. We have proved time and again that product liability cases, as the Senator from West Virginia, the principal sponsor of the measure, says—when we engaged in looking at product liability cases, we find the entity in the testimony before the Commerce Committee, unquestioned—no one has proved otherwise—unquestioned, that there are less filings and less verdicts and less plaintiffs' victories all the way across the board. So if the legal system is out of control, it is out of control for other reasons but not product liability.

"The high cost of litigation and large damage awards translate into higher prices for consumers." I just reread that my way: The high cost of litigation and large damage awards translate into higher safety for the consuming public of America. That is what it translates into. And it ought to go into the costs. It is a minimal cost to them to put out safe products. And the best of manufacturers want to do that and they brag about the quality now of their particular manufacture. They brag about their quality of manufacture. So it is not high cost translating into high prices but, let us say, a higher degree of safety.

"Typically, less than half the money awarded in product liability cases goes to compensate * * *" We find that is incorrect. There was a study by the National Insurance Foundation to the effect that, yes, the claimant did not get the majority of the money, but the majority of the money was going to the defendants' attorneys.

You ought to see these billable hours. That is why the Senator from South Carolina wanted to limit billable hours around this town to $50 an hour. I could catch the thrust of the movement earlier last week, when they came in, about the money going to the claimant as compared to the money going to attorneys. And the thrust was that they had given up on Girl Scout cookies and they have given up now on Little League baseball and all these other things they tried to raise, competitiveness and otherwise. Now they say, "Well, let us kill all the lawyers."

I say, if you want to get rid of half the 60,000 lawyers in this town, if you want to get rid of 30,000 lawyers, just put not a minimum wage but put a maximum wage, a maximum wage of $50 an hour which will give them the salary of a U.S. Senator. If they worked any overtime, like we do work overtime as Senators, they could easily make $200,000 a year. But that is where the compensation is going. It is just like the situation, if you had a $100 finding, you would find that $40 would go to the defendant's attorneys, $20 would go to the plaintiff's attorneys, and $40 to the claimant.

(Mr. THOMPSON assumed the Chair).

Mr. HOLLINGS. Mr. President, the rationale of this simple statement is get rid of or kill all of the lawyers; get rid of the trial lawyers because—the next sentence is—"The winner is the trial attorney, not the American consumer." If you think this crowd is interested in consumers, just get all the consumer legislation and look at their votes on that.

But going right back to the report, in the 103d Congress, I knew we had this when we had the hearings. In a 1977 survey conducted by the Insurance Services Office, for every dollar paid to claimants, insurers paid an average of an additional 42 cents in defense costs; while for every dollar awarded to a plaintiff, the plaintiff pays an average contingent fee of 33 cents of that dollar. Thus, in cases in which the plaintiffs prevail, out of each $1.42 spent on litigation, half of that goes to attorney fees, with the defendants' attorneys on average paid better than the plaintiffs' attorneys.

That is the national insurance consumer organization finding that the attorney for the insurance companies received on the average close to one-third more than the average attorney's fee paid to plaintiffs' attorneys. I am glad I quoted that for the record, but that is not the way this letter reads. "The winner is the trial attorney." We are not winners or losers. But if you are going to characterize, as my distinguished friend, Mr. Drew Lewis, does here in the letter about the winner, he says, "The winner is the trial attorney, not the American consumer." Absolutely false. We have all the facts and all the hearings proving otherwise.

Going now to the final two sentences, "If American business is going to succeed in the global marketplace, and American jobs are to grow, your vote is critical." What is the inference there? The inference regarding the global marketplace is that product liability costs and the burden on American production is a cost and a burden not suffered by foreign production. We will go right to the heart of that matter.

In addition, working over the years—and I have had a delightful experience, I have to immodestly acknowledge, with respect to the attraction of industry to my own State, and I will be glad to meet with anybody and we will compare the records. We will compare the endeavor, and we will compare the results. I have had the experience of working at the local level on the attraction not only of the American blue chip corporations, but those in the global marketplace. Admittedly, of course, many of the blue chips are in the global marketplace. But let us go directly to the ones we know. Let us say German industries and Japanese industries.

In our great State of South Carolina, we have over 100 German industries. I made the first trip over there with the Governors, to the various communities in Germany, with an industrial group to attract investment in South Carolina in 1960. So that is 35 years ago. We just got, of course, BMW. BMW, by the way, in Spartanburg, stands not for Bavarian Motor Works, but BMW stands for "Bubba Makes Wheels." We have a wonderful system down there.

I was with the Vice President this last Friday at a luncheon. We put out 20,000 and some BMW automobiles this year from Spartanburg, SC. Do they have a problem with product liability? Not at all. I went to Bosch not long ago. They came in making fuel injectors for all automobile manufacturers, and more particularly now have become expert in antilock brake manufacture. They have a 10-year contract with General Motors for all the

antilock brakes on their cars. They have the contract for Toyota and Mercedes Benz. I turned to that manufacturer. I said, "What about product liability? How many product liability claims?" He said, "What is that?" I said, "Product liability? You know, where you have a defective antilock?" "Oh, no, no, no," he said, "We will not have that." He went right over on the line and he picked up one of the antilock brake devices.

He said, "See. See that serial number." He said, "We have a serial number on every antilock brake that comes out of this factory. We would know immediately by that number if there was a defect where it occurred. But we haven't had any of that occur down here, and we are not going to have any of that occur." And he was proud—proud—not whining and crying through political representation up here in the national Congress about saving consumers money. He was proud of putting out an absolutely safe product.

Can you imagine one of those antilock brakes not working and the other three working on an automobile? It would turn it over into a tailspin in a minute. They know it. So they are super careful in their manufacture. That goes into the cost of the product. And, yes, it costs consumers, and consumers welcome paying that higher price for the antilock brake and safety.

Mr. President, it goes to the safety, not the cost. But what happens in Germany? In Germany, they come with Mercedes Benz down in Alabama where, incidentally, both Alabama Senators are opposed to this bill. Both Alabama Senators are opposed to this bill. Mercedes Benz says, "We love Alabama, and we are putting our new manufacturer down there." BMW says, "We love South Carolina and its product liability law," just like Mercedes Benz likes Alabama's product liability law, and they put a factory there. I have over 100 German factories liking the product liability law in my State. I have over 50 Japanese industries liking the product liability law in my State. But they are not a member of the Business Roundtable.

So what you have here is this mailing out of absolutely unfounded conclusions, which is an embarrassment to this Senator. Specifically, you look at what they put out in their advertisements when it comes to punitive damages and product liability. Here is the ad they are running in newspapers. This is an easy one to carry. It is entitled, "Let's Put an End to the Lawsuit Lottery."

You know, my conservative friends, when they get this rap music, say, "You have to cut out that rap music. It teaches violence." There was one that I remember even President Clinton as a candidate took to task, about "kill all the cops," the "cop-killer" one. He complained then. The American public went along with him and voted for candidate Clinton to become President because those words mean something. They want to cut all of that out. Now that they are blowing up buildings in America, and some people say, "Oh, no. Words don't mean anything."

The truth of the matter is, Mr. President, my colleagues on the other side of the aisle have a school where they teach them to use words. I think this is a good time, since this is the thrust of the measure here, if I have it here in one of these files. With respect to the words, they come in and they hold a school. I know they attend a school, these newcomers to public office. I will see if I cannot find that, generally speaking, so that the colleagues can be educated about what is really going on. But this is a school that the distinguished Speaker has been running for years. He tells all the candidates that have come in. I know when a new Republican is elected from South Carolina, he has to attend a school to find out how to talk. And, in fact, if they can get them ahead of time, they tell them how to campaign and how to use words that inflame, words that stir up.

It was put into the RECORD some time ago; I think back in 1990, if I am not mistaken. But we had the meaningful words. I certainly would like to be able to refer to that, because what happens is that they call this—that is, the Government here in Washington, and this is reported in the David Broder column. They reported that the Government in Washington is the "corrupt, liberal, welfare state."

These are the handouts in the schools that they give to my Republican colleagues and say you ought to all join in. And they list the word "corrupt." They list the word "liberal." They list the word "welfare." So the revolution, according to Speaker Gingrich in his courses, is against the corrupt, liberal welfare State. And that is the way they refer to it.

Mr. President, let us go to the words here about the lawsuit lottery. There is not any lottery, I can tell you that right now. All you have to do, if you defend a product liability case, is convince one juror. That is all you have to do, raise a doubt in one juror's mind because it has to be a unanimous verdict by the greater weight of the preponderance of the evidence.

But here is the mailout that they put in the advertisements that they have going now for the past several weeks. "Let's Put an End to the Lawsuit Lottery. It's sad," this article says, the advertisement, "but the civil justice system in America has become nothing more than a legal lottery."

That is outrageous nonsense. It is embarrassing to see things being sponsored by responsible business entities that have buddied up together here in what they call the Product Liability Coordinating Committee.

It goes on to read, "With juries returning one outrageous award after another, it's not surprising that the number of product liability suits is skyrocketing."

Absolutely false. We have had hearings upon hearings upon hearings, and the filings and the suits themselves are less and less each year. The awards given are less and less and the number of plaintiff victories are less and less. But this ad says they have skyrocketed—no basis in fact.

"There are 51 separate laws, one for each State and the District of Columbia, governing product liability."

There are 51 separate laws, Mr. President, governing insurance companies. Do you see them up here complaining? They have to file every one of their policies they want to sell in any one of the States. Get these casualty companies together and ask them when are they going to complain about filing all of these policies here, 50 to 60 different policies that they have now, in each one of the 50 States. They are not complaining about that. In fact, they want the McCarran-Ferguson antitrust exemption so they can get together. They want to continue. I have suggested maybe we ought to federalize it because they are in interstate commerce. "Oh, no, no, no, we don't want that. We don't want you to see our records."

We have had hearings upon hearings upon hearings. We never, in the 15-year period of handling this problem, have been able to get from the casualty insurance companies their costs and profits, their records. Even the Senator from West Virginia has put on an amendment, which I am constrained to submit later on when we get to the actual bill itself, to say that they file these reports. They never have. They do not want to.

The reason we asked for these facts way back almost 15 years ago, they said it was impossible to obtain insurance, impossible to obtain. They have plenty of insurance. It is easily obtainable. And we wanted to find out, as was later found out in other hearings, if they, like the S&L's and all, had made bad investments in real estate and where their losses came from—not from a product liability litigation explosion but, rather, sorry investments in real estate and supermarket and shopping center developments. They made the same mistake that all of these banks and insurance companies and savings and loan institutions had made.

But this says 51 separate laws. If you did not know what you were reading, you would say, "Good golly, Moses; let's get uniformity." They do not want uniformity even under this. If they wanted uniformity, they would give you a Federal cause of action. That is why, one of the big reasons, the American Bar Association says this

adds complexity; this is not uniformity. You have words of art: requirements, findings, measures of evidence, exemptions of evidence, all to be interpreted by 50 separate supreme courts and the circuit court of appeals here in the District of Columbia.

Now, try that on for a lawyers' full employment act. Come on. Everyone knows that if they really wanted uniformity, they would have required a Federal cause of action and they would have uniformity and that would have at least cut down on some of the multiplicities—the appeals, the interpretations, the motions and everything else of that kind in the 51 separate laws and separate jurisdictions governing product liability.

"But today the outcome of a lawsuit can depend more on geography than the merits of the case."

They know that. Their commercial code, the Uniform Commercial Code, is anything but uniform. You can sit up there in New York. You can sell a product made in Canada and solicit down in Alabama and deliver it, by gosh, to the factory site in North Carolina, and you can say, "Under my interpretation of this particular contract, I select the New York law."

You have got what they talk about, forum shopping. The manufacturers do just that. They know about that. But unless you have diversity of jurisdiction—and I do not go over to Alabama, I never have heard of a South Carolina lawyer going over and suing in Alabama. They act like all we have to do is go over there and file the case in Alabama.

"The current product liability system with its patchwork of local laws"—patchwork. Who has given us patchwork? Read this bill. "* * * with its patchwork of local laws got its start at the turn of the century when businesses were all so local, but times have changed."

They are trying to give a sense of history to this. This is absolutely false. During my 20 years of law practice before I came to the Senate, I never heard of any of this, ever. And they continue to do business under different laws in the 50 different States under the interstate commerce clause and it is not about times have changed.

"American-made products now travel across State lines"—well, they have always traveled across State lines.

I will never forget Henry Grady and the funeral in the days just after the Civil War. The Senator from Tennessee would remember it. I think they said that he was a poor man, buried, let us say, in South Carolina. He was buried with a New Jersey frock and some New York shoes, and the buttons were made in Minnesota, the wood for the shovel had come from New Hampshire, the steel had come from Pennsylvania, and they went on and on down there about the caskets and all. They said the only thing South Carolina furnished was the hole in the ground.

Now, tell me about traveling in the different States. That is Henry Grady 100 years ago. They say no, times have changed now and all products travel across State lines. "Unfortunately, so do plaintiffs and their lawyers seeking the most favorable State for their claim." Unless you have diversity, you do not run around and seek anything of that kind. And you have the client in the community where the client is injured. I can tell you now, having tried these cases, that you go try it in the vicinity of the client where they can understand and know the injury and we might get a friend on the jury or an acquaintance or whatever it is. Sometimes the blind hog picks up an acorn. You might get a break. If I go to another State, that immediately cuts me down to next to nothing with respect to the fee, if I have to go and get the lawyers who know the local law there, let us say, if I went to Birmingham, AL, I would have to give all the moneys to the lawyers in Birmingham.

I am not a passthrough for lawyers in Birmingham. I am trying my clients' cases in my own State.

This is outrageous hogwash here and they know it.

"Unfortunately, so do plaintiffs and their lawyers seeking the most favorable state for their claim. This not only hurts competitiveness, it stifles innovation, eliminates jobs and hurts all Americans.

How can we stop the lawsuit lottery? We need a uniform, modern national product liability law.

But it's time for Congress to act. When it comes to the lawsuit lottery no one wins.

They do not say that for automobile accident cases, where there is a far, far higher number of different laws, different highway speed laws, degrees of care, comparative negligence, contributory negligence, go right on down the list, all the automobile accident cases and, in this case, automobile product liability cases.

They do not say that here with respect to medical malpractice or the securities or anything else.

Then they have a little thing like they are even trying to mimic Oliphant: "Less than half of all money awarded in a lawsuit goes to the victim." Like they are for the victim.

It is clever. But it is outrageous blasphemy, I can tell you right now, to put this kind of thing out to the unknowing public and perhaps to the unknowing Congressman and Senator. We know better.

What we have is a solution looking for a problem. What we have here is trying to find justification for a lobbying effort that has been going on with the AMA, the Business Roundtable, and the Conference Board for 15 years, where they seek out the candidates and ask for a commitment and, generally speaking, get that commitment without any hearing.

And certainly if they are newcomers to this particular Senate, they have not had any hearings in the Commerce Committee. We had 2 days because we were told we had to agree to it, because we had to move, we had to catch up with the Contract With America. We did not have hearings in depth. We had them by reference. I had to include other hearings that we had with respect to the law professors that oppose this measure, with respect not only to the American Bar Association now but the American Bar Association in each one of the five hearings that we had over the 15-year period, and all the other entities that went into depth on this matter.

And that is what they hope to do here with this fix that is on in the U.S. Senate. And do not come up with, "Oh, we are looking out for consumers." They have the audacity in the same instrument here to say they look out for consumers when they exempt the manufacturers. The unmitigated gall of that provision is just so offensive it gets me stirred up.

How we ever got good, right-thinking folks on the floor of the U.S. Senate proposing this measure, saying that they are proposing it for the consumer, I do not know. Show me that consumer. What is that saying—"Let them come to Berlin." Well, show me that consumer. Heavens above.

The Consumer Federation, Consumers Union, Public Citizen, all the consumer groups again appear in opposition to this particular measure, particularly with respect to punitive damages.

One more time. On punitive damages, go ahead and cite your two or three little cases that sound outrageous. I do not have the time to run down and search out every one of the cases to find out whether the amount of the verdict was cut, whether it was changed.

Just like the McDonald's coffee case. Once we searched that out, we found out, yes, there were third-degree burns over one-sixth of the injured woman's body, 3 weeks in the hospital. After 700 calls and an offer to settle for $20,000, they totally ignored it and said we put this in the cost of the product, because the hotter we make the coffee, the more coffee we produce.

It is money, money that concerns these manufacturers on product liability. That is the one thing, the bottom line. It is not the safety of the citizenry in America, but it is the money that they are interested in.

But of all the product liability cases, what we have found, as they sum up over the last 30 years, is some $1.333 billion. One verdict in business suing business, Pennzoil versus Texaco, a $3 billion punitive damages finding in just one case, is twice the number of the

consummate sum total of all product liability punitive findings in the last 30 years. Or take *Exxon Valdez*, another $3 billion in punitive damages.

At the court level, I do not think the courts of this land have gone crazy. They have been all the way up to the Supreme Court to question the constitutionality of punitive damages. And each State either avoided it or it is measured or it is rescinded and sent back with a cut or total elimination.

Look under the steps that I have read here with respect to the South Carolina law. I can go down some other States laws if they are interested.

As a matter of punishment, we spank the baby when the baby misbehaves, that crowd that wants the family bill. What we are trying to do is spank the manufacturer when the manufacturer misbehaves and tell them, "Don't repeat this. Don't you do this again."

And when you tell that manufacturer, you have to look at his size, you have to look at his income, you have to look at his culpability, you have to look at his willfulness, whether it was mere neglect or whether it was a willful act, whether they had any warnings or disregarded or heeded the particular warnings, whether it was a mistake or exactly what. And you have to prove all that by the greater weight of the preponderance of the evidence to all 12 jurors and to the trial judge.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, nominally, at least, the issue before the Senate at the moment is the Dole amendment. The Dole amendment, which incorporates the limitations on punitive damages proposed by the Senator from Maine [Ms. SNOWE], and accepted earlier here today, would extend those limitations from the product liability sections of this bill and the now medical malpractice sections of this bill to all actions. In other words, we would have one uniform standard of limitations and relatively one uniform definition of the degree of proof required for punitive damages in all States which have fewer limitations at the present time or no limitations at all.

Mr. President, the majority leader has outlined some of the persuasive reasons for this extension. The primary reasons being the impact on small businesses which now live under the Damocles sword of a punitive damage judgment which can literally put them out of business and the increasing and adverse impact of punitive damage awards or potential punitive damage awards on nonprofit organizations, including charities, including, as the majority leader pointed out, the Girl Scouts, Little League, and the like.

I find these reasons to be persuasive reasons. I find it easy to be persuaded because it has been my view, almost from the time that I began to practice law, that the rule with respect to punitive damages in the State I represent, the State of Washington, which prohibits punitive damages for all practical purposes in all civil litigations, to be the appropriate rule.

Punitive damages are just exactly that. They are a form of punishment. In our society and American tradition, punishment by the Government or at the hands of the Government is traditionally reserved for the criminal code. The criminal code carries with it privileges against self incrimination, a requirement that the prosecution prove its case beyond a reasonable doubt and, of course, explicit statutory limitations and definitions of what punishment is appropriate in connection with a particular crime. None of these projections exist with respect to punitive damages. Juries decide them on an ad hoc basis, generally speaking, on whether or not the same conduct or product resulted in punitive damages.

There is, of course, no self-incrimination. The standard of proof in many States is a preponderance of the evidence, and even in this bill it is clear and convincing evidence, which falls short of the beyond a reasonable doubt standard. And most significantly of all, there are absolutely no limitations on the amount of punitive damages, thus the degree of punishment which can be imposed on a given defendant in civil litigation.

The Supreme Court of the United States has heard several appeals of large punitive damage judgments, appeals based on constitutional protections through the 14th amendment. The Supreme Court has never come up with a standard, with a maxim, by any means, although there have been hints that punitive damage awards that exceed four times the actual damages come close to reaching some potential constitutional limitation.

So from my perspective, I believe that it is both constitutional and appropriate for the Congress to deal with these issues and for the Congress to adopt the rule of the minority of the States—my own included—that say punishment should be reserved for the criminal code and that civil litigation should make a claimant whole, a wronged claimant whole, but do no more. As a consequence, I find it easy to support the relatively mild limitations which are included in the amendment proposed by Senator DOLE, the majority leader of this body.

My friend from South Carolina, with whom I have engaged in debates on this subject in the Commerce Committee and here on the floor, is most eloquent on the other side of this issue. Whatever his point about a political organization which trains its candidates in rhetoric may have been, it is very clear that he does not need any lessons in how to present a case forcefully and well. He does it here on this floor in this connection and in many others. But I must admit to being puzzled by at least some elements of the point that he makes. He says that because certain foreign companies—in this case in the automobile business—are willing to locate their factories in Alabama, that must mean they love the Alabama laws with respect to product liability.

Well, Mr. President, there is no connection between the two. Just because the market for manufactured products is nationwide, the location of a particular factory is absolutely irrelevant. Those automobile companies can be sued, for all practical purposes, in any State because they sell their automobiles in every State, whether it is the State in which their factory is located or some other. In fact, if there might be any possible motivation created by product liability laws, which I doubt, it would be to locate your factory in the most notorious plaintiff-minded State because at least the judgments in that State would not be against an out-of-State manufacturer but an in-State one, which might create the tiniest degree of sympathy for the manufacturer. But the location of a place at which a manufacturer operates and the product liability laws of that State simply have no relevance to one another at all.

The question before this body is whether we are dealing with product liability or with medical malpractice or, for that matter, with tort litigation in general. Do we have a system at the present time that appropriately balances the interests of claimants, people who have been injured or claim injury as a result of the use of products or as a result of the quality of health care they have received, or as a result of any other kind of act; do we properly balance their rights in court with other undoubted purposes of our society?

In the case of product liability, have we properly balanced it with our desire that our companies spend large amounts on research and then develop new and improved products and then market those products or market existing products—sometimes for dangerous occupations where inevitably someone using the product is going to be injured? Or do we have a system which is so unbalanced that perfectly legitimate products are taken off the market, not because they are unsafe but because they simply cannot create profits enough to run the risk of litigation, even of successful litigation.

Incidentally, Mr. President, very little has been said here on the floor about the impact of unsuccessful litigation in these areas. The attorney's fees, the expert witness fees, the cost in time and effort on the part of employees is every bit as much when the claim is rejected, when there is a verdict in litigation for the defendant, as

it is when the litigation lottery turns out exactly the other way. Any intelligent individual or company is going to say, "I know I am going to get sued and even if I am successful, I am going to spend more money than I can possibly make by marketing the product or engaging in the activity." That individual is going to say, "Why bother?" Even if that individual or that company has produced something good for society or is a part of the medical profession that is frequently sued or, for that matter, is a Little League volunteer or Red Cross volunteer, that volunteer figures he or she has a good chance of being sued, and it hardly matters whether they calculate that they will lose or win the lawsuit. They are going to say, "I do not need the aggravation."

It seems to me that it is almost beyond arguing that we have constricted the activities, restricted the activities, of individual volunteers. We have caused physicians with many productive years left in their careers to abandon those careers and to retire when they become reasonably financially comfortable. We have caused companies to abandon promising areas of research and development. We have caused the removal from the market of significant products by the threat of litigation, by the lottery of litigation—not just litigation that is going to be lost, but litigation which, more often than not, is won.

We have done this all in the name of a system which produces only a relatively moderate percentage of the dollars that go into it for claimants who actually establish their claims. A claimant who loses the case, of course, ends up with nothing. But claimants taken collectively who win these cases, at least in the fields of product liability and medical malpractice, win less than half the cost of the system.

Sixty percent, roughly, of the dollars that go into the system go to the lawyers and insurance adjustors and hired expert witnesses—all of the transaction costs of the system.

So we have a system which not only penalizes volunteers and restricts the operation of our health care system and restricts research and development and the production and sale of goods, but one which is extraordinarily inefficient in compensating the actual real victims of breakdowns in the system itself.

To say, as opponents do, that somehow or another this presents no national issue whatever just seems to me to beg the question. There is a problem. In a national economy, it is appropriate that at least there be a partial national solution to the problem.

Yes, we have not attempted to move all of these cases into Federal courts with the requirement that we probably double the number of our judges and courthouses. We have not made an entirely uniform system.

However, we have created in this bill a considerably greater degree of uniformity than there is now. We have even, in one section, said that the interpretation of this statute by circuit courts of appeals are going to be strong precedents for all State courts and all other Federal courts in those given circuits.

So the degree of uniformity as a result of this bill will not by any means be 100 percent. It is not designed to be 100 percent. However, it will be far greater than it is at the present time, and the predictability of the result will be greater than it is at the present time, and the lottery aspects of the business will be fewer than they are at the present time.

If we learn from the experience of this bill that greater uniformity is not necessary, we can go ahead and change it in the future. This is not an unchangeable law, by any stretch of the imagination.

We can at least find out, by this cautious and partial experiment, whether or not the evils ascribed in this legislation are true, but whether or not there is a cure or a partial cure as a result of this legislation.

I come back to one initial point, Mr. President. We have already tried this solution in one modest area of our Nation's economy: The reforms we made just a year ago in connection with the manufacture and sale of piston-driven aircraft. It is now clear beyond any argument that that business, that manufacturing business, was for all practical purposes destroyed by product liability litigation.

The production of such aircraft declined 95 percent in the United States of America over a 20-year period, ascribed by the manufacturers to product liability litigation.

Those manufacturers said that there would be a recovery if we reformed the system. We did reform the system a year ago, more modestly than the product liability system is reformed here, but in a significant fashion.

Already, there has been a significant recovery, including the planning and construction of new plants and an increase in the production and sale of U.S.-built piston-driven aircraft.

This side in the debate is able to argue not from theory but from experience. That experience would, it seems to me, give extraordinarily heavy weight to saying that if we expand it, if we expand it to other areas, we will have a similar, if perhaps not so striking, increase in the creation of jobs in this country, in the development and marketing of new products, of voluntarism, if the DOLE amendment passes and the like.

I hope we will be able to go forward, Mr. President, and cast votes on these various amendments and the other amendments before the Senate, and reach a positive conclusion to this debate within the immediate and foreseeable future.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Washington.

I mention once again the Girl Scouts, because I want to try to clean up the RECORD here. What I will read here is the Associated Press report:

When advocates of tort reform went looking for sympathetic symbols, they thought they had found a winner—the Girl Scouts of America. The story spread quickly among tort reform lobbyists and their supporters on Capitol Hill, and it was compelling. Girl Scouts in the Nation's Capitol have to sell 87,000 boxes of cookies each year just to cover the cost of their liability insurance. The lobbying and public relations machinery went into high gear. The U.S. Chamber of Commerce produced a radio ad using the information, and a business coalition began planning a television spot showing a Girl Scout trudging door to door with a basket of Thin Mints and S'Mores. But when the Girl Scouts got wind of it, they called a halt. The 87,000-box statistic was undocumented, they said. The Girl Scouts do not consider damage suits much of a problem. The local council in Washington has never been sued, and the National Accounting Organization takes no position on tort reform legislation. "They found an easy and emotional issue that they could get hold of," said Sandra Jordan, spokeswoman for the Washington Area Girl Scouts. People will take a sound bite on easy image over hard information.

Therein, Mr. President, is my position in referring not only to Girl Scouts, but to the sound bites here with respect to "Let's put an end to the lawsuit lottery."

Now, we are not talking about product liability reform or uniformity or, more correctly, any kind of abuses of the law. They immediately call it a lottery and skyrocket, and all these words that have been used; "The lottery wins, and the consumer loses," and that kind of thing.

I referred a moment ago to the matters of words with respect to these words being used here. I know some in this Congress are very sensitive about it. However, it has had its effect.

A former colleague here had introduced this, and we had it received otherwise back in 1990, because I am referring to the one who is disassociating himself from his GOPAC movement, because here is a GOPAC movement that I will read out, and I will say how it has had an effect in my State with respect to the Government being the enemy.

This is a GOPAC letter, signed by NEWT GINGRICH, and it is addressed:

Dear friend: The enclosed tape is another in the regular series of GOPAC audio cassettes, but is more than just another tape. This is a special lecture I delivered just a few weeks ago on August 22, 1990, to the third-generation group at the Heritage Foundation.

I am sending you this tape in the belief that it contains a timely and extraordinary message that could be of help to you in the coming months. While most activists and legislative candidates are not asked to give

your views on Iraq, the Mideast crisis, the budget conference, and the state of the economy, it is critical that you have the tools available that will help you take the offensive and define the agenda of the campaign based on our values rather than falling into the trap of merely answering the news releases.

I have also included a new document entitled "Language, a Key Mechanism of Control," drafted by GOPAC political director Tom Morgan. The words in that paper attest to language from a recent series of focus groups where we actually tested ideas and language.

I hope this proves useful in writing speeches and other campaign communications. My personal wish for the best of luck in your campaign and everything else.

Then, the GOPAC language is here, "A Key Mechanism of Control."

As you know, one of the key points in the GOPAC tapes is that language matters.

I will repeat that sentence. Here is the Speaker himself now saying back 5 years ago, practically:

As you know, one of the key points in the GOPAC tapes is that language matters.

In the video "We Are a Majority," language is listed as a key mechanism of control used by a majority party along with gender, rules, attitude, and learning. As the tapes have been used in training sessions across the country and mailed to candidates, we have heard a plaintive plea: "I wish I could speak like Newt." That takes years of practice, but we believe that you could have a significant impact on your campaign in the way you communicate if we help a little. That is why we have created this list of words and phrases.

This list is prepared that you might have a directory of words to use in writing literature and mail, in preparing speeches, and producing electronic media. The words and phrases are powerful. Read them. Memorize as many as possible. And remember that, like any tool, these words will not help if they are not used. While the list could be the size of the latest college edition dictionary, we have attempted to keep it small enough to be readily useful yet large enough to be broadly functional. The list is divided into two sections, the optimistic governing words to help describe your vision, contrasting words to help you clearly define the policies and record of your opponent in the Democratic Party.

Then, "Please let us know of your suggestions."

Now, Mr. President, listen to these words amongst others. We will put them all in the RECORD:

Sick, lie, liberal, betray, traitors, devour, corrupt, corruption, cheat, steal, criminal rights.

I ran into this in my campaign for reelection in 1992. I never heard such expressions before, and I wondered where in the world my opponent was getting all these blase references and words that really, in my judgment, were out of order.

Now let us bring it up to date in two instances. The Speaker himself uses these words. You look in David Broder's column here just about 10 days ago and you will see where Speaker GINGRICH, talking of his revolution, says we have a revolution against the Washington Government. But he does not call it the Washington Government. He calls it—and he has the buzz words, the key words, "the corrupt, liberal welfare state."

If these are not inflammatory, I do not know what are. They have had that effect in my State of South Carolina.

I went home to a 600-member State Chamber of Commerce seminar where they bring in the congressional delegation and we answer these questions as they go along. It so happened the distinguished colleague from the 4th district in Greenville, SC, BOB INGLIS, had answered a question and ended up by saying:

Yes, abolish the Departments of Commerce, Education, Energy and Housing.

My turn came immediately afterwards and I said:

Wait a minute. You don't mean to say that the Chamber of Commerce wants to do away with the Department of Commerce?

Yes. Yes.

A good number of them, I would say, a fifth of them, started smiling and putting their hands together. And I said to Dick Riley, the former Governor, popular Governor, Secretary of Education—he was there and I said:

Dick Reilly, do you want to do away with the Department of Education?

Yes, yes, yes.

And HUD and Energy both? All four of them?

Yes.

Half of them clapping and all, standing up. That is what is happening about this "corrupt, liberal welfare state." They feel, irrespective of the functions and the need for these various departments, that the dickens with it. "The Government is the enemy," they say. "Get rid of the Government. That is the only way. Tear it down, rip it out. Abandon it, abolish it. And then let us start all over again and to be sure none," as they say, "get corrupted. Be sure nobody serves over 6 years, or 12 years in this body." That is what you have going on in this land.

I can tell you here and now, words do count. And they count with respect to this, which is a total mislead as to the actual hearings, the facts that we had before us about the lawsuit lottery, who wins and who loses, and about the rights of consumers and everything else. It is entirely different. It is the safety of consumers. It is the defendants' lawyers on billable hours that are winning, sitting up there just grinding out, trying their own case.

It is a matter not of a lottery but a sworn jury to listen to the facts, reviewed by the trial judge and reviewed by the appellate court. And all back to the issue at hand, punitive damages, a sum total of $1.333 billion, the whole sum total of all punitive damage findings in the last 30 years, which is less than half of one business verdict against another business verdict in punitive damages, in two cases, not only the Pennzoil case but in the Exxon case.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 619 TO AMENDMENT NO. 617

(Purpose: To strike the punitive damage limits)

Mr. DORGAN. Mr. President, I rise to offer a second-degree amendment to the Dole amendment that is now pending. I send the amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 619 to amendment No. 617.

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

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

The amendment is as follows:

On page 1, beginning with line 3, strike through line 2 on page 8 and insert the following:

**SEC. 107. UNIFORM STANDARDS FOR AWARDS OF PUNITIVE DAMAGES.**

"(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant in a product liability action that is subject to this title if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct that was carried out by the defendant with a conscious, flagrant indifference to the safety of others.

"(b) BIFURCATION AT REQUEST OF EITHER PARTY.—At the request of either party, the trier of fact in a product liability action that is subject to this title shall consider in a separate proceeding whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award."

Mr. DORGAN. Mr. President, the amendment I have offered deals with the cap on punitive damages in the bill, S. 565, that was reported out by the Senate Commerce Committee. I voted for this legislation because I think, on balance, there is reason for us to legislate in this area. I think there is a problem with product liability legislation. And I think the approach that is taken is generally a reasonable approach. Therefore, I cast a "yes" vote. I did say in the committee, however, I was concerned about the punitive damage section and intended to offer an amendment on the floor of the Senate to respond to my concerns. That is what brings me to the floor today.

It occurs to me as I listen to the debate on product liability, as well as the debate on tort reform in general, that this is another one of those cases where there is truth on both sides of this issue. I listened to the Senator from South Carolina, who has spoken not just this year but in previous years on this subject and speaks with great passion and eloquence on this issue. He feels very strongly that it is a mistake

for Congress to move forward and to enact Federal legislation in this area. I understand what he says and why he says it.

On the other hand, I hear others in the Chamber stand up and speak with great persuasiveness about the need for Federal product liability legislation to restrain the number of suits that are filed.

My sense is we are a country that litigates too much. We have lawyers all over our country filing suits for virtually everything. I would like to see us litigate a little less in this country. I would like to see judges throw out frivolous lawsuits and sanction those who bring them. I would like to see us back away from this excessive litigation.

Excessive litigation puts many small businesses and others at risk. I talked with a business owner recently and she said, "They have jacked up my insurance cost to $500 a month. I pay $6,000 a year now for liability insurance to protect me against lawsuits." I asked, "Have you ever been sued?" "No, never had a suit against me. But, I have to pay these tremendous costs because somebody might decide to sue me." This is a real problem for many.

Some might say this is a problem with insurance companies. That may be, I do not know. I do know we have too many lawsuits in this country and too many people who want to sue. Excessive litigation has an effect on people trying to run small businesses who have to shell out money month after month in order to protect themselves.

On the other hand, there are enterprises in this country that provide products that they know are unsafe. They make these products available to consumers figuring they can make a bunch of money. These corporations accept the risk that a product might hurt somebody in order to make a profit. In most cases their profit will exceed their potential risk for damages. There are plenty of lawsuits that exemplify this.

I think there are merits on each side of this issue. I think we need to pass a Federal standard with respect to product liability. But, let us go back to last year's legislation on the issue of punitive damages. The bill that we reported out of the Senate Commerce Committee last year had no limit on punitive damages. We do change the standard or the threshold. We raise the bar. We require clear and convincing evidence that the harm caused was carried out with a conscious, flagrant indifference to the safety of others. That is the bar you have to get over in order to prove that you are entitled to punitive damages and that this enterprise should be punished for its behavior.

That is an appropriate place to establish burden of proof. You have to prove that there is clear and convincing evidence that the harm is carried out with a conscious, flagrant indifference to the safety of others.

Once you have done that, we should not say to the largest enterprises in this country, those with billions and billions of dollars, do not worry—even though you knew that product was going to harm them, could have killed them, we have put a limit on punitive damages. It does not make any sense to me.

Let us take punitive damages as an issue. The punitive damage section of tort law is to punish or deter a defendant's egregious conduct. There is no litigation crisis with respect to punitive damages. According to a survey, from 1965 to 1990, 355 punitive damages were awarded in State and Federal product liability lawsuits nationwide, an average of 14 a year. Of these awards, only 35 were larger than $10 million. All but one of these awards were reduced, and 11 of the 35 were reduced to zero. This was in a 25-year span.

It is hard for anyone to make the case that punitive damages represent some sort of crisis in the area of product liability. That is not supported by the facts. Congress should decide to raise the bar and create a new, higher standard, higher threshold over which someone who was injured must cross in order to prove punitive damages. To restrict it even further by placing a limit, a substantial limit on what someone can collect on punitive damages, is not justified. I think in rare cases where punitive damages should be or can be awarded, if this test is met, the test of conscious, flagrant indifference to the safety of others, then it is inappropriate for this Congress to provide this limitation.

My amendment would allow the States to debate this and provide their own limitation. Some States have limits. My amendment will not affect those States. But it will say that the underlying bill, S. 565 will not establish a new national standard that will replace every other State that has a limit and replace those specific limits. Or, in cases where States do not now have a limit, tell those States, "Here is your new limit on punitive damages." That is inappropriate.

I hope that Congress will support the amendment that I am offering today, which strikes those provisions in the punitive damages section that limit caps.

I come from a State that is largely a State of small businesses. We have some industry and a few larger enterprises. I have visited with many North Dakotans who have told me of their view of and their circumstances with respect to product liability. The case they make warrants this kind of legislation. But, it does not warrant a cap that has been placed on punitive damages.

I would like to include in the RECORD some examples of punitive damage cases. I will not go into them. But most of us understand where and when punitive damages have been awarded in this country, and in most of these instances they were warranted and necessary. The fact is the awarding of those punitive damages deter and persuade other corporations from taking the same risk. Corporations who suffered those damages may be more careful in the future.

I think that many safety improvements on products have been made not because of the benevolence of those making the products but because they worry about the consequences of putting an unsafe product on the market. Especially because other large enterprises which put unsafe products on the market knowing they were not safe suffered some very substantial punitive damages.

That has helped this country and the people in this country produce products that are safer and more reliable and products that consumers could purchase without fear of being hurt by the product. I hope that we will have an opportunity to allow others to discuss my amendment. My understanding is that they are seeking some kind of unanimous consent in which we would stack some votes tomorrow. I would like the opportunity to have others discuss the issue of lifting the cap on punitive damages in the underlying bill.

Let me again reemphasize. I am not amending the Dole amendment that deals with issues other than product liability. My amendment will deal with the underlying bill, and the cap on punitive damages in S. 565.

My hope would be that we will continue to debate this issue. As we discuss punitive damages, this Congress ought to consider the option of returning to the language in the product liability reform legislation considered last year with respect to punitive damages. Under last year's legislation a Federal standard would have been established without a cap on punitive damages. The legislation we are considering this year not only changes the standard but imposes a cap. It seems to me this cap is not necessary and inappropriate.

Last year, I was upset about another provision. The legislation that was brought to the floor included an FDA defense, whereby, a product that was approved by the FDA would be immune from punitive damage liability. Last year, I said I will not support that, and I will not vote for cloture until that is stripped out. I voted against cloture, until I was assured that the FDA defense would be stricken. I decided to vote for cloture at that point.

The FDA provision was not included in this year's provision, but, they put in another cap on punitive damages which they did not have last year. That makes no sense to me. I hope that this

Congress will come to the same conclusion that I have come to, that this bill is worth advancing, that we should pass a product liability reform bill, but that it should be enacted without the section that includes a cap on punitive damages. I think a cap is unwarranted, unfair and unwise.

With that, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Washington.

Mr. GORTON. Madam President, I thank the distinguished Senator from North Dakota for offering and defending his amendment. It moves this process forward, and as he said we are seeking at this point a unanimous-consent agreement under which we can deal with punitive damages today and tomorrow morning the way in which we dealt with medical malpractice yesterday and this morning, by gathering all the amendments together, debating them tonight and for a while tomorrow morning and then voting on them all in a row.

AMENDMENT NO. 620 TO AMENDMENT NO. 596

(Purpose: To limit the amount of punitive damages that may be awarded in a health care liability action.)

Mr. GORTON. Madam President, at this point I send an amendment to the desk on behalf of the distinguished Senator who now occupies the Chair and ask for its immediate question.

I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

Mr. GORTON. This is an amendment to the Gorton substitute, so I ask to set aside the Dole amendment as well for the purposes of considering this amendment.

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

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for Ms. SNOWE, proposes an amendment numbered 620 to amendment No. 596.

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

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

The amendment is as follows:

On page 19 strike line 22 through page 20 line 4, and insert the following new subsection:

(b) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—The amount of punitive damages that may be awarded to a claimant in a product liability action that is subject to this title shall not exceed 2 times the sum of—

(A) the amount awarded to the claimant for economic loss; and

(B) the amount awarded to the claimant for noneconomic loss.

(2) APPLICATION BY COURT.—This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

Mr. GORTON. Madam President, for the information of the Senate, this is identical to the Snowe amendment on punitive damages which was adopted as a part of the medical malpractice amendment which now, as a result of our last recorded vote, is a part of this bill. It differs only in that it is an amendment to the underlying Gorton substitute and imposes the same rule with respect to punitive damages, that is to say, two times the combination of economic and noneconomic damages for the original limitation on punitive damages included in the Gorton substitute.

I have discussed this next request with the distinguished Senator from North Dakota because it is a milder version than his, I think logically assuming that we get the votes tomorrow, that it be voted on before his amendment, and I ask unanimous consent that it be placed on any future agreement to a vote ahead of the Dorgan amendment.

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

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. And I do not expect we will object, but I wanted to clear that with our side of the aisle, so if the Senator will withhold momentarily.

Mr. GORTON. I will withhold it momentarily.

Madam President, I briefly explained this amendment. I would expect that it would be adopted by voice vote because there was a rollcall vote earlier today on precisely this amendment, and I doubt that the body needs that vote repeated. It is in my view a preferable formula to that proposed by the Senator from North Dakota, which, of course, would remove all limitations and essentially all Federal controls over punitive damages. And it is punitive damages, of course, which is the subject not only of the Dole amendment but of much of the original product liability bill, and it is a formula with respect to punitive damages proposed by the occupant of the chair as accepted by a unanimous vote this morning.

Mr. DORGAN. Madam President, I withdraw my reservation. I have no objection.

Mr. GORTON. I repeat the unanimous-consent request.

The PRESIDING OFFICER. Would the Senator from Washington repeat the unanimous-consent request?

Mr. GORTON. Assuming there is later today an order for votes on all amendments dealing with punitive damages, that the Snowe amendment be voted on immediately prior to the Dorgan amendment.

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

Mr. GORTON. Madam President, I wish to repeat once more that I understand there are additional amendments to be proposed by the Senator from Tennessee [Mr. THOMPSON], the Senator from Arizona [Mr. KYL], the Senator from Utah [Mr. HATCH], the majority leader, the Senator from Kansas [Mr. DOLE], and the Senator from Alabama [Mr. SHELBY], from this side of the aisle and perhaps additional amendments on punitive damages on the other side of the aisle. We have no unanimous consent on the subject yet. I hope that Members who want to speak to the subject of punitive damages and introduce amendments on the subject of punitive damages will do so as promptly as is convenient to them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

## AUTOMOTIVE TRADE WITH JAPAN

Mr. BYRD. Madam President, America's trading relationship with Japan is now reaching a historic, serious phase in what has been a long history of innumerable initiatives and negotiations to gain access for American products into her market. Strong action will very likely need to be taken by the administration, and the support of the Senate and American industry will be important.

The United States and Japan are nearing the end of over a year and a half of negotiations on automotive trade, aimed at reducing our $66 billion trade imbalance with Japan by opening major elements of her closed domestic market to our products. The issue, access to Japan's automobile market, including to her dealerships for American cars, and to the lucrative auto parts market, is reaching a critical juncture. The issue this time involves, once again, more than the securing of commitments by the Japanese in a written agreement to try to do something to open her market. It goes to the heart of America's strategy on how to gain the actual results of opening the Japanese market.

The question is whether we, including both the executive branch and the Congress, along with American industry are all prepared to stick to our guns and take action against Japanese imports if the auto market in Japan remains essentially closed to our cars and our spare parts. Specifically, are we willing to take retaliatory action and impose trade sanctions on her products, under section 301 of the 1974 Trade Act? I say to my colleagues that now is the time to change the paradigm in our trading relations with Japan. If we are not prepared to take retaliatory actions under the law, in a

situation which is about as perfectly suited as is possible to the intent of the law as it was written, then we may be looking at a continuation of these deficits in perpetuity.

Madam President, if anyone doubts the persistence of unfair barriers in Japan to her marketplace, then they ought to take a look at the 1995 National Trade Estimate Report on Foreign Trade Barriers, which provides an annual inventory of the most important foreign barriers affecting U.S. export of goods and services, foreign direct investment, and protection of intellectual property rights. The latest report dedicates some 44 pages of material to the subject on Japan alone, far more than to any other country, far more than to the second place, the European Union, most of the important countries of Western Europe combined, which takes up 28 pages, and double that of China, with which country we run our second largest annual trade deficit—44 pages, much of it dedicated to the automobile trade.

How important is the auto trade for America's current account balance and for the American economy? The answer is: as important as any single sector can be. America's trade deficit with Japan in 1994 reached another record high, at $65.7 billion, up 10 percent from 1993, when it totaled $59.3 billion. Of that amount, the bilateral automotive trade deficit accounted for about $37 billion, or 56 percent of the total, so most of our deficit with Japan can be attributed to cars and to auto parts. More than that, the auto trade deficit with Japan constituted some 22 percent of our entire trade deficit with the world. The policy announced by our Trade Representative, Ambassador Kantor—according to his testimony before the Finance Committee on April 4, 1995—is that this deficit is the result of unfair Japanese practices, that it is unacceptable, that he will use every tool at his disposal to correct it, and that, in general, he will use a practical, market-based, results oriented approach to dealing with these non-market barriers. I strongly support this approach, and I believe that the Senate as a whole does as well.

As far as the impact on the American economy is concerned, a strong auto sector is crucial. Two million, two hundred thousand people in the United States are employed in the parts industry alone—such vital industries as aluminum, steel, glass, rubber, electronics, semiconductors, machine tools, and many others. This is on top of the some 700,000 people employed by the Big Three auto manufacturers themselves, the Nation's largest manufacturing industry. Sales of cars and trucks constitute some 4.4 percent of our gross domestic product.

Negotiations with Japan have reached a crucial stage regarding the auto industry's attempts to deregulate the Japanese auto parts market. Negotiations on access to the Japan auto business began as a result of the agreement reached by this administration with the Government of Japan in July of 1993, the so-called Framework for a New Economic Partnership. This framework established a general set of results to be used in specific negotiations, and refocused the criteria for progress away from the process of removing trade barriers to actual results in the way of real economic progress in market penetration. After 18 months of negotiations on automobile negotiations—including access to the motor vehicle market by breaking into Japan's dealerships, the purchase of original parts by Japan's automakers from United States suppliers, and the regulation of the auto parts aftermarket, which is repair parts—Ambassador Kantor has concluded that "there has been virtually no progress." One result has been the initiation by the Trade Representative, on October 1, 1994, of a section 301 investigation of Japan's replacement auto parts market, which is virtually closed.

The difference between the United States and Japanese markets in this area could not be more dramatic and more symbolic of our troubled trade relationship: A Department of Commerce study in 1991 estimated that Japanese vehicle manufacturers controlled about 80 percent of the parts market, while in the United States the situation is the reverse, and independent replacement parts producers account for 80 percent of the market. So, while the United States market is wide open, the Japanese market is closed. To make the situation more unfair to us, the Japanese closed market allows their manufacturers to run the prices up on their own consumers for repair parts. Another U.S. Government survey has concluded that their aftermarket repair parts cost, on average, some 340 percent higher than comparable parts in the United States.

This tremendous windfall of billions of dollars in extra profits helps subsidize the Japanese car industry, so that it can compete more effectively in the international market, subsidizing lower costs for Japanese cars here in the United States, Europe, and elsewhere. Therefore, it is a triple whammy: Our parts manufacturers cannot sell effectively in the Japanese market; Japanese consumers get gouged; and the whole thing results in cheaper, more competitive Japanese cars worldwide.

The "Keiretsu" system of interlocking and cozy exclusive relationships among suppliers, manufacturers, and dealers serves as an effective blocking action against market penetration, and I am advised that the powerful Japanese Government bureaucracy serves to abet this exclusivity in supporting a regulatory framework not conductive to easy access. Japan's competition law, known as the Antimonopoly Act, which prohibits unfair trade practices has, according to the 1995 Foreign Trade Barriers report, a "weak and ineffective" enforcement history. The Japan Fair Trade Commission, which is supposed to implement that law, has "not shown any serious inclination to use its enforcement powers to eliminate the anticompetitive practices in sectoral markets that are excluding foreign goods and services from the Japanese market." This is a system totally incompatible with the principles of free international trade.

As to new American cars, it is nearly impossible for Japanese businessmen who operate dealerships and showrooms to agree to sell American cars. I understand that many of these dealers would like to do so, but they fear retribution from Japanese car manufacturers and are warned against taking American business. Hence, the marketplace for new American cars in Japan remains extremely narrow and difficult to penetrate. What are the results? While Japanese automakers hold some 22.5 percent of the American market, the share of the Japanese market held by the Big Three United States automakers is less than 1 percent.

The Japanese economy is, in many ways, a sanctuary market, closed to the world, but depending to a large extent on robust exports. Trade agreements are, more often than not, written agreements which are frustrated by a maze of business practices, Government regulations, and other hurdles for importers to jump. The problem is that other nations, particularly in Asia, are engaging in the same practices, and if the Japanese market is not pried open, these trade imbalances will be mirrored elsewhere, as they are today with China. We see the same kind of practices in Korea.

Therefore, the stakes in fair trade with Japan have worldwide ramifications and affect the very future of American participation in a trading system which enjoys access to a wide open American market. We need to demand reciprocity, which would allow our products to compete freely. If our products fail to attract buyers because they fall short on the merits, fine, then that is our fault. But this is not what is driving the large deficits with Japan, and our industries and economy will suffer as they are suffering, and as they have suffered.

I was very pleased to see the dramatic accord that was achieved by our Trade Representative with China on the matter of intellectual property rights, and I would note that it was achieved only at the 11th hour and with the certainty of definite retaliation by the United States, absent achieving an accord. Given the history of trade practices with the Japanese, I fear that

only a believable threat, or actual retaliation, may be sufficient to get equitable results in the Japanese auto market.

In the new world that is emerging after the collapse of the Soviet Empire, it is important to see the overall United States-Japanese relationship as one of give-and-take across the board. The United States still maintains armed forces in Japan and that relationship has been excellent, with Japan providing needed host-nation financial support. It is an excellent burden-sharing arrangement. While our security relationship has been in balance, and a close relationship remains intact, the trading situation has generated unneeded frictions.

Today, American national security and economic security go together, hand-in-hand. Japan has a deep-vested interest in the health of the American economy, and economy increasingly dependent on trade. Eleven million Americans are now employed in export-industry jobs, a doubling of the number from just 10 years ago. It will be more and more difficult to maintain robust deployed forces in the Pacific, as we should, without a strong American economy.

Persistent massive trade deficits with Japan and other Asian nations runs counter to this, and they erode our ability to sustain the kind of a Pacific rim presence that both we and our allies in the Pacific, particularly Japan, believe is in our overall interest of stability and peace. And so it is important for the Japanese Government to make every effort to ensure that our trade relationship enjoys the same healthy substance of a two-way street.

The deficit in the United States-Japanese automotive parts trade reached a record $12.8 billion in 1994, deteriorating 15 percent from 1993, at the very time that negotiations were ongoing on this matter. The Japanese sold a record $14.3 billion in auto parts in the United States, compared to a meager $1.5 billion in United States auto parts which managed to squeeze into the Japanese market. It is a major element in our deficit picture, and something has to give.

It is precisely in this situation that the 301 law is available to the Trade Representative, and I certainly expect that he will probably have to use it and he should have no compunction against using it. This means that when the section 301 investigation of unfair practices in the auto parts market is concluded—at the latest by October 1, 1995—if the current stalemate continues, the United States should not hesitate to retaliate. According to a New York Times article of April 13, 1995, an administration "task force has already been established to draw up a list of Japanese products that would be subject to 100-percent tariffs unless Japan takes what one senior official today called 'enormous leaps' during meetings scheduled over the next several weeks." These officials indicated such a list would be announced this month. I note that the next round of negotiations with the Japanese is scheduled to take place this week, on tomorrow, Wednesday, May 3, 1995, and I hope that our negotiator there, Ambassador-designate Ira Shapiro, will tell the Japanese that stonewalling will result in retaliatory action, with strong Senate action, if needed, to follow up on the retaliatory measures that might be announced by the administration.

I point out, Madam President, that there is extensive support across the board in American industry for the strong action that might be required against Japanese products in the event that the results sought by the administration are not obtained. I include in the RECORD a list of 27 major United States companies and associations that deal with Japan which support our negotiations on this matter. It includes the Business Roundtable, the major auto companies, and associations representing those manufacturers who have a stake in the health of the auto and auto parts industries, such as glass, iron and steel, and electronics. It includes the major labor organizations, including the United Auto Workers and the AFL–CIO. There is obviously very broad consensus across American business and labor organizations that the time for action is past; so we have only now left to us.

It is clear that, while there may be every good intention on the part of Japanese policymakers and other sectors of Japanese society and business to open the Japanese market to American automobiles and products, what really counts in the long run are results, and actions to do so. Performance, not promises, is only what we are seeking, and one must be prepared to take strong action to encourage such performance.

Madam President, automobiles and parts have been the central problem in Japan's trading relations with the rest of the world for many years. If we can solve the problem, and break the "keiretsu" psychology and practices which close Japan's markets, a new era between our two nations will emerge. If we fail, our relationship will continue to deteriorate.

Mr. President, I ask unanimous consent that a group of supporting documents be printed in the RECORD.

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

ORGANIZATIONS SUPPORTING UNITED STATES-JAPAN AUTO AND AUTO PARTS TRADE NEGOTIATIONS

Aluminum Association.
American Automobile Manufacturers Association.
American Electronics Association.
American Federation of Labor Congress of Industrial Organizations.
American Forest and Paper Association.
American Iron and Steel Institute.
American Textile Manufacturers Association.
Association of Manufacturing Technology.
Automotive Parts and Accessories Association.
Business Roundtable.
Chrysler Corporation.
Copper and Brass Fabricators Association.
Ford Motor Company.
General Motors.
Guardian Industries.
International Insurance Council.
Joint Automotive Supplier Government Action Council.
Motion Picture Association.
Motor Equipment Manufacturers Association.
National Association of Manufacturers.
National Glass Association.
Pharmaceutical Research and Manufacturers Association.
Semiconductor Industry Association.
Specialty Equipment Market Association.
United Auto Workers.
United States Business and Industrial Council.
US-Japan Business Council.

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NATIONAL CONSUMERS LEAGUE,
*Washington, DC, April 25, 1995.*

The PRESIDENT,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: On behalf of the National Consumers League, I want to express our support for the Administration's position in the Framework negotiations with Japan and our interest in opening the Japanese market to competitive American automotive products. The vehicles and parts made in this country meet a wide variety of safety and environmental standards. The production facilities in which they are made meet standards for their operation as well. The workers in these plants benefit from protective health and safety laws and many have won further protection through union representation. All of these conditions contribute to beneficial results for Americans who are consumers of the products made by the industry and consumers of its environmental impacts.

The companies that meet these conditions should be able to supply markets abroad on the same terms as foreign companies find in this market. All foreign producers of vehicles and auto parts have unrestricted access to the U.S. market. We understand that the Clinton Administration is seeking just such access to the Japanese market for U.S. automotive products and we fully support that objective.

American industries that contribute to the social and economic well-being of the nation, as does the automotive industry by meeting a variety of legal and regulatory standards and affording workers a voice in their work lives, deserve the support of the U.S. government in gaining the ability to sell their products internationally. American consumers and Japanese consumers would benefit from the elimination of Japanese barriers to access to that market for the quality products made by American workers.

Sincerely,

LINDA GOLODNER,
*President.*

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CATERPILLAR, INC.,
*April 7, 1995.*

The PRESIDENT,
*The White House, Washington, DC.*

DEAR PRESIDENT CLINTON: I'm writing as Chairman of the U.S.-Japan Business Council

which represents the interests of leading U.S. manufacturing and service firms. The purpose of my letter is to commend your Administration for the aggressive leadership it's providing on behalf of U.S. automobile and auto parts producers as they attempt to compete in the Japanese marketplace.

As your trade negotiators have recognized, the fundamental problem in the U.S.-Japan economic relationship is that Japan's markets in a host of industrial and service sectors remain more restrictive than those in the United States and other major economies. It's equally clear that the U.S. trade deficit with Japan will persist—despite sharp appreciations of the yen and a sizable reduction in the U.S. budget deficit—until Japan reforms its regulatory and market entry practices.

Your Administration has managed to negotiate several results-oriented trade agreements with Japan in such areas as government procurement of medical and telecommunications equipment, insurance, flat glass, and financial services under the U.S.-Japan Framework Agreement. The members of the U.S.-Japan Business Council, many of whom will benefit once these agreements are implemented, commend your trade team for this achievement.

But the fact that no agreement has been reached in one of the most important sectors of our trading relationship with Japan—autos and auto parts—is troublesome . . . especially given the broad range of industries and jobs involved in the automotive sector . . . electronics, semiconductors, steel, chemicals, and machine tools.

Although U.S. auto and auto parts companies are now competitive and committed to the Japanese market, they and other foreign producers continue to be denied full and comparable access to the Japanese automobile distribution system, as well as markets for original equipment and replacement parts.

Meanwhile, the bilateral trade imbalance in motor vehicles and parts, which typically accounts for some 60 percent of the U.S. trade deficit with Japan, hit a record high of $36.7 billion in 1994. Forecasts suggest even greater deficits in this sector in 1995.

On behalf of the U.S.-Japan Business Council, I urge your Administration to continue working toward a comprehensive agreement that will result in increased access and sales opportunities for U.S. automobile manufacturers and parts producers in the original equipment and replacement parts markets in Japan and the United States.

Sincerely,

DONALD V. FITES.

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STATEMENT OF THE NATIONAL ASSOCIATION OF MANUFACTURERS ON THE UNITED STATES-JAPAN AUTO NEGOTIATIONS

The NAM's membership has a clear and substantial interest in a U.S.-Japan relationship characterized by a two-way free flow of goods, services and investment. The NAM thus supports the "framework for a new economic partnership" between Japan and the United States. As part of this framework, it is appropriate that Japan has committed to implement policies "intended to achieve a highly significant reduction" in its persistent and large trade surplus with the United States. The framework addresses both structural imbalances between the U.S. and Japanese economies as well as those sectors of the Japanese economy where market forces have, in the past, clearly not been allowed to operate freely.

The NAM recognizes the importance of successfully resolving the current bilateral automotive negotiations by ensuring significant and sustained market access and sales opportunities for foreign vehicles and parts in the Japanese market. The NAM thus supports the efforts of the U.S. and the Japanese Governments to reach speedy agreement to achieve such access.

The NAM also urges the U.S. Government to reassert that the full implementation of all previously negotiated agreements with Japan in other sectors remains a priority objective.

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THE BUSINESS ROUNDTABLE,
*Washington, DC, April 13, 1995.*

Hon. MICHAEL KANTOR,
*Office of the U.S. Trade Representative, Washington, DC.*

DEAR AMBASSADOR KANTOR. As you know, The Business Roundtable has long been a major supporter of the efforts of the U.S. government to open foreign markets to international trade and investment. In this connection, U.S./Japan trade policy developments have been of particular concern to us.

The difficulties that U.S. business has had in expanding its sales and investments in Japan have been a continuing frustration. While progress has been achieved in some sectors, such as semiconductors, other areas have seen insufficient improvements.

In particular, the automotive sector has experienced significant difficulty penetrating the Japan market, and the trade imbalance in this sector alone represents nearly 60% of the total trade deficit between the U.S. and Japan. The Roundtable believes that a successful auto negotiation with the Japanese will have ramifications beyond Japan and could help to facilitate further market opening initiatives in other Asian countries.

The purpose of this letter is not to provide you with the specifics of the auto sector trade problem faced by U.S. exporters; the U.S. auto and auto parts industries can do this far more effectively than we can. Rather, it is to underscore the importance of negotiations in this sector. We are also not the ones to advise you on the precise shape of a successful agreement on auto sector trade with Japan. That said, we believe that fundamental to any successful negotiation is the need for agreements to include a basis on which the results can be evaluated. Without an acceptable basis to gauge the impact of an auto sector trade agreement, there will be a significant risk that subsequent activities/discussions to any agreement will devolve into continuous argument regarding implementation process rather than achieving actual results.

We know that the auto sector negotiations with Japan have been, and will continue to be, difficult. For this reason, we think that it is important for you to know that The Business Roundtable fully supports the pursuit of U.S. rights under the rules of the World Trade Organization, aggressive use of U.S. trade laws and whatever other action may be necessary to achieve meaningful access to the Japanese market in this critical sector.

In closing, thank you for your tireless efforts to open foreign markets to U.S. exports, and we encourage your continued resolve in these negotiations.

Sincerely,

JERRY R. JUNKINS,
Chairman, President & CEO, Texas Instruments, Chairman, The Business Roundtable International Trade and Investment Task Force.

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AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
*Washington, DC, April 18, 1995.*

Hon. MICKEY KANTOR,
*U.S. Trade Representatives, Washington, DC.*

DEAR AMBASSADOR KANTOR: I am writing to urge the Administration to continue its efforts to reach a results-oriented agreement with Japan on autos and auto parts. The discrimination and inequity present in the existing trading relationship can no longer be papered over.

American workers in a wide range of industries and occupations would benefit from the reduction of the U.S. deficit in automotive trade with Japan and the elimination of discriminatory practices by Japanese companies directed at U.S. firms. Union members in the rubber, glass, steel, aluminum, textile, machine tool, chemical, electrical, electronics and other industries would directly benefit from increased access to the Japanese auto market for competitive American products. Unionized workers in other industries, including entertainment, telecommunications, construction, aerospace, paper and even-more, would gain additional jobs if the Japanese market were truly open and discrimination against U.S. producers was ended.

The AFL–CIO believes that international trade can benefit American workers, but that trade must be fair and equitable. That is not the case with U.S. auto trade with Japan today. During the past nine years, the U.S. deficit in auto trades with Japan nearly hit $300 billion. If that deficit could be reduced substantially, the Clinton Administration's effort to establish equity in that trading relationship through the Framework negotiations could lead to the creation of many thousands of American jobs. We will judge the success of the Framework's auto talks by their impact on the jobs of American workers, not by the quantity of words in any agreement. Under a good agreement, we expect the U.S. automotive trade deficit with Japan to decline rapidly.

The commitment of the Clinton Administration to "result-oriented" negotiations must be fulfilled either through effective, verifiable agreements or reciprocal treatment of U.S. imports from Japan. If an acceptable agreement cannot be reached in the next few months, the U.S. must impose sanctions on imports from Japan that are commensurate with the damage to American workers caused by Japan's barriers to U.S. products. It is time to demonstrate the Administration's commitment to settling this long-running trade disaster.

Sincerely,

LANE KIRKLAND,
*President.*

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ALUMINUM INDUSTRY SUPPORTS U.S.-JAPAN NEGOTIATIONS

THE ALUMINUM ASSOCIATION STRONGLY SUPPORTS MARKET ACCESS WITH JAPAN

WASHINGTON, D.C., April 13, 1995.—The Aluminum Association announced today its strong support for a swift and positive conclusion to the U.S.-Japan automotive trade negotiations. The aluminum industry, longtime advocates of free trade, urged the removal of barriers and the opening of Japan's parts and vehicle market to foreign cars and parts.

U.S. aluminum companies are historic free-traders. They produce 19 billion pounds of metal each year, making them the world's largest aluminum industry. The U.S. aluminum market is the world's largest, most

sophisticated and most open, yet major barriers to market access in Japan remain. The aluminum industry strongly supports the U.S. Government's efforts to remedy this persistent problem.

The auto and auto parts industry and its unhindered access to Japanese markets and manufacturers is extremely important to our industry. In 1993, the aluminum industry shipped about 4.2 billion pounds of aluminum to the transportation market. This makes it the industry's second largest market.

Aluminum Association President David N. Parker, called for an effective, results-oriented agreement on the negotiations and remarked that the "talks mirror our industry's long time efforts to achieve open markets for aluminum."

Aluminum represents over 200 pounds of an average vehicle, a growth of over 55 percent in the last decade. Aluminum plays a significant role in lightweighting both domestic and foreign vehicles. Industry experts expect its percentage of the average car to increase rapidly as demand for fuel efficient vehicles which retain size, safety, and environmental friendliness grows. Select cars have already shown that as much as 500–1,000 pounds of aluminum can be used successfully to achieve high performance or fuel efficiency.

The Aluminum Association represents primary and secondary producers of aluminum, as well as semi-fabricated products. Member companies operate approximately 300 plants in 40 states.

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AISI ISSUES POLICY STATEMENT ON UNITED STATES-JAPAN AUTO TALKS: STEEL GIVES STRONG SUPPORT TO GOAL OF TIMELY AND MEANINGFUL MARKET ACCESS IN JAPAN

WASHINGTON, D.C.—The American Iron and Steel Institute (AISI) today issued the following policy statement in strong support of U.S. government efforts to achieve a prompt, "results-oriented" resolution of the U.S.-Japan bilateral automotive negotiations.

"Steel producers in North America have an important, direct stake in—and indeed, have contributed substantially to—the renewed competitiveness of North America's auto industry in recent years. That was a main reason steel producers throughout North America strongly supported NAFTA—because we saw it benefiting our major customers in the North American auto industry.

Given the auto industry's continued importance to the North American economy (4.6 percent of total U.S. GDP). AISI's U.S., Canadian and Mexican member companies remain deeply concerned by North America's large and persistent trade deficit with Japan in the automotive sector.

The fact is, as competitive as the North American auto industry has become, it still requires free and open markets and fair and reciprocal market access worldwide to reap the full benefits of its restored status as a world class industry. Unfortunately, North America's producers of motor vehicles and auto parts do not have such equality of market access currently with respect to Japan.

It is therefore essential that the ongoing U.S.-Japan bilateral automotive negotiations produce a successful and timely resolution of this critical problem by achieving significant and sustained market access and sales opportunities in Japan for North American and other non-Japanese producers of vehicles and parts. Thus, AISI strongly supports the U.S. government's "results-oriented" efforts to reach agreement as quickly as possible on meaningful market access in Japan for this vital North American industry.

As part of the U.S.-Japan "framework agreement"—under which the automotive talks are occurring—Japan has committed to implement policies "intended to achieve a highly significant reduction" in its trade surplus with the United States, which exceeded $65 billion last year.

This enormous and unsustainable trade imbalance, two-thirds of which is in the automotive sector, requires prompt corrective action—by achieving measurable results in the auto sector as soon as possible, and ensuring full implementation of all previously negotiated agreements with Japan in other sectors."

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STATEMENT OF THE AMERICAN TEXTILE MANUFACTURERS INSTITUTE ON UNITED STATES-JAPAN AUTOMOBILE TRADE

The American Textile Manufacturers Institute (ATMI) strongly supports the Clinton administration's efforts to open the Japanese market to U.S. automobile and automobile parts. ATMI is the national trade association for the domestic textile industry. ATMI member companies operate in more than 30 states and account for over 80 percent of all textile fibers consumed by U.S. mills.

The American textile industry is a major supplier to the U.S. automobile industry. Textile goods produced for use in automobiles include not only upholstery and floor coverings, but sidewalls (the interior sides of cars), head linings (the interior roof material), hood linings (material on the underside of the hood), trunk linings, convertible tops and vinyl hardtops, tire reinforcement, hose fabric and transmission belts. In fact, the average truck contains 18 square yards of textile fabric, while the average car contains 29 square yards.

In 1993, automobiles and trucks accounted for more than 1.2 billion square yards of fabric consumption in the United States, or 1.2 billion pounds of fiber. By weight, this represents nearly 10 percent of the total fiber consumption in the U.S. Clearly, the auto industry is an important customer of the American textile industry.

The opening of foreign markets to U.S. textile products and to items containing U.S. textile products is a vital part of our industry's global competitiveness strategy. In this light, ATMI endorses the efforts of Ambassador Kantor to open Japan's market to U.S. autos and auto parts and urges the administration to continue to seek adequate market access in the current negotiations with the government of Japan.

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NEARLY TWENTY INDUSTRIES JOIN IN CALL FOR JAPAN GOVERNMENT TO OPEN CLOSED MARKETS TO U.S. PRODUCTS

WASHINGTON, D.C.—A diverse group of the nation's largest industries joined together today to call on the Japanese government to open its market to reduce its record $66 billion merchandise trade surplus with the U.S.

"Japan's chronic trade surplus is choking its economy and playing havoc with the world's currency markets," said Andrew H. Card, Jr., President and CEO of the American Automobile Manufacturers Association (AAMA). "After more than 25 years of foot-dragging, it's time for the Japanese government to join with other industrialized nations to practice free trade in its own market."

Autos and auto parts accounted for $36.8 billion of the U.S. trade deficit with Japan last year and is predicted to reach $39 billion in 1995.

The latest round of U.S.-Japan trade negotiations is scheduled to conclude in Washington on Tuesday.

Nearly twenty industry representatives—from aluminum and steel producers to pharmaceutical manufacturers—joined Card in calling for greater access to Japan's "sanctuary" markets.

"The whole world is watching the outcome of these negotiations. If Japan fails to undertake decisive reform to open its automotive sector, there are numerous developing economies waiting in the wings—China, Korea, Indonesia, Vietnam—which will be tempted to follow Japan's sanctuary market as a model, rather than to adopt a free and open model which provides benefits to all participants in the world open-trading system," Card said.

Other groups joining AAMA at the press conference include the: Aluminum Association, American Electronics Association, American Forest and Paper Association, American Iron and Steel Institute, Automobile Parts and Accessories Association, Copper and Brass Fabricators Association, Pharmaceutical Research and Manufacturers of America, Association of Manufacturing Technology, International Insurance Council, Motor and Equipment Manufacturers Association, Specialty Equipment Manufacturers Association and the United Auto Workers Union.

Other groups calling on Japan to open its markets include the: American Textile Manufacturers Institute, Joint automotive Supplier Government Action council, Motion Picture Association of America, National Association of Manufacturers, National Glass Association and U.S.-Japan Business Council.

During the press conference, Card pointed to a new report by the American Chamber of Commerce in Japan which outlines trade barriers across 35 industrial sectors.

With regard to autos, the ACCJ report concluded that the Japanese manufacturers intend to continue discouraging dealers from franchise agreements with U.S. automakers.

The ACCJ report recommends that the Japanese Government: Open Japan's auto market; provide free access to Japanese dealers; simplify regulations and procedures; and open Japan's parts market to foreign suppliers.

AAMA is the trade association headquartered in Washington, D.C. whose members are Chrysler, Ford and General Motors.

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SEMICONDUCTOR INDUSTRY ASSOCIATION,
*San Jose, CA, April 19, 1995.*

Hon. MICHAEL KANTOR,
*U.S. Trade Representative,*
*Washington, DC.*
Hon. RONALD H. BROWN,
*Secretary of Commerce, Department of Commerce, Washington, DC.*

DEAR AMBASSADOR KANTOR AND SECRETARY BROWN: The Semiconductor Industry Association strongly supports your efforts to achieve a substantial measurable increase in imports into Japan's automotive and automotive parts markets. These efforts are both necessary and appropriate. There can be no acceptable alternative to having outcomes in the Japanese market reflect the competitiveness of American auto and auto parts producers. This has not yet been allowed to occur.

Your efforts serve not only the broad national interest but are of real economic interest to our industry as well. Semiconductors are a key component in modern automobiles, with applications including engine controllers, air bags, and antilock brakes. There is a direct impact on U.S. chip companies from both the very low levels of U.S.

automobile exports to Japan and the reluctance of Japan automobile companies to use American components.

In 1994 over $1.7 billion of semiconductors were used in American automobiles. This figure could have been substantially higher if it were not for the fact that of the 10 million vehicles produced by the three American firms in the U.S., only 33,000 were exported to Japan.

U.S. firms have been working for years to increase their share of the $1.3 billion Japanese automotive chip market through the U.S.-Japan Semiconductor Agreement. The foreign automotive semiconductor share in Japan of about 10 percent, while much higher than five years ago, remains well below the dominant shares that U.S. firms have achieved in other world markets. The limited foreign penetration to Japan's auto semiconductor market is also in contrast to the significant progress which is being made in a number of other electronics sectors in Japan.

The implementation of market access agreements with Japan requires extraordinary efforts on the part of both American suppliers and Japanese purchasers, and by both governments, but the benefits can also be extraordinary. The U.S.-Japan Semiconductor Agreement has led to an additional $2.5 billion in annual U.S. sales in Japan and to unprecedented cooperation between American and Japanese companies and industries.

While SIA intends to continue to work through the U.S.-Japan Semiconductor Agreement to further programs in semiconductor market access, an agreement on auto parts is fully complementary and very much in the interest of not only the U.S. economy, but of harmonious relations between the United States and Japan.

We wish you well in this vital endeavor. A successful autos and auto parts agreements would promote the change in attitudes towards imported components that is required for success in increasing access to the Japanese market. SIA fully supports your efforts to quickly achieve an effective results-oriented agreement with the Government of Japan on auto and auto parts.

Sincerely,

A. A. PROCENSINI,
*President.*

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AMERICAN FOREST & PAPER ASSOCIATION,
*Washington, DC, April 11, 1995.*

Hon. IRA SHAPIRO,
*General Counsel, Office of the U.S. Trade Representative, Washington, DC.*

DEAR IRA: The American Forest & Paper Association, on behalf of the U.S. forest products industry, is highly supportive of your efforts to open the Japanese market to U.S. suppliers of autos and auto parts.

The long-standing problems of market access in this sector—including kieretsu relationships between auto producers and suppliers, denial of access to the producer-owner distribution network, and the use of government standards to exclude imports—are all-too-familiar features of our own problems in penetrating the Japanese market. We believe that a comprehensive, negotiated solution to the auto/auto parts problems will have important implications for the resolution of similar problems in other sectors, such as ours, where the same pattern of exclusion is evident.

At the same time, we believe that the firm stand which USTR has taken in these negotiations sends a very clear signal to the Government of Japan that the Administration will take the steps necessary to ensure compliance with existing agreements. With both the wood and paper agreements designated to a Super 301 watchlist, we anticipate that the result of your efforts in the auto sector will be to heighten Japanese awareness of the need to refocus its "encouragement" of imports in a direction which leads to concrete results.

Sincerely,

MAUREEN R. SMITH,
*Vice President, International.*

Mr. HOLLINGS. Madam President, let me commend our distinguished senior Senator, former leader and President pro tempore of the body. Senator BYRD's words are music to this Senator's ears, because in all of the almost 5 months now of the so-called "contract," not one word has been stated until Senator BYRD has spoken about competitive trade policy.

That is exactly what we need. Right to the point, as the distinguished Senator has pointed out, the Japanese are subsidizing their sales—what we call "loss leaders," in the retail business. They subsidize and sell automobiles there for less than it costs them back in Japan.

I could not get the updated figures right now to be accurate, but I remember over a year ago a Toyota Cressida that sells for $21,800 in Washington, DC, sells for $31,800 back in Tokyo.

We had other comparable prices, and I would be glad to bring us up to date. The point is, in the year 1994 just passed, Business Week reported that, once again, Japan had taken over a larger share of the American domestic automobile market. Specifically, they had inched up another 1.2 percent in spite of the competitiveness and quality production of the American automobile industry. We have all been bragging. Detroit is finally putting out real cars, quality production, and we are now demanding, instead of foreign cars, American cars for a change. But with it all, Japan has still taken over more of the market.

Five years ago, I had the vice presidents of Chrysler, Ford, and General Motors orchestrated almost to bring an antidumping case against Japan. While I had the agreement of Chrysler tentatively and Ford tentatively, General Motors bugged out. They said it was not good for business. They better wake up and understand what is good for business.

Yes, our leader here is making a very cogent observation, but we will have to go back to another colleague of ours who adopted the expression, "Where's the beef?" Our Vice President.

We have been talking for years—years on end. I testified 35 years ago with similar language about the textile industry. In 1980, 15 years ago, the deficit in the balance of textile trade of the entire European market with Japan was some $4 billion—not with just Japan but with the Pacific rim. We had a deficit, also, in the balance of textile trade of $4 billion.

In the ensuing 15 years now the Europeans have shown they know how to deal with Japan. They do not have this weeping and wailing about fair trade and level the playing field and whining and crying and moaning and groaning—business is business. Through the enforcement of their antidumping laws, they have reduced it to less than $1 billion. And our deficit in the balance of textile trade has gone from $4 billion to $32 billion. Add in that $28 billion in textile manufacture, and we have millions of jobs.

Politicians are running all over the Hill talking about jobs, jobs, create jobs, jobs, jobs. We are exporting them as fast as we possibly can.

A fundamental is involved, Madam President. They use the Friedrich List or German model, which Alexander Hamilton initiated in the founding days of this Republic whereby the wealth of a nation is measured not by what it can buy but by what it can produce. The decisions are made on the basis of whether or not it strengthens the Japanese economy or weakens the Japanese economy. The Japanese use government, along with trade policies and private sector to take over—in this instance, market share. That is why year upon year, end upon end, we send over our trade representatives. They moan, they groan, they whine, they cry. We continue to keep our markets open.

The only time anybody made any progress at all was under the voluntary restraints agreement, and we slowed it down somewhat. However, we still have not really denied them access to our market.

Adam Smith, free trade is strictly passe in the global competition. Forget it. Forget it. We have little Boy Scouts, and the Golden Rule, do unto others as they do unto you. That does not apply in global competition.

I can say here and now we have to protect the economic backbone, the manufacturing capacity and capability of our Nation or, as Akio Morita said years ago, that power that loses its manufacturing power ceases to be a world power.

That is the road that we are on in this country of ours. I am glad the distinguished Senator from West Virginia is emphasizing this. It is well stated, and I hope we can get an administration that will answer the question of our former Vice President Mondale, "Where's the beef?"

If they begin to put in some beef like they did with China, then we can get an agreement like we did with China. If we put some beef behind the words of the distinguished leader from West Virginia, we will get a result. Business is business and it is not politics, and we have got to begin to understand that.

One other item, and then I will yield, Madam President. It is a very, some

might say, splendored thing, but the question of telecommunications, the information superhighway, is one of the most complex subjects or issues that we can possibly deal with.

The problem is that everyone wants to deregulate and let market forces control. Certainly this Senator does, and all the Senators that I know of with respect to our Commerce Committee holding the particular hearings.

The problem is we have a monopoly on the one hand and a responsibility for universal service on the other hand. With respect to universal service, Madam President, we do not want to make the same mistake we did with airlines whereas today, now, 85 percent of the medium- and small-sized towns and communities of America are subsidizing the 50 percent long hauls, and all the airlines have gone broke.

Universal service is splendid, outstanding, wonderful communications from our seven Bell companies. The local service operators, we want to continue that universal service and require, thereby, on the one hand, everybody coming in to contribute to a universal service fund, and on the other, not allow our Bell companies to be cherrypicked and take off the good business, high-concentrated service, so to speak, and leave the rural and less populated areas for others to serve.

That is one of the tasks in regulating service. Otherwise, we have to regulate the unbundling of the monopoly. The monopoly is there, and we know twofold: No. 1, that monopoly gets a 46 percent return on their guaranteed cash flow. Now, man, oh man, oh man. It did not come to my attention until just now. Later in the RECORD I will insert whereby the return of all investment to the leading industrial sectors of the United States of America—and now we will take long distance—the return they receive is 19 percent. The average is less than the 19 percent return on their investment. The highest of any in the United States of America are seven Southern Bell. They get a 46 percent return.

Now, if I am president of a Bell company, why should I be pursuing the Congress to get over the business where I am getting a 46-percent return into a business that gets, say, 19 percent or lesser return? Business is business.

I do not want my stockholders to lynch me and throw me out. So necessarily, I am not, although I talk pretty-like on the one hand about the superhighway and everything else like that, let the competition begin, I really do not care if we never pass a bill because I have a guaranteed cash flow of 5.6 billion bucks. I keep Wall Street happy with that. I spend about $2.7 billion in upgrading the system. And I have $1.7 billion in my back pocket here—cash. I can go to any bank, not only in the United States, but into Tokyo or wherever, and with $1.7 billion cash in my back pocket, I can finance anything.

So what I am saying in essence is that what we have to do is break up that monopoly. These monopolistic Bell companies, we intended for them to be monopolies. The law required it. But having given it to them, we know now, under the modified final judgment, they know how to get past every rule and every regulation. I found it out all during the 1960's and 1970's when, on the Communications Subcommittee, I worked with them. We tried our dead-level best to, by gosh, deregulate and open up AT&T and the Bell companies, and we could not do it.

We had to finally do it with the Department of Justice, the Antitrust Division, and a consent decree. That modified final judgment is what finally did the trick, because we had 12 rulings and findings by the Federal Communications Commission and they kept appealing them. And even though we would find against them, nothing was enforced. This crowd knows how to use every word we write in the law and how to get around it and how to appeal it. And therein is another complexity.

Now we have an astounding development. The astounding development is that with all the hearings and everything we have had, and how they have stonewalled us, we finally had, just about 3 weeks ago, Ameritech, a Bell company, along with the Justice Department, along with AT&T, the long distance carrier, along with the Consumer Federation of America, agreed to a consent order to open up competition up in the mid-Northern section of the United States of America.

I could hardly believe my ears, but they agreed to it. In fact, the Bell companies have jumped all over their friend, Ameritech, and said, "Oh, no, no; this is not a precedent. This cannot be done. It is terrible. What did you do? You are a traitor," and everything else. They have really been giving poor Ameritech a fit.

Be that as it may, I have in my hand a memorandum of the U.S. Department of Justice "In Support of its Motion for a Modification of the Decree to Permit a Limited Trial of Interexchange Service by Ameritech." This explains the complexities of all the requirements necessary in doing those two things, bringing about competition in the main; but the two things: Maintaining the universal service on the one hand, and unbundling a monopoly on the other.

That is why some of these Senators can run around and say I want to build more deregulatory policy. That is political cover for saying I want you to give me a day certain. If they get a day certain and the monopoly is not broken up, then no one will enter the particular local exchange. The local exchange monopoly will be used to take over all the other competitive services and satellites, long distance, PCS, and all the rest of the communications, and you are going to end up with monopolistic conduct and not open competition. It is very, very complex. The best document I could possibly find is the one by our Assistant Attorney General, the Honorable Anne Bingaman, and her colleagues here, on behalf of the United States of America.

I ask unanimous consent that this explanation of these complexities of this issue of deregulating communications and bringing about competition be printed in the RECORD at this particular point.

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

[In the United States District Court for the District of Columbia, Civil Action No. 82-0192 (HHG)]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* WESTERN ELECTRIC COMPANY, INC., ET AL., AND AMERICAN TELEPHONE & TELEGRAPH COMPANY, DEFENDANTS

MEMORANDUM OF THE UNITED STATES IN SUPPORT OF ITS MOTION FOR A MODIFICATION OF THE DECREE TO PERMIT A LIMITED TRIAL OF INTEREXCHANGE SERVICE BY AMERITECH

Anne K. Bingaman, Assistant Attorney General.

Willard K. Tom, Counselor to the Assistant Attorney General.

David S. Turetsky, Senior Counsel to the Assistant Attorney General.

Jerry S. Fowler, Jr., Special Counsel to the Assistant Attorney General.

Donald J. Russell, Chief, Telecommunications Task Force.

The United States has moved for a modification of the Decree in this case to permit a limited trial of interexchange service by Ameritech. As explained in the Preliminary Memorandum filed with that motion, the trial would begin only when Ameritech faces actual local exchange competition and there are substantial opportunities for more such competition; would be limited to certain geographic areas within the states of Illinois and Michigan; and could be terminated if Ameritech violates the order governing the trial or if it can no longer establish the absence of any substantial possibility that continuation of the trial would impede competition. The United States, Ameritech, and AT&T have stipulated that the proposed order filed with the motion is in the public interest and have consented to its entry under Section VII of the Decree.

The Preliminary Memorandum outlined briefly the terms and conditions of the proposal. This Memorandum provides a more detailed explanation of the purpose, history, and structure of the proposed modification and the reasons why it should be approved.

I. PURPOSE AND GENERAL STRUCTURE OF THE PROPOSED MODIFICATION

The proposed modification is both more limited and more profound than most requests for removal or modification of the Decree's line of business restrictions that have previously come before the Department of Justice and the Court: more limited because it proposes only a circumscribed trial of an otherwise prohibited service, not a permanent lifting of the restriction for some category of service; more profound because it

would take *affirmative* steps toward understanding and achieving the conditions that might render unnecessary one of the most fundamental and important restrictions of the Decree.

The proposal contemplates a three-stage process. First, the motion and proposed order present to the Court the rules under which the proposed trial would be conducted, and seek a determination that they are in the public interest. Second, before any interexchange service could actually begin, Ameritech would have to take certain steps to open local exchange service to competition, and the Department of Justice would have to determine that competitive conditions in the marketplace, in conjunction with the other safeguards in the order, ensure that there is no substantial possibility that commencement of the experiment could impede competition in interexchange service. (Proposed Order, ¶¶9–11.) Third, after interexchange service begins, Ameritech would be subject to certain post-entry safeguards, including all existing equal access requirements, and the Department would supervise the trial and could terminate it if conditions required. (Proposed Order, ¶¶15–17.) The Court would retain discretion to take any necessary actions at any point, including review of any determinations made by the Department. (Proposed Order, ¶51.)

This three-stage process recognizes that the transition to competition in local exchange services will be complex. No set of conditions for promoting such competition could hope to address in advance the dozens of complicated implementation issues that will have to be resolved before meaningful competition is a practical reality, rather than merely a theoretical possibility. As local competition develops, and as industry and regulators gain experience with ensuring the competitiveness of markets that depend on access to local exchange services when the principal local exchange carrier is a participant in those markets, it may be possible to relax some of the post-entry restrictions, and the proposed order makes provision for such modification. (Proposed Order, ¶17.)

The process that the proposed modification would establish will help the Department, the Court, the telecommunications industry, and the public to gain practical experience and develop real marketplace facts about (1) the extent to which telecommunications markets can become fully competitive so that Decree restrictions might become unnecessary and (2) short of such fully competitive conditions, what combination of competition and safeguards might be sufficient to enable the Regional Bell Operating Companies ("RBOCs") to enter the market for interexchange services without harming competition in that market—all in a setting that does not threaten substantial harm to competition in the interexchange market. Equally important, the Department believes that the same process will itself hasten the development of competition for local exchange services. It will encourage the states that are working to open up local exchange services to competition. And it will establish a mechanism to identify, understand, and address the many implementation issues that will arise in the transition to competition in local exchange markets.

II. DEVELOPMENT OF THE PROPOSAL

*A. Technological and competitive developments*

Technological changes in recent years have raised the possibility that the scope of the natural monopoly in local telephone service may be subject to erosion.[1] For example, in many densely populated urban areas, Competitive Access Providers ("CAPs") have laid their own fiber optic networks to serve large business customers. At present, those fiber networks are principally used to provide exchange access, either by supplying a direct link from the customer's premises to the point of presence ("POP") of the interexchange carrier ("IXC"), or by supplying only the transport from the central office or tandem switch of the local exchange carrier ("LEC") to the IXC's POP. Those same fiber networks, under the right circumstances, might be able to be used to provide "dialtone"—i.e., local exchange service. Indeed, two CAPs—MFS and Teleport—have already obtained certificates from the Illinois Commerce Commission to operate as local exchange carriers in Chicago, and another CAP, U.S. Signal (formerly known as City Signal), has obtained such authority to serve Grand Rapids.[2] Similarly, as cable television systems make greater use of fiber optics, those systems may also be able to provide both dialtone and access.[3] Although competition from CAPs has just begun to develop (and competition from cable companies remains largely a theoretical possibility), these technological developments raise important questions about the possible future extent of such competition.

*B. Ameritech's original proposal*

Based in part on these technological changes, Ameritech filed with the Department and circulated for public comment a waiver request under Section VIII(C) of the Decree, seeking complete removal of the interexchange prohibition, or in the alternative, a waiver of the prohibition to conduct statewide trials of interexchange service in one or more states. It premised that request partly on the notion that the technological changes described above, plus developments in Federal Communications Commission ("FCC") regulatory tools and policies, were enough to constrain any possible anticompetitive conduct.[4] At the heart of its request, however, was what it called its "Customers First Plan"—its proposal that it would take certain steps and seek certain state regulatory changes that would open up the local exchange to competition.

To understand the significance of the steps outlined in the Customers First Plan, it helps to consider some of the principal barriers facing potential entrants into local exchange service. First, there are substantial legal barriers to entry in most markets. Until quite recently, the underlying assumption of telecommunications regulation was that local exchange service is a "natural monopoly" that should be provided by one entity, subject to government regulation. Thus, states strictly prohibited entry into local telephone service by competitors, often granting monopoly franchises to a single company in each market.[5] Even where states have taken steps to end prohibitions on entry by competitors, potential entrants have sometimes had difficulty obtaining required certification from state regulators.

Second, even as legal and regulatory barriers come down, a substantial barrier remains if entrants must replicate the entire network of the LEC in order to provide local exchange service. *See United States v. Western Elec. Co.*, 673 F. Supp. 525, 544–45 (D.D.C. 1987) ("The conditions that caused these monopolies to emerge in the first place . . . preclude any thought of a duplication of the local networks."), *aff'd in relevant part*, F.2d 283 (D.C. Cir.), *cert. denied*, 498 U.S. 911 (1990).

Third, a fundamental characteristic of telephone markets—the existence of network externalities[6]—requires that any entrant be able to offer its customers the ability to make calls to and receive calls from the incumbent's customers. Because a large portion of the value of telephone service for a particular user depends on that user's ability to contact other users, the incumbent's ubiquity is an insurmountable barrier to competition, absent mechanisms for effective interconnection of networks.

Ameritech's original Customers First Plan had three basic components. First, Ameritech promised not to oppose certification of local exchange competitors and to waive any exclusive franchise rights it had "if the interexchange restriction is removed, and if state and federal regulators adopt the other reforms proposed [by Ameritech]." *Ameritech Memorandum in Support of Motions to Remove the Decree's Interexchange Restriction* ("*Ameritech's Customers First Memo*") at 36 (filed with the Justice Department on Dec. 7, 1993) [Appendix, Tab 6]. Second, Ameritech offered what it characterized as "unprecedented interconnection at the local level," *id.* at 4, which would "enabl[e] [competitors] customers to originate and terminate calls on the same basis as Ameritech customers, without dialing access codes or waiting for a second dial tone," *id.* at 37. Third, the Plan, Ameritech claimed, "thoroughly unbundle[d] Ameritech's network for resale." *Id.* at 38. This unbundling was designed to "enable competitors either to provide for themselves, or to procure from Ameritech, any facilities or functions they require, either one at a time or in any combination," thus obviating the need for competitors to replicate Ameritech's entire network. *Id.*

In sum, Ameritech argued, the Customers First Plan "does away with legal barriers to entry by rejecting 'first in the field' regulation, and . . . tears down economic barriers to competition by allowing full interconnection and resale." *Id.* at 40.

*C. Inadequacies of Ameritech's original proposal*

The Customers First Plan as originally proposed represented an innovative and significant step in the right direction, because it acknowledged and sought to remove many of the barriers to local competition. But the Department recognized, and stressed in subsequent negotiations with Ameritech, that the plan neither resolved all the issues involved in breaking down those barriers, nor contained adequate safeguards against Ameritech's impeding competition in the interexchange market before those barriers were fully identified and eliminated. It thus fell short of Ameritech's claims in numerous respects, of which the following are illustrative.

To begin with, the original proposal assumed that local competition would automatically flow from eliminating the legal bar to such competition and from the theoretical availability of interconnection and unbundling. "No more needs to be done to enable and encourage competition for local exchange service." *Ameritech's Customers First Memo* at 40 [Appendix, Tab 6]. The Department concluded otherwise, however. The terms and conditions of interconnection and unbundling are critical. For example, Ameritech argued that its unbundling proposal obviated the need for competitors to replicate the "loop" that connects the subscriber's premises to Ameritech's central offices. With unbundling, such competitors could connect Ameritech loops to their own "ports" (i.e., switches and other non-loop elements of local exchange service) by running trunks from their central offices to Ameritech's central offices. But if loops are

Footnotes at end of article.

priced too high in relation to the retail price of the bundled local exchange service, it will be uneconomic for even the most efficient competitor to connect Ameritech loops to the competitor's ports in order to offer service in competition with Ameritech. One therefore cannot simply *assume* that competition will occur; the Department must instead apply its traditional expertise, evaluating the competitive state of markets in light of actual market conditions and experience.

Similarly, Ameritech argued that the network externality problem would be solved if Ameritech agreed to interconnect with other carriers, to terminate traffic originating from a competing carrier and destined for a customer on Ameritech's network, and to send traffic to other carriers when Ameritech subscribers wished to call competitors' subscribers. But the Department recognized that if Ameritech's prices to terminate calls from subscribers of competing recognized that if Ameritech's prices to terminate calls from subscribers of competing networks to called parties on Ameritech's network are unreasonably high, competition could be seriously hindered. Indeed, in a decision rendered just last month, the Illinois Commerce Commission found that:

". . . Illinois Bell's proposal to charge new LECs tariffed switched access rates to complete local traffic on its network would result in a situation in which wholesale compensation rates would be above retail market rates for a wide variety of calls. In other words, carriers would pay more in terminating compensation to Illinois Bell than it currently receives in revenues from its local usage customers. . . . [S]everal witnessed independently demonstrated that in most cases Illinois Bell would charge a new LEC more in access charges than it would charge its own local residential or business customer for the entire usage service, making it impossible for a new LEC to establish a competitive price. . . ."[7]

Implementation issues of this kind are inevitable, and no one knows for certain whether, or how soon, entry into the local market will occur on a significant scale. Every scenario for the emergency of competition assumes continuing dependence upon Ameritech, at least for interconnection and in many cases for loops and perhaps other network elements as well. This continuing dependence means that competition will involve complex business relationships and numerous pricing and technical issues, any one of which can make competition infeasible. The Department therefore concluded that Ameritech's original proposal that it be granted interexchange authority simultaneous with the formal lifting of legal entry barriers and adoption of regulatory reforms permitting unbundling and interconnection was unrealistic. That proposal offered no assurance that consumers would actually have alternatives available to them upon the adoption of such reforms, or that competitors would be able to enter sufficiently quickly or pervasively to prevent anticompetitive conduct by Ameritech. The potential harm to competition was particularly great in light of Ameritech's own argument that the ability to offer a full range of "one-stop shopping" services confers a great competitive advantage. If true, giving Ameritech such ability at a time when competitors cannot realistically offer local exchange services would tend to extend Ameritech's monopoly from local exchange services to the interexchange market. It is thus critical that actual marketplace conditions be examined to test the true economic feasibility of local competition before Ameritech is allowed to offer interexchange services.

A second major flaw of the original proposal was its failure to address the issue of number portability. Customers are reluctant to switch to competing providers if it entails the inconvenience of losing their existing telephone numbers. For example, a Gallup poll of residential and business customers in 1994 found that 40–50% of residential customers and 70–80% of business customers who otherwise would consider switching local telephone service providers if alternatives existed were unlikely to consider such a switch if they had to change telephone numbers in order to do so.[8] The Department therefore concluded that number portability was an important issue that needed to be addressed if local competition were to play the role envisioned by Ameritech's plan.

Third, the original Customers First Plan did not address competitors' access to poles, conduits, and rights of way. Entrants who wish to lay wire networks face formidable obstacles in obtaining rights of way, problems that the incumbents historically have avoided through use of public condemnation powers and that new entrants might be able to avoid by obtaining access to existing poles and conduits. Discussions between the Department and Ameritech led Ameritech to agree to make access available to the extent such access was in Ameritech's control, so as to provide the best possible opportunity for the Ameritech trial to succeed.

Fourth, the original Customers First Plan gave Ameritech excessive latitude to market its interexchange service through its local exchange operations—through which the overwhelming majority of existing customers get their local phone service and which is usually the first place that new customers call when they need to get phone service. The Department concluded that this latitude would have provided Ameritech's interexchange business a tremendous advantage over other interexchange carriers, attributable only to its position as the monopoly provider of local exchange service.

Fifth, although the original proposal would have prohibited Ameritech from using the Customer Proprietary Network Information ("CPNT") gained in the course of providing access to competing interexchange carriers, it would have allowed Ameritech to use CPNI gained in providing local exchange and intraLATA toll service in marketing its own interexchange service. The Department concluded that this would give Ameritech a significant advantage based on its current position as the monopoly provider of local exchange service.

Sixth, the original proposal did not require that Ameritech provide interexchange services through a subsidiary separate from its local operations. Although separate subsidiary requirements are imperfect instruments, the Department believes they will nonetheless be useful, both to regulators trying to ensure that Ameritech does not cross-subsidize or discriminate, and to the Department in supervising the trial and evaluating its results.

Seventh, Ameritech's original plan included departures from equal access. For example, it would have allowed Ameritech to put interexchange routing functions in its local switch for its own interexchange traffic but not for that of competing IXCs. The Department concluded that, in the absence of a truly competitive marketplace, this would make it virtually impossible to prevent cross-subsidization and discrimination.

*D. Revision of Ameritech's proposal*

The proposed modification presented to this Court differs substantially from Ameritech's original proposal, suffers from none of the deficiencies identified in that proposal, and offers far more procompetitive potential and far fewer anticompetitive risks than that proposal. It is the product of thousands of hours of work over the past year by the Department as well as by Ameritech, state regulators, potential competitive local exchange carriers, long distance carriers, consumer groups, and others who filed several rounds of public comment on several versions of the proposal and engaged in intensive discussions with the Department. The Assistant Attorney General for Antitrust participated directly in many of these discussions and in the crafting of language for the proposed order, reflecting her strong personal commitment to the purpose of the 1982 Decree and to competition in telecommunications markets. Thus, although Ameritech's original proposal shares with the current proposal the important concept of taking steps to open the local exchange to competition as a predicate for removing the interexchange line of business restriction, the two proposals are otherwise far different. The current proposal is in every sense a joint product of the Department of Justice, Ameritech, and all of the parties that filed comments or participated in these discussions. The principles embodied in the current proposal have the support of AT&T, a decree party and major competitor in the interexchange market; Sprint, also a major interexchange competitor; CompTel, a trade association representing more than 150 competitive interexchange carriers and their suppliers; America's Carriers Telecommunication Association ("ACTA"), a trade association of smaller interexchange carriers; MFS Communications, Time-Warner Communications, and Electric Lighwave, Inc., three providers of competing local exchange service in various parts of the country; the Association for Local Telecommunications Services, a trade association of competing providers of local exchange services; and the Consumer Federation of America and Consumers Union, two major consumer groups.

III. DETAILED EXPLANATION OF THE COMPETITION-BASED CRITERIA AND SAFEGUARDS IN THE PROPOSED MODIFICATION

At the heart of the proposed order is the premise that various steps are being taken by Ameritech and the state regulatory commissions in Illinois and Michigan, and that these steps will likely lead to competitive conditions that make it both safe and desirable to allow Ameritech, on a trial basis, to offer interexchange services in certain portions of those states (the "Trial Territory").[9] Because those competitive conditions have not yet been achieved, the proposed order contemplates a multi-stage procedure, under which the actual trial of such services will not begin until Ameritech presents facts from which the Department can determine that such competitive conditions do, in fact, exist. The process by which that determination is to be made is set forth in paragraphs 9–11 of the proposed order. That process has two parts. First, Ameritech begins the process by certifying that certain required steps have, in fact, been taken to open local exchange service to competition, and by filing a compliance plan dealing with equal access, separate subsidiary provisions, and other post-entry safeguards. The Department will then investigate, take any necessary discovery, and make a determination, reviewable

by the Court, as to whether there is sufficient competition and other sufficient assurances against harm to the interexchange market that the trial may safely begin.

The proposed order also contains a number of post-entry safeguards and gives the Department the responsibility of supervising the course of the trial. If Ameritech violates the order or otherwise engages in anticompetitive conduct, the Department can require it to cease such conduct, ask the Court to impose civil fines, or terminate the trial.

The required steps to foster local competition, the standard for the Department to determine that the interexchange trial should begin, the post-entry safeguards, and the Department's supervisory responsibilities are described below.

*A. Steps to foster the emergence of local competition*

Paragraph 9 of the proposed order lists a number of developments with respect to local exchange competition that must occur before Ameritech can apply for authority to begin interexchange services. By design, the order does not specify in every detail the precise terms and conditions on which these developments must take place—matters that are in the purview of the state regulators, and with which the regulators in the two trial states are already grappling in their efforts to foster competition. There are many issues that remain to be resolved, and it is for the states and the market participants, not the Department, to resolve them. On the other hand, the way in which those issues are resolved may have an extremely significant effect on competitive conditions, as may a variety of other technical and economic factors, some of which may be beyond the control of the regulators. The Department's traditional area of expertise, of course, is in evaluating the competitive structure and behavior of markets. Under the proposed order, therefore, the state regulators and the Department each discharge their traditional types of responsibilities: the states are already in the process of determining the terms and conditions under which the steps set forth in paragraph 9 will take place, and the Department, under paragraph 11 of the proposed order, will concern itself with the resulting competitive circumstances, and with whether those circumstances and other safeguards are sufficient to ensure that a trial of Ameritech interchange entry will not harm interexchange competition.

The specific steps required by paragraph 9 of the proposed order are as follows.

*1. Unbundling of loops and ports*

As discussed in Section II.B, unbundling of loops and ports is important to local competition because it obviates the need to replicate the LEC's entire network of distribution facilities. Outside of dense downtown areas, a portion of that network—the loop connecting the customer premises to the main distribution frame in the central office—may well exhibit natural monopoly (or at best, duopoly) characteristics for some time to come. Unbundling is intended to address the natural monopoly problem, but whether it does so successfully or not depends heavily on the pricing of the unbundled loops and on other terms and conditions such as the speed and reliability of provisioning and repair. (See Section II.C.) The proposed order recognizes this dependence and deals with it through a collaboration between the Department and the appropriate state regulatory authorities, whereby each entity acts within its sphere of expertise. Thus, the state regulatory authorities will regulate the pricing of loops and ports.[10] For Ameritech to be authorized to begin interexchange service, however, the Department will have to investigate and determine, among other things, that

"regulatory developments (including * * * the terms and conditions thereof) and market conditions offer substantial opportunities for additional local exchange competition. * * *"

(Proposed Order, ¶ 11(b)(ii).) Because the proposed order bases entry into interexchange service on an assessment of marketplace facts about competitive conditions at the time of decision, it is unnecessary to resolve the pricing issue—or most of the other myriad and perhaps unforeseeable implementation issues—in advance.[11]

*2. IntraLATA toll dialing parity*

The Court recognized, at the time of the Decree, the importance of dialing parity to a competitive telecommunications marketplace. *See United States v. Western Electric Co.*, 552 F. Supp. 131, 197 (D.D.C. 1982), *aff'd sub nom, Maryland v. United States*, 460 U.S. 1001 (1983). The proposed order requires that, before it applies to begin the interexchange trial, Ameritech must

"I have made the necessary technical, operational, administrative and other changes to implement dialing parity for intraLATA toll telecommunications no later than 21 days prior to the effective date of Ameritech's authority . . . on terms approved by the appropriate state regulatory authority."

(Proposed Order, ¶9(b).) Thus, to begin the application process, Ameritech must make the necessary changes to ensure that dialing parity can be implemented prior to Ameritech's interexchange authority. Before the Department can approve commencement on the trial, it must ensure that Ameritech has taken the further step of having installed and tested the capability for providing such parity. (Proposed Order, ¶11(d).) The Department can thus ensure that Ameritech annually implements dialing parity no later than the time it begins interexchange service.[12]

*3. Resale of local exchange service*

Another prerequisite before Ameritech can file its application with the Department is that steps have been taken to allow non-facilities-based (i.e., resale) competition for all classes of service, including residential service. (Proposed Order, ¶9(c).)

Resale competition is not a replacement for facilities-based competition. Competition from exchange carriers that supply their own loops (e.g., cable systems) can help thwart discrimination in the pricing, provisioning, and maintenance of loop facilities, so long as adequate provisions are made to deal with the advantages that flow to the dominant carrier because of network externalities (i.e., the need to terminate calls on the dominant carrier's system, number portability, access to signalling resources and database information, etc.). Competition from exchange carriers that supply their own switching facilities but use Ameritech loops (e.g., CAPs connecting their switches to Ameritech loops to extend the geographic area they can serve) are dependent upon the appropriate pricing, provisioning, and maintenance of loop facilities. If those conditions are right, however, they can prevent discrimination in the provision of network features and functionality, excessive charges for exchange access, and so on. Pure resale competition, by itself, does none of these things. It brings competition only to the *marketing* of local exchange services, and it requires extensive regulations to ensure that the prices, terms, and conditions under which Ameritech offers the underlying service make resale meaningful available.

Nonetheless, resale competition is important for two reasons. First Ameritech will be able to offer interexchange services very quickly and easily once it has the authority to do so, by reselling such services just as hundreds of other companies resell interexchange services. The availability of commercially feasible resale opportunities is one way to ensure that interexchange carriers that are not in a position to enter local exchange service quickly and easily on a facilities basis will have opportunities similar to Ameritech's to offer a full range of services.

Second, the availability of resale will tend to reduce the barriers to facilities-based entry, because a company that already has a subscriber base as a reseller will be able to make investments in switches and other facilities with less risk. Just as unbundling of loops and ports makes it possible for competing exchange carriers to offer services outside the dense downtown areas where they can justify installing their own loops, so full resale of the entire local service (loops *and* ports) makes it possible to offer services before there is enough traffic to justify investment in a switch (or in trunks to connect more distant Ameritech central offices to an existing switch). Once a subscriber base is built, more investment may be justified. Such reductions in barriers to entry will enhance the prospects of the ultimate success of the trial.

The requirement that there be adequate resale opportunities is thus directly tied to the requirement of paragraph 11 that competitive circumstances and the safeguards and supervisory provisions of the order ensure the absence of any substantial possibility that Ameritech could use its position in the local exchange market to harm competition in the interexchange market. The important point is that the ability of the interexchange market to function competitively not be harmed.

As with the other provisions already discussed, it is left to the states whether non-facilities-based competition should be achieved by directly reselling Ameritech bundled services, or by renting Ameritech loops and Ameritech ports on their separate pricing schedules and selling the combined package as a service, or both.

*4. Pole attachments and conduit space*

A fourth prerequisite is that Ameritech have implemented reasonable and nondiscriminatory arrangements for sharing of pole attachments and conduit space, and for competitors to secure access to entrance facilities, risers, and telephone closets, to the extent such arrangements are under the control of Ameritech. Inability to secure access to poles, conduits, entrance facilities, and so forth could be a significant barrier to a facilities-based competitor seeking to install its own loops. To the extent that this potential barrier is under Ameritech's control, Ameritech promises, by its consent to the proposed order, to eliminate it, thereby encouraging the competition that could serve as a predicate for Ameritech's entry into interexchange service. In many cases, of course, such barriers may not be in Ameritech's control. But whether they are or not, the ultimate question remains that set forth in paragraph 11: to what extent do competition, the potential for more competition, and the other provisions of the order

constrain Ameritech's exercise of market power to harm competition in the interexchange market? (*See* Section III.B.)

*5. Interconnection*

Effective interconnection arrangements are among the most critical issues for facilities-based competitors. As explained above (Section II.B), competitors must be able to offer their customers the ability to make calls to and receive calls from anybody else who owns a phone—most notably Ameritech's customers. Without such interconnection, the competitor's service essentially would be worthless. This basic need for interconnection gives rise to a host of complex issues, the resolution of which has important ramifications for competition. For example, arrangements must be made for networks to compensate each other for terminating calls that originate in another network. Unless properly structured, the reciprocal compensation arrangements can raise significant barriers to entry by potential local competitors.

Likeswise, the interconnection arrangements must be on terms that permit local dialing parity, so that customers of Ameritech's competitors can place local calls without suffering any inconvenience—such as dialing extra digits—that is not imposed on Ameritech customers. Local competitors must also have adequate access to various services necessary to the provision of local exchange service, such as unbundled signalling and 611, 911, E911, call completion, and TRS relay services, as well as data necessary to provide 411 (directory assistance) service.

The proposed order does not attempt to dictate the precise resolution of each of these issues. Some of these issues might be resolved among the carriers without intervention by state regulators. If the terms are acceptable to the competitive exchange carriers, the arrangements will satisfy paragraph 9(e).[13] If the carriers cannot agree, regulatory approval will satisfy paragraph 9(e), because it would not further the public interest in competition to give each competitor a veto power over Ameritech's ability to move forward with a trial.[14] In either case, the ultimate question will be the competitive effects of the arrangements, which will necessarily be considered in connection with the assessment of competitive conditions required by paragraph 11 of the proposed order.

*6. Number portability*

As discussed above in Section II.C, an important element in local exchange competition is service provider number portability—the ability of a subscriber to retain his telephone number when changing carriers. The proposed order distinguishes between two ways of achieving service provider number portability: true number portability and interim number portability. True number portability allows calls to be delivered directly to the subscriber's new exchange carrier without having to route traffic through the old exchange carrier and retains the full range of functionality (e.g., delivery of information necessary to provide caller ID functions) that would have been available to the subscriber in the absence of a change in service provider. Such true number portability is likely to involve some form of database look-up: for example, an IXC delivering a call into the Chicago area would use the signalling network to consult a database, which would supply to the service provider the information necessary to deliver the call to the correct exchange carrier.

In the absence of true number portability, a variety of means exist to provide number portability on an interim basis. An example is remote call-forwarding. A subscriber changing from Ameritech to a new exchange carrier would receive a new telephone number, the first three digits ("NXX code") of which would be an NXX code assigned to the subscriber's new carrier. If a caller dialed the subscriber's old telephone number, the call would be routed to Ameritech's switch, since the old number would contain an NXX code assigned to Ameritech. Ameritech's switch would be programmed to complete the call by use of an additional circuit from its switch to the next exchange carrier's switch. Such interim forms of number portability may suffer certain drawbacks, e.g., the loss of data necessary to provide certain functions, such as caller ID; transmission delays as a result of the additional switching that may impair suitability for data transmission; and inability of the new exchange carrier to collect the access charge for terminating an interexchange or intraLATA toll call.[15]

The proposed order requires Ameritech to implement true number portability in the Trial Territory, except that if it is unable to do so as of the date 120 days before the anticipated implementation of intraLATA dialing parity, it may rely on interim number portability if it explains satisfactorily why it cannot implement true number portability as of that date and sets forth a plan acceptable to the Department for achieving true number portability.

Achievement of true number potability is not totally in the control of Ameritech. It will require cooperation from vendors of hardware and software, such as AT&T, as well as from other industry participants, such as IXCs, who will be delivering traffic destined for ported numbers. Ameritech has already issued a Request for Proposal for the technology and administrative services necessary to implement true number portability. The Illinois Commerce Commission has ordered an industry task force to be created, under the supervision of the Commission staff, to deal with the issue of number portability. *ICC Order, supra* note 7, at 110 [Appendix, Tab 7]. This task force will hold workshops, at which industry participants can react to that RFP, propose alternative specifications, and attempt to arrive at a workable solution. The first of those workshops was held on April 21, 1995.

As with many of the other steps in paragraph 9, the actual terms and conditions under which either true or interim number portability is offered are likely to have a major impact on whether there are substantial opportunities for other exchange carriers to compete. The proposed order requires that arrangements be made for allocating the costs of number portability that do not place an unreasonable burden upon competing exchange carriers, leaving to Ameritech, industry participants, and state regulators the task of working out the precise terms of such arrangements in the first instance.

Separate from service provider number portability is the issue of location portability—the ability to retain the same telephone number at a different location within a geographic area. It is not particularly significant for competition that location portability be available. If it *is* available, however, competition could be adversely affected if Ameritech's control over monopoly facilities allows it to offer such a feature while preventing its competitors from doing the same. The proposed order thus requires that, to the extent Ameritech is offering location portability to its own customers, and to the extent it is technically and practicably feasible, Ameritech make available to other exchange carriers, on nondiscriminatory terms and conditions, the capability to offer such portability.

Nondiscrimination in this context would not mean that exchange carriers offering switching services in competition with Ameritech would necessarily be afforded access to features in Ameritech's switch. To the extent that switching facilities are competitive, and location portability is a service offered through such facilities, competition should encourage all competitors to differentiate their services by offering new and better features. Nondiscrimination *would* mean, however, that Ameritech could not hinder competitors offering such services through discrimination in the terms in which they connected to Ameritech's network or through other means. For example, if location portability is achieved through wiring changes at the central office rather than through software features in the switch, an exchange carrier competing with Ameritech by connecting its own switches to Ameritech loops would be placed at a significant disadvantage if Ameritech denied equal access to such wiring changes. Similarly, it would likely be discriminatory for Ameritech to refuse to offer to switchless resellers, (i.e., those using both Ameritech loops and Ameritech ports, including switching services) the same location portability features it offers to its own subscribers; since Ameritech facilities are handling the entire call, there is no apparent reason why the same features could not be made available.

*7. Number assignment*

Telephone numbers are the most fundamental means of interface between end users and the telephone network, as well as between one network and another. A competitive local telephone network must have fair and equal access to number resources as an essential element of developing telecommunications services and competing for customers. To ensure the competitively neutral administration of number resources, the proposed order requires Ameritech to have made reasonable efforts to transfer any duties it has in administering those resources to a neutral third party. (Proposed Order, ¶9(h).) If its efforts to transfer its duties are not successful by the time Ameritech applies for authorization to provide interexchange service, it must explain in writing why they have not been successful and what further steps it plans to take, and must implement a nondiscriminatory procedure for assigning numbers. The efficacy of such arrangements will be considered by the Department in making its determination under paragraph 11.

*B. Actual marketplace facts concerning the emergence of local competition*

*1. Procedures for department approval*

Completion of the above steps would not result in immediate commencement of the trial of interexchange service. Instead, at that point Ameritech will apply to begin the trial if it believes competitive circumstances in the local market warrant. Ameritech will report to the Department that it has taken the required steps with respect to unbundling, intraLATA toll dialing parity, resale of local services, pole attachments and conduit space, interconnection, number portability, and nondiscriminatory number assignment. In addition, Ameritech must file a compliance plan.[16] After Ameritech has filed both the report and compliance plan,

the Department will have thirty days to determine whether it needs any additional information from Ameritech. Within sixty days after Ameritech has substantially complied with the Department's request for additional information or 120 days after the filing of both the report and the compliance plan, whichever is later, the Department will determine whether Ameritech may begin the trial. In making that decision, the Department will seek comments from the appropriate state regulatory authorities and interested persons. (Proposed Order, ¶11(a).) It may also take any other action reasonably necessary to make its decision, including conducting third-party discovery. (*Id.*, ¶¶11(a), 49.)

*2. Procedures for court review*

The Court may, in its discretion, review any decision of the Department, both with respect to commencement of the trial and otherwise. (*Id.*, ¶51.) If the Department approves commencement of the trial, such approval could not go into effect for at least 30 days (Proposed Order, ¶13), thus allowing a period of time during which interested persons could seek a temporary restraining order from the Court. The Court could then establish such schedule and procedures for such review as it deemed appropriate under the circumstances. If the Department does not approve commencement of the trial upon a particular application by Ameritech, Ameritech does not have a right of review within the structure of the proposed order. (Proposed Order, ¶51.) It does, however, retain the right to seek Court action independent of the proposed order, under sections VII or VIII(C) of the Decree. (*Id.*). Ameritech is thus no worse off under the unreviewability provision than it would be in the absence of the proposed order. to avail itself of the benefits of the proposed order, however, it would have to work further toward creating conditions that meet the standard of paragraph 11 rather than involve the Court in reviewing the Department's decision. This provision gives Ameritech a strong incentive to apply to begin the interexchange trial only when the test for doing so is actually met. The judicial system is thus spared the burden of premature applications that could otherwise lead to extensive judicial review, and Ameritech is given a reason to provide information to the Department as quickly as possible, even in advance of its application where appropriate.

*3. Substantive standard for department approval*

The substantive standard for commencing the trail of interexchange service is set out in paragraph 11(b) of the proposed order:

"To render an affirmative decision on Ameritech's application, the Department must find that

"(i) *actual competition* (including facilities-based competition) in local exchange telecommunications exists in the Trial Territory,

"(ii) the conditions specified in paragraph 9 have been substantially satisfied, and that regulatory developments (including but not limited to those developments set forth in Paragraph 9 and the terms and conditions thereof) and market conditions offer *substantial opportunities for additional local exchange competition*, as evidenced by, among other things, the increasing availability of local exchange telecommunications alternatives for such customers,

"(iii) the conditions described in (i) and (ii) above, together with regulatory protections, the Department's right to terminate Ameritech's interexchange telecommunications authority under Paragraph 16, the transport facilities restrictions of Paragraph 19, the compliance plan, the limited geographic scope described in Exhibit A, and the other provisions of this Order, are sufficient to ensure that there is *no substantial possibility that Ameritech could use its position in local exchange telecommunications to impede competition for the provision of interexchange telecommunications to business or residential customers in the Trial Territory.*"

(Proposed Order, ¶11(b) (emphasis added).)

Thus, the standard has three parts—actual competition, substantial opportunities for additional competition, and a determination that such competition and competitive opportunities, together with regulation, post-entry safeguards, and the fact that Ameritech's interexchange service would only be on a trial basis, make it safe and desirable to begin the trial. These three parts of the standard are related both to each other and to the ultimate objectives of the trial.

For the trial to be an ultimate success, it will have to help prove or disprove one or both of two propositions: (1) the competitive steps outlined above produce enough actual competition and opportunities for additional competition to ensure by themselves that there is no substantial possibility Ameritech could engage in anticompetitive conduct affecting the interexchange market, or (2) some combination of actual competition and opportunities for additional competition, together with regulation and post-entry safeguards, is sufficient to ensure the absence of such possibility.[17]

Paragraph 11 does not require that either of these propositions be proved before the trial begins; indeed, the purpose of the trial is to test these propositions. At the same time, it is important to ensure that the trial itself does not result in harm to competition in the interexchange market. Many of the same factors—actual competition, opportunities for additional competition, and post-entry safeguards—that would protect competition in the event permanent relief were appropriate will also serve to protect competition during the trial. Since the premise of the trial is that these factors will not be known to be sufficient at the beginning of the trial, however, the proposed order also provides for very close supervision by the Department, including a provision for the Department to terminate the trial if necessary. Before beginning the trial, the Department is to make a determination that all of these factors, including the provision for termination, together will be sufficient to negate any substantial possibility that Ameritech could use market power in the local market to harm competition in the interexchange market.

The three parts that make up that judgment are discussed in greater detail below. Because they are so closely related, actual competition and substantial opportunities for potential competition are discussed together.

a. Actual Competition and substantial opportunities for additional competition

Competitive outcomes can generally be assured if there is a sufficient level of actual competition—multiple competitors actually producing and selling the good or service. Theoretically, some markets can produce competitive outcomes even if they do not contain multiple competitors actually producing and selling the good or service. One situation in which such outcomes may occur is where firms not currently producing or selling the relevant product in the relevant area would start doing so quickly, and without the expenditure of significant sunk costs, in response to a small but significant price increase. If these firms are sufficiently numerous that the incumbent firm cannot maintain prices above the competitive level, then the market will behave competitively. *Cf. Department of Justice and Federal Trade Commission Horizontal Merger Guidelines*, §1.32 (April 2, 1992) [hereinafter "*1992 Merger Guidelines*"]. Such a market is said to be "contestable."

It is hard to think of a market less likely to be "contestable" than local exchange service. Sunk costs in this industry are, in a word, gigantic. Perhaps recognizing this, Ameritech's original waiver request was supported by an affidavit and a reply affidavit that spoke not of "contestability" but of something Ameritech's expert called "effective" or "as-if" contestability. Affidavit of David J. Teece, ¶41 (Nov. 29, 1993) (filed with the Department of Justice in support of Ameritech's Original Proposal on Dec. 7, 1993) [Appendix, Tab. 13]; Reply Affidavit of David J. Teece at 3–8 (Apr. 6, 1994) (filed with the Department of Justice on Apr. 12, 1994) [Appendix, Tab. 14]. By this he meant that Ameritech's unbundling of loops and ports would allow competitors to treat those assets as if they were not sunk costs, freely entering and exiting the industry in response to competitive conditions by renting only what they needed at a given moment in time from Ameritech.

Such an argument, however, is highly speculative. It assumes that state regulators will get the prices of those loops and ports exactly right, precisely duplicating the prices that would obtain in a competitive market. (See Section II.C.) It further assumes that Ameritech could not discriminate in the provisioning or maintenance of loops or ports or in the terms and conditions of interconnection, and that competitors will not incur substantial sunk costs in other elements of their operation. In short, on the current state of the record, the Department regards the suggestion that unbundling would make local telephone markets behave "as-if" they were contestable as both unproven and implausible.

A market with only one firm could also behave competitively if longer-term entry (i.e., with sunk costs) into the market is so easy that the incumbent firm could not profitably behave anticompetitively (e.g., maintain a price above competitive levels or—more relevant here—use a monopoly position in that market to adversely affect competition in an adjacent market). For entry to be that easy, it would have to be "timely, likely, and sufficient in its magnitude, character and scope to deter or counteract the competitive effects of concern." *1993 Merger Guidelines*, §3.0. Ameritech argues that unbundling, interconnection, and the other steps it is taking pursuant to state regulatory action and paragraph 9 of the proposed order will make entry that easy.

As a practical matter, however, it is impossible to evaluate that argument in the abstract, without the existence of some actual competition to guide the way. Once there are significant actual competitors, one can begin to ask questions such as:

How were those competitors able to enter? What certification and other regulatory requirements did they have to meet, and how long did it take? Is there any reason other competitors would not be able to do the same?

Is the availability of such competing service expanding? Are competitors encountering significant barriers to such expansion?

To what extent are competitors entering by renting loops from Ameritech as opposed to building their own loop plant, either for the whole of their local exchange business or as a way of extending the reach of their network? To the extent that competitors have to build some of their own facilities, how long does that take, and how many other competitors could do the same?

Are competitors able to serve a wide range of customers throughout the Trial Territory, or are they limited to niche markets?

To the extent that not all customers have competitive alternatives available to them, could Ameritech discriminate against just those customers that have no alternatives, or would anticompetitive behavior against those customers necessarily cause it to lose so many other customers that Ameritech could not profitably persist in the anticompetitive behavior?

The proposed order does not specifically state how much actual competition is necessary to satisfy paragraph 11(b). Nonetheless, the foregoing discussion suggests the implicit level: there must be enough actual competition to provide an empirical basis for answering these kinds of questions, and the answers must indicate that there are substantial additional opportunities for competition and that these opportunities will be sufficient, in combination with the safeguards and supervisory provisions of the order, to deter Ameritech from behaving anticompetitively. To provide such answers requires more than a single competitor serving niche markets but less than the level of actual competition that would suffice in and of itself to justify permanent removal of the interexchange restriction, without the safeguards and supervisory provisions that will accompany the trial (including the right of the Department to terminate the trial and the ability of the Court to review the Department's determinations).

The proposed order also emphasizes that there must be facilities-based competition in the Trial Territory. As discussed in Section III.A.3, resale competition is not a perfect substitute for facilities-based competition. Facilities-based competition can discipline a wide range of anticompetitive conduct that would be left untouched by resale. Thus, the Department will look closely at the extent of facilities-based competition in determining whether the standards of paragraph 11 are met.

*b. Determination that the state of the market safeguards, and supervisory provisions make it safe to begin the trial*

In addition to actual competition and ease of entry, the proposed order relies on supervisory provisions and post-entry safeguards, as more fully described in Section III.C. For example, the Department may terminate Ameritech's interexchange authority if it no longer believes that there is no substantial possibility that continuation of the trial would impede competition. (Proposed Order, ¶16.) To authorize commencement of the trial, then, the Department must determine that actual competition, substantial opportunities for additional competition, and these other supervisory provisions and safeguards are sufficient to ensure that going forward with the trial will not create any "substantial possibility that ameritech could use its position in local exchange telecommunications to impede competition for the provision of interexchange telecommunications." (Proposed order, ¶11(b)(iii).) The assurance against harm to competition must protect both business and residential customers in the Trial Territory. (*Id.*)

*4. Other factors the department may consider*

The proposed order specifically highlights a number of additional factors that the Department may consider in making the determination under paragraph 11 to proceed with the trial.

a. Certification, licensing, franchising, and similar requirements

Implicit in the concept that there are substantial opportunities for additional local exchange competition is the premise that certification, licensing, franchising, and similar regulatory and legal requirements are not significantly impeding the development of such competition. State and local regulation serves important public policy objectives, such as protecting consumers from deception and ensuring that carriers have adequate financial backing. In states such as Illinois and Michigan, which have state policies favoring competition and in which there is already a recent history of granting certificates to competitors, it is the Department's expectation that such requirements would be narrowly tailored to achieve such public policy objectives without impeding competition significantly. Nonetheless, this factor is specifically mentioned in the proposed order as an issue for the Department to consider, because state and local government policies can have a major and even decisive impact on whether and how fast competition will develop.

b. Ordering, provisioning, and repair systems

There are two different provisions in the proposed order dealing with electronic access to ordering, provisioning, and repair systems. First, if Ameritech wishes to make such systems available to the Ameritech interexchange subsidiary, it *must* offer such access, on nondiscriminatory terms and rates, to unaffiliated carriers. (Proposed Order, ¶ 26.) Second, in making its decision under paragraph 11, the Department may take into account the extent to which Ameritech offers unaffiliated carriers access equivalent to that used in Ameritech's *local exchange operations* (whether or not Ameritech's interexchange subsidiary is given access). (Proposed Order, ¶ 11(c)(ii).)

The requirement in paragraph 26 is a matter of equal access—putting other carriers in a position equal to Ameritech's interexchange subsidiary—and is absolute. The requirement in paragraph 11 is more judgmental. It recognizes that there could be technical reasons why it would not be practicable for Ameritech to provide access to certain systems to anyone outside Ameritech's local exchange operations, including Ameritech's interexchange subsidiary. At the same time, it recognizes that lack of such access could have a considerable impact on the prospects for local competition, and thus specifically provides for the Department to consider the issue and take it into account.

*C. Supervision and safeguards*

When the interexchange trial begins, there will be actual local exchange competition and substantial opportunities for additional such competition, but no firm assurance that the competitive state of the market will suffice by itself to thwart any anticompetitive conduct that Ameritech might attempt in the interexchange market. Therefore, the proposed order contains supervisory provisions and post-entry safeguards, designed for use during the trial, to supplement such competition and ensure that there is no substantial possibility that Ameritech could use market power in the local market to harm competition in the interexchange market during the trial.

As competition develops, many of the post-entry safeguards may become unnecessary to ensure the absence of any such substantial possibility, and the proposed order provides for their removal as appropriate. (Proposed Order, ¶17.) The proposed order does not specifically provide for Ameritech's interexchange authority to be made permanent and the Department's supervisory role to be terminated, because Sections VII and VIII(C) of the Decree already establish the appropriate mechanism and standard for permanent relief.

The Department is required to conduct a comprehensive review of all aspects of the trial within three years of Ameritech's interexchange authority under the proposed order. (Proposed Order, ¶18.)

The specific supervisory provisions and safeguards are as follows:

*1. Terminability of the trial*

If Ameritech violates the order, or if the Department no longer believes that there is no substantial possibility that continuation of the trial would impede competition, Ameritech's interexchange authority can be terminated (Proposed Order, ¶16.), subject to review by the Court (Proposed Order, ¶51.). This termination provision ensures that, even if the opportunities for local exchange competition at the start of the trial and other safeguards turn out not to be sufficient to prevent Ameritech from taking actions that harm competition in the interexchange market, any such harm will be short-lived and insubstantial.

During the comment process, a number of commenters suggested that it would be difficult for the Department to exercise this authority. In response to these concerns, a provision was included in the proposed order to require Ameritech's compliance plan to supply, prior to approval of its interexchange service, a credible plan for orderly withdrawal from the provision of interexchange telecommunications in the event Ameritech's authority to offer interexchange telecommunications is discontinued. (Proposed Order, ¶10(j).) Such a plan might include, for example, a procedure for balloting customers or for reverting them to their previous interexchange carrier. Moreover, the proposed order makes clear that financial hardship to Ameritech resulting from such discontinuance shall not be a ground for opposing such discontinuance. (Proposed Order, ¶16.)

*2. Self-reporting*

The proposed order requires Ameritech to develop a plan for detecting and reporting violations of the order or of the compliance plan, and to report any such violations and any corrective action taken. (Proposed Order, ¶¶10)i), 15.)

*3. Orders to discontinue conduct*

If the Department determines (a) that Ameritech is violating any of the terms of the order, its compliance plan, or additional conditions imposed on Ameritech in connection with approval of its interexchange service, or (b) any other conduct by Ameritech may impede competition for interexchange telecommunications in the Trial Territory, the Department may require Ameritech to discontinue such violations or other conduct. Ameritech bears the burden of proof in resisting such a requirement. (Proposed Order, ¶15.)

*4. Civil fines*

In the event of a violation by Ameritech, the proposed order gives the Department the authority to ask the Court to impose civil fines. (*Id.*)

*5. Limited geographic scope*

The proposed trial is limited initially to the portion of the Chicago LATA that is in the state of Illinois and to the Grand Rapids, Michigan, LATA. Focusing on the state of competitive conditions on a LATA-by-LATA basis ensures that the competitive analysis takes into account differences not just in state regulatory schemes, but also in demographic and other conditions. Chicago was chosen because there is widespread agreement that, of all the areas in the Ameritech service territory, the potential for competition—though still embryonic—is most advanced there. Grand Rapids was chosen because the first competing exchange carrier in Michigan, U.S. Signal (formerly known as City Signal), has been certified to serve a portion of that territory and was the subject of a detailed interconnection order issued by the Michigan Public Service Commission. Thus, it seems appropriate for the Department to focus first on those two areas and to be prepared to act with respect to those areas within the period set forth in paragraph 11(a).

The inclusion of these two areas in the Trial Territory does not mean that the trials in those two areas necessarily must proceed simultaneously. Competitive conditions in one of the areas may justify proceeding with an interexchange trial before such conditions have evolved in the other area. Further, explicit provision is made for expansion of the Trial Territory in those two states, and each area in the two states will stand on its own merits, governed by the standard in paragraph 11(b).[18] (*See* Proposed Order, ¶17.) As with other determinations under the proposed order, the Court may, in its discretion, review any decision to expand the Trial Territory, (*Id.*, ¶51.) If the Department approves expansion, such expansion could not go into effect for at least 30 days (Proposed Order, ¶17), thus allowing a period of time during which interested persons could seek a temporary restraining order from the Court. A decision by the Department not to expand the Trial Territory would also be reviewable. (*See* Proposed Order, ¶51.)

Most important, the designation of those two areas as comprising the initial Trial Territory, and of those two states as being eligible for expansion of the Trial Territory within the framework of the order, is not meant in any way to discourage the ongoing efforts of the other Ameritech states (Indiana, Ohio, and Wisconsin)—or similar efforts underway or that may arise in the states in which other RBOCs operate—to bring the benefits of local competition to the consumers in their states, completely independent of any interexchange entry by Ameritech in those states. Local competition promises benefits to consumers separate from any benefits they may get as a result of interexchange competition from Ameritech. Moreover, the development of such competition can only hasten the day when interexchange entry by Ameritech—or other RBOCs—will be appropriately granted under Section VII or VIII(C), wholly apart from the proposed order now before the Court.

*6. Types of services*

Paragraph 7 of the proposed order limits Ameritech to providing certain enumerated types of interexchange services that have a clear nexus to the Trial Territory, i.e., services as to which the fact that competition exists in the Trial Territory is relevant even if competition does not exist elsewhere in the country. Thus, for most switched services, as to which the interexchange carrier is selected by the party placing the call, Ameritech could provide interexchange service originating from the Trial Territory. (Proposed Order, ¶7(a).) For services such as inbound 800 service, which is ordinarily carried by the interexchange carrier selected by the billed party at the terminating location, Ameritech could provide service terminating at subscribers' locations in the Trial Territory. (Proposed Order, ¶7(b).) Ameritech may also provide certain other types of services normally provided by interexchange carriers to their subscribers, such as calling card and private line services, with limitations to ensure an adequate nexus to the Trial Territory. (Proposed Order, ¶¶7(c)-(d).) There may also be other types of services that Ameritech may wish to offer in the future in order to stay competitive with the offerings of other IXCs. Because these services may not yet exist, it is difficult to enumerate them, much less to determine in advance whether any potential harm to competition is adequate addressed by the proposed order. Hence, a mechanism is provided to allow Ameritech to provide such services, subject to disapproval by the Department. (Proposed Order, ¶7(e).) Under the provision, Ameritech would have to give at least 30 days notice of such services, and the Department, after soliciting comments from interested persons, could disapprove the offering of such services. A relatively short notification and objection period is provided because it is anticipated that this provision will principally be used to respond to competitive offerings in the marketplace; however, a decision not to disapprove the services would be without prejudice to later withdrawal of authority under paragraphs 15 or 16 of the order if necessary.

*7. Ownership of transport facilities*

Paragraph 19 of the proposed order provides that Ameritech shall not own any of the transport facilities used to provide interexchange telecommunications. Instead it must contract for such facilities for a term not to exceed five years. This safeguard serves two purposes: to the extent Ameritech has not made substantial investments in facilities in the ground, it makes it easier to terminate the trial; and it reduces Ameritech's incentive to discriminate in favor of those facilities because it makes it harder for Ameritech to capture all of the benefits of such discrimination.

*8. Separate subsidiary requirements*

Paragraph 20 of the proposed order provides for the separation of the Ameritech subsidiary providing interexchange services from the Ameritech local exchange operations. The provisions generally track the more stringent approach taken by the Federal Communications Commission in its Computer Inquiry II proceedings and rules and in the requirement of separate subsidiaries for RBOC provision of commercial mobile radio services, rather than more lenient approaches relying on cost accounting instead of structural separation (such as the approach taken by the FCC in its Computer Inquiry III proceeding[19]). The more stringent structural separation approach is more appropriate for a trial of interexchange services, at least in the early stages before competition is fully developed and before additional information about the need for separate subsidiary requirements is gained from the trial itself.[20]

*9. Equal access provisions*

Under the proposed order, the equal access provisions of the Decree would remain in full force; the order would grant Ameritech only a temporary and limited modification of the line of business restriction of Section II(D)(1) of the Decree and would not relieve Ameritech of any other restrictions. (Proposed Order, ¶4.) In addition, a number of provisions are added to adapt the equal access concept to a situation in which an Ameritech subsidiary is one of the interexchange carriers interconnecting with the Ameritech local exchange operations. These provisions deal with equality in the type, quality, and pricing of interconnection, exchange access, and local exchange telecommunications (¶¶21, 25); technical information, standards, collocation, and other terms of interconnection (¶¶22-24); availability of service order, maintenance, and other telecommunications support systems (¶26);[21] billing services (¶27); location number portability (¶28); White Pages directory listings (¶29); and customer information (¶¶30-32).[22]

*10. Marketing restrictions*

The marketing provisions of the order (¶¶33-47) deal with two principal issues: (1) "equal access"-type obligations preventing Ameritech's local exchange operations from assisting the Ameritech interexchange subsidiary in its marketing efforts, and (2) the circumstances under which Ameritech can make one-stop shopping arrangements (i.e., the ability of customers to get their local and long distance calling from one, full-service carrier) available to business and residential customers, respectively. The "equal access" obligations (¶¶34, 36, 38-39, 44) embody the basic principles of existing obligations, with modifications to ensure that those principles will be effectuated when Ameritech competes in the provision of interexchange services. The provisions regarding one-stop shopping (¶¶35, 41-43, 45-47) are intended to avoid giving an inappropriate competitive advantage to, or imposing an unfair handicap on, any carrier. The order would allow Ameritech to offer one-stop shopping to business or residential customers only when at least one other carrier is marketing services on a comparable basis.[23]

The proposed order does not set out specific conditions under which Ameritech can engage in "bundle-pricing" of its interexchange services with local exchange or intraLATA toll services (i.e., pricing whose availability is contingent upon the subscriber's election of Ameritech for both such services). Whether such bundle-pricing is appropriate, and the types of conditions needed to prevent harm to competition in interexchange services, depends on the state of competition. The issue of "bundle-pricing" has therefore been made an element of Ameritech's compliance plan (Proposed Order, ¶¶10(e)-(f)). Ameritech will tailor its proposal to the competitive circumstances then existing, and the Department will review it in light of those circumstances.

*11. Compliance plan*

The proposed order requires Ameritech to file a compliance plan prior to obtaining approval to begin its trial of interexchange services. (Proposed Order, ¶10.) The compliance plan reinforces the separate subsidiary, equal access, and marketing provisions of the order by requiring Ameritech to spell out detailed plans for implementation of those requirements. (Proposed Order, ¶¶10(a)-(d), (g).) It also provides the mechanism for determining the appropriate market and other conditions for Ameritech's offering of bundled pricing (¶¶10(e)-(f)) and for the Ameritech interexchange subsidiary's ownership, leasing, or control of any of the facilities it uses to provide local exchange telecommunications and exchange access services (¶10(h)). The compliance plan also will

include procedures for Ameritech to detect and self-report violations of the order or the compliance plan (¶10(i)) and for Ameritech's withdrawal from interexchange service should it be required to do so (¶10(j)).

*12. Other conditions*

Ameritech's entry into interexchange services may also be conditioned on any other terms that may be appropriate to further the purposes of the order. (Proposed Order, ¶11(e).)

IV. THE PROPOSED MODIFICATION SHOULD BE APPROVED BECAUSE IT IS IN THE PUBLIC INTEREST.

*A. The public interest standard applies to entry of the proposed modification*

In reviewing the proposed modification, the Court should apply the "public interest" standard. The motion was filed by the United States under section VII of the decree, and Ameritech and AT&T have joined the United States in stipulating to the proposed order.

The Court of Appeals has held that a proposed modification satisfies the public interest test "so long as the resulting array of rights and obligations is within the *zone of settlements* consonant with the public interest *today*." *United States v. Western Electric Co.*, 993 F.2d 1572, 1576 (D.C. Cir.) (quoting *United States v. Western Electric Co.*, 900 F.2d 283, 307 (D.C. Cir.), *cert. denied*, 498 U.S. 911 (1990)) (emphasis in original), *cert. denied*, 114 S. Ct. 487 (1993). The public interest test is "flexible," allowing the government to choose among various decree provisions that could further the public interest in competition. When the government and the party whose decree obligations are at issue agree on a decree modification proposal, as is the case here,

"the court's function is not to determine whether the resulting array of rights and liabilities "is one that will *best* serve society," but only to confirm that the resulting "settlement is 'within the *reaches* of the public interest.'"

993 F.2d at 1576 (citing and quoting 900 F.2d at 309; *United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981); and *United States v. Gillette Co.*, 406 F.Supp. 713, 716 (D. Mass. 1975)) (emphasis in original). Therefore, a court is to approve a consensual decree modification under the public interest standard unless "it has exceptional confidence that adverse antitrust consequences will result—perhaps akin to the confidence that would justify a court in overturning the predictive judgments of an administrative agency." 993 F.2d at 1577.

The Department welcomes this Court's careful review of the proposed modification under this standard. We are confident that the text of the proposed order, the explanation that we are providing in this Memorandum, and the comments of other interested persons will give the Court ample reason for entering the proposed order.

*B. The proposed modification is in the public interest*

The proposed modification both avoids harm to competition in the interexchange market and yields affirmative benefits to competition. Accordingly, it is in the public interest and should be approved and entered by this Court.

*1. The proposed modification is structured to avoid harm to competition in the interexchange market*

Far from giving the Court "exceptional confidence that adverse antitrust consequences will result," the proposed modification gives the Court ample assurance that no adverse consequences will occur. As this Memorandum has explained, the order we ask the Court to enter would permit only a limited trial of Ameritech provision of interexchange services, and even that trial could not begin until the Department (and the Court if it reviews the Department's determination) is satisfied that local competition exists and will continue to develop in the Trial Territory. In addition, the interexchange services that the modification permits would remain subject to a variety of safeguards, including the power of the Court or the Department to terminate the trial at any time.

The proposed order thus ensures that competition in the interexchange market will not be harmed by the modification—a fact underscored by AT&T's stipulation that the proposed modification is in the public interest and by the support of Sprint, CompTel, and ACTA.

*2. The trial will provide affirmative benefits to competition*

Not only is the proposed order structured to prevent any *harm* to competition, but it also presents a valuable opportunity affirmatively *to advance* the public interest in competition.

First, as a prerequisite to its offering of interexchange service pursuant to this modification, Ameritech must take specific actions to remove barriers to local competition, including those relating to terms of interconnection, unbundling of loops, dialing parity, and number portability. The proposed modification thus complements the efforts of the state regulatory commissions in the Ameritech region to lower such barriers, as reflected in the comments of the staff of the Michigan PSC on an earlier version of the proposal:

"[T]he Department of Justice (DOJ) and the court should move forward in a measured fashion to permit more competition in the telecommunications marketplace. That action, however[,] should be such that it recognizes the need to balance the interests of the Regional Bell Operating Companies (RBOC), their local and toll competitors, and residential and business customers in the telecommunications marketplace. That balance can be achieve through an approach which minimizes the potential for anticompetitive actions on the part of the RBOCs. This coupled with the coordination and recognition of appropriate State law and regulatory agency actions to remove barriers to entry to the State or local telecommunications markets should set the stage for a trial waiver of the interLATA restrictions currently in effect."—Michigan PSC Staff Comments on Draft Dated February 21, 1995 [Appendix, Tab 16].

Second, the trial will yield important information about RBOC provision of interexchange services. The Department, the Court, all segments of the telecommunications industry, and the public will be able to observe and analyze the effects of the stipulated conditions, and related regulatory and technological developments, on competition in local and interchange telecommunications markets. We will learn much about whether local competition will develop to such an extent that harm to interchange competition can be avoided, with or without other safeguards. We will also enhance our understanding of the importance of factors such as call set-up and transmission delays resulting from interim forms of number portability, consumer demand for one-stop shopping, the terms and conditions of interconnection, and the pricing of network elements in the development of such competition. If competition is not sufficient to be self-policing, we may learn how difficult and costly it is to monitor and prevent discrimination and cross-subsidization. We will also learn about what kinds of safeguards are effective and/or necessary.

No trial, or course, could provide all the answers. Nonetheless, this trial should substantially assist in determining whether and on what terms the Decree's interexchange restriction should be retained, modified or removed.

Third, the trial may yield important information about the possible benefits to interexchange competition from RBOC provision of interexchange services. The RBOCs have argued that the interexchange market, particularly for residential customers, is oligopolistic rather than competitive, and that RBOC entry will tend to disrupt that oligopolistic coordination, resulting in substantial benefits to consumers. While Ameritech has not yet presented sufficient evidence to substantiate this claim, actual experience may cast additional light on this argument.

CONCLUSION

The carefully crafted details of the proposed order grew out of intensive work by the Department and extensive consultation and negotiation with interested persons. We do not expect all commenters to be satisfied; in an arena filled with competing private interests, we can be assured that some will claim that the balance has not been struck precisely right. The issue, however, is whether the Department "reasonably regard[s]" the modification "as advancing the public interest," 993 F.2d at 1576. On that issue, the terms of the proposed order demonstrate, and we believe the comments of interested persons as a whole will confirm, that the proposed modification advances the public interest. The Court should therefore enter the proposed order and allow this important trial to proceed, subject to the preconditions, safeguards, and continuing review for which the order itself provides.

Respectfully submitted,

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FOOTNOTES

[1] *See, e.g.*, MCI Corp., *A Blueprint for Action: The Transition to Local Exchange Competition*, Tab 1 at 1 (March 1995) [Appendix, Tab 1]; William J. Baumol & J. Gregory Sidak, Toward Competition in Local Telephony 9 (1994); Affidavit of William J. Baumol at 5, submitted on behalf of AT&T as an attachment to AT&T's Opposition to Ameritech's Motions for "Permanent" and "Temporary" Waivers From the Interexchange Restrictions of the Decree (filed with the Department in opposition to Ameritech's original proposal on February 15, 1994) [that opposition cited hereinafter as "AT&T Opposition to Original Proposal"] [Appendix, Tab 2].

[2] *See* Order, Dkt. No. 93-0409 (Ill. Commerce Comm'n, July 20, 1994) (MFS) [Appendix, Tab 3]; Order, Dkt. No. 94-0162 (Ill. Commerce Comm'n Sept.

7, 1994) (Teleport) [Appendix, Tab 4]; *In re City Signal, Inc., Application for a License to Provide Basic Local Exchange Service in the Grand Rapids Exchange*, No. U-10555, 1994 Mich. PSC LEXIS 267 (Mich. Pub. Serv. Comm'n Oct. 12, 1994) [Appendix, Tab 5].

[3] Teleport is planning to test the use of cable facilities owned by Tele-Communications, Inc., ("TCI") to provide local exchange service to residential customers in the Chicago area. *See* Leslie Cauley, *Tele-Communications, Motorola to Join Teleport for Venture in Chicago Area*, Wall Street J., Oct. 12, 1994, at B5. Others are exploring similar possibilities.

[4] Specifically, Ameritech asserted that "industry-wide developments . . . are themselves more than sufficient to warrant removal of the interexchange restriction." *Ameritech Memorandum in Support of Motions to Remove the Decree's Interexchange Restriction* at 3 (filed with the Department of Justice on Dec. 7, 1993) [Appendix, Tab 6]. The Department does not believe that the record is sufficient at this time to support this contention (either as to technological or regulatory developments), and does not base the present motion on any such contention.

[5] These prohibitions were also justified as a way to promote universal service, by requiring high-margin services to subsidize below-cost services and prohibiting new entrants from "cream skimming" those services. In recent years, progressive states have begun to explore alternative ways of ensuring universal service that would permit competition and allow consumers the benefit of the efficiencies and lower prices that competition brings.

[6] Positive network externalities characterize those "products for which the utility that a user derives from consumption of the good increases with the number of our agents consuming the good. . . . [T]he utility that a given user derives from the good depends upon the number of other users who are in the same 'network' as he or she." Michael L. Katz & Carl Shapiro, *Network Externalities, Competition and Compatibility*, 75 AM. Econ. Rev. 424 (1985). "The utility that a consumer derives from purchasing a telephone . . . clearly depends on the number of other households or businesses that have joined the telephone Network." *Id.*

[7] *In re Illinois Bell Telephone Company Proposed Introduction of a Trial of Ameritech's Customers First Plan is Illinois*, Dkt. No. 94-0096, slip op. at 97 (Ill. Commerce Comm'n, Apr. 7, 1995) [hereinafter "*ICC order*"] [Appendix, Tab 7].

[8] *A Blueprint for Action, supra* note 1, Tab 3 at 2 [Appendix, Tab 1]. A similar telephone survey was conducted in January 1994, by First Market Research Corporation, for a study sponsored by AT&T, MCI, and CompTel. That survey found that in the absence of number portability, the number of respondents interested in changing to a cable TV company for local telephone service in response to a 20% discount fell from 32.8% to 22.6%. Corresponding figures for a 10% discount and for no discount were a drop from 18% to 12.6% and from 8.7% to zero, respectively. Economics & Technology, Inc, & Hatfield Associates, Inc., The Enduring Local Bottleneck 108-10 (February 1994) [Appendix, Tab 8].

[9] Initially, the Trial Territory would consists of the portion of the Chicago LATA that is located in the state of Illinois and the Grand Rapids LATA in the state of Michigan. The two LATAs could begin their interexchange trials at different times, and the Trial Territory could have eventually be expanded to include other portions of those two states (but only those two states) if those portions met the competitive standards set out in the proposed order.

[10] Regulatory consideration of such issues is already well underway in the trial states. In Michigan, the Michigan PSC adopted on an interim basis a pricing scheme for unbundled loops that was proposed by City Signal, a CAP which in 1994 was granted a license to provide local service in the Grand Rapids LATA. Under the interim scheme, Ameritech will charge City Signal $8 for a residential loop and $11 for a business loop. The Commission will further address these issues in an upcoming generic proceeding, to commence June 1, 1995, and to be completed no later than nine months thereafter. *In the matter of the Application of City Signal, Inc., for an Order Establishing and Approving Interconnection Arrangements with Ameritech Michigan*, Case No. U-10647, at 85-95 (Mich. Pub. Serv. Comm'n, Feb. 23, 1995) [hereinafter "*City Signal Order*"] [Appendix, Tab 9].

In Illinois, the Illinois Commerce Commission heard extensive testimony on Ameritech's proposed pricing of unbundled loops and ports, disapproved certain aspects of that pricing, and required that Ameritech file new tariffs to ensure that the sum of prices for unbundled network functions not exceed the price of bundled functions and to reduce and equalize the contribution that those prices would make to common costs. *ICC Order, supra* note 7, at 60-61 [Appendix, Tab 7].

[11] The issue of "sub-loop unbundling" is dealt with in similar fashion. AT&T and others have contended that merely unbundling loops from ports does not go far enough. Instead, AT&T contends that local service should be unbundled into at least twelve basic network elements: distribution, concentration, feeding, end office switching, dedicated line transport, common transport, tandem switching, databases used in signaling, packet switching of signaling from the originating central office, packet switching of signaling at the destination, links from the packet switches to data processors and storage points, and operator services. Affidavit of Lawrence A. Sullivan, submitted by AT&T in its Opposition to Original Proposal, at 29-30 (filed with the Department of Justice on Feb. 15, 1994) [Appendix, Tab 10]. Advocates for this position argue, for example, that a provider of personal communications services ("PCS") might be able to provide a witness connection from the home to a neighborhood node, and then use Ameritech facilities to get from the neighborhood node to the central office. Testimony of Dr. Mark T. Bryant on behalf of MCI before the Illinois Commerce Commission, at 10-11 (Dkt. No. 94-0048, Aug. 8, 1994) [Appendix, Tab 11]. Ameritech responds that such an approach could lead to the uneconomic stranding of significant amounts of its investment, to no real purpose since the facilities can be made available to competitors on a nondiscriminatory basis and since continued use of Ameritech facilities whose costs are already sunk would be in the interests of consumers. The proposed order does not require sub-loop unbundling, but makes clear that this resolution is without prejudice to the power of a state to require such further unbundling. (Proposed Order, ¶1(m).) Moreover, it makes clear that the Department may consider the competitive effects of such unbundling (or lack thereof). (*Id.*).

[12] State law or regulatory requirements intended to benefit competition in the intraLATA toll market may require Ameritech to implement intraLATA toll dialing parity before Ameritech has met the conditions in ¶11 of the proposed order. In that case, intraLATA toll dialing parity would come into effect before Ameritech commences interexchange service.

[13] The proposed order does not displace state regulation, however. (*See* Proposed Order, ¶ 3.) State regulators may choose to regulate arrangements even when consented to by the carriers involved.

In allowing paragraph 9(e) to be satisfied by consent of the other exchange carriers, we recognize that unequal bargaining power may lead a competitive exchange carrier to agree to unsatisfactory terms. That is precisely why the provisions of paragraph 9 are not a checklist that will lead automatically to Ameritech's entry into interexchange service. The ultimate issue will always be the competitive results of the negotiated arrangements, as tested against actual marketplace facts. (*See* Section III.B.) Thus, because the proposed order requires that the Department analyze market facts and assess competitive circumstances, the proposed order gives Ameritech the incentive to negotiate in good faith and arrive at a procompetitive agreement with competitive exchange carriers.

[14] Of course, the *reasons* advanced by a competing carrier as to why the proffered interconnection arrangements are inadequate may have a bearing on any assessment of competitive circumstances.

[15] *See, e.g., A Blueprint for Action, supra* note 1, Tab 3 at 5-19 (discussing shortcomings of interim number portability) [Appendix, Tab 1].

[16] The compliance plan, which deals principally with post-entry safeguards, is discussed in more detail in Section III.C, below.

[17] The Department is currently investigating claims that regulation and post-entry safeguards are sufficient to ensure that there is no substantial possibility that an RBOC could engage in anticompetitive conduct, without the market-opening measures contemplated in the proposed order, in connection with the Motion of Bell Atlantic Corporation, BellSouth Corporation, NYNEX Corporation, and Southwestern Bell Corporation to Vacate the Decree. (Bell Atlantic has since withdrawn from that motion.) Ameritech is not advancing that proposition at this time, however, and the proposed trial is not designed to test such claims.

[18] The staff of the Michigan PSC, in its comments on an earlier version of the proposal, urged the Department to include the Detroit and Lansing LATAs in the Trial Territory. Revised Comments of the Staff of the Michigan Public Service Commission (Mar. 22, 1995) [Appendix, Tab 15]. The Department does not believe this change to be appropriate, because it is too early to tell how widely different areas of the state will vary in the availability of competitive alternatives and the ability of such alternatives to guard against harm to competition in the interexchange market. We stress, however, that the modification provisions of the proposed order establish sufficient flexibility to deal appropriately with whatever competitive conditions should arise.

[19] The FCC's order removing structural separation requirements was vacated and remanded by the Ninth Circuit. *California v. FCC*, 39 F.3d 919 (9th Cir. 1994), *cert. denied*, 63 U.S.L.W. 3721 (U.S. April 3, 1995). Further proceedings on remand are pending at the FCC.

[20] Even under the FCC's Computer Inquiry II approach, certain kinds of services can be shared between the interexchange subsidiary and other affiliates. These are enumerated in ¶ 20(g). To the extent that any such sharing is carried out in a way that harms competition, the Department and the Court retain the power to take corrective action under ¶¶ 15-16, as well as to take that fact into account in evaluating the progress of the trail under ¶ 18.

[21] The proposed order calls for "equivalent" rather than identical order, maintenance, and support systems, to account for the possibility that access to such systems may involve the use of different interfaces because of the different requirements of different carriers' computer systems and because of Ameritech's need to protect the security of its systems. The access must, however, be equivalently convenient; the provision would not be satisfied by providing electronic connections to Ameritech's interexchange subsidiary but only fax machines to its competitors.

[22] Among the restrictions on access to customer information is a provision that the Ameritech interexchange subsidiary may not have access to customer proprietary network information ("CPNI") as defined by the FCC, except in the same manner that CPNI is available to unaffiliated carriers. This would mean, for example, that unlike the Ameritech local exchange operations, the Ameritech interexchange subsidiary would have to obtain the affirmative consent of the local exchange operations' customers in order to get local and intraLATA toll usage patterns of those customers. At one point, Ameritech expressed concern that this restriction would put it at a marketing disadvantage compared to AT&T, which could target the marketing of one-stop shopping services to its more lucrative interexchange customers, based on their long-distance usage patterns, which would be available to AT&T without such affirmative consent because they would relate to services as to which AT&T was the subscribers' provider. Ameritech concluded, however, that it could overcome this disadvantage if it could start seeking such affirmative consent from Ameritech local exchange customers as soon as possible. Since nothing in the existing Decree would appear to prohibit the seeking of such consent before the trial begins or even before the proposed order is entered, so long as customers are not misled as to the actual extent of Ameritech's authority to offer interexchange service, Ameritech withdrew this concern.

[23] In some cases, such as the provision of interexchange and intraLATA toll services by the interexchange subsidiary (¶¶ 41, 45) and the provision of Centrex service to business customers (¶ 43), the proposed order provides for the offering of such services immediately upon the commencement of Ameritech's authority to offer interexchange telecommunications, because other carriers are already offering such services on a "one-stop-shopping" basis.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent that my remarks appear as in morning business.

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

## TRADE POLICY

Mr. DORGAN. Madam President, I was very interested to hear the comments by Senator BYRD and Senator

HOLLINGS today on the issue of trade. I think the three of us, with perhaps one or two others, are the only Members of the Senate who come and speak about the issue of trade. There is almost a conspiracy of silence in this Senate, in the entire Congress, and in this town, especially, on the issue of trade.

U.S. TRADE POLICY

We have the largest trade deficit in human history in this country now. We have a lot of hand wringing about the fiscal policy deficits, and they are dangerous and troublesome. We must deal with them. But no one speaks about the trade deficit and what causes it and what it means for our country. I hope one day soon that will change, because today's trade deficits will be repaid in the future with a lower standard of living in this country. We must get rid of these terrible, terrible trade deficits that are going to ruin this country's future.

Beginning on Friday this week, I am going to make about four presentations on the floor of the Senate over the period of the next couple of weeks, talking about the last 50 years. I want to start with post-Second World War trade strategy, which was really foreign policy, in which we were linked to other countries try to strengthen others around the world who had been suffering from the ravages of war. During that period of time, there was general expansion in world trade and general expansion of prosperity. Our allies prospered and so did we. We prospered in output. We saw higher wages. Our country generally, in the first 25 years, did well.

You look at the last 25 years and you will see, even as others began to compete with us very aggressively, we clung to the same strategy. And what have we seen for it? We have seen a lower standard of living in this country generally, lower wages, and we have seen American jobs move overseas. That has been the result of this strategy. It is a strategy that hurts this country, and it is a strategy that must be changed.

We must get to a point where, if you close your eyes and simply listen, you can hear a difference between what people are saying on trade policy. You cannot anymore. There is no difference between what the Republicans say and what the Democrats say on trade. It sounds all the same to me.

Oh, Senator HOLLINGS sounds different to me because he is talking a different kind of strategy—plus he comes from a different part of the country. And Senator BYRD sounds different because he is talking about trade in a completely different way. But it is very unusual, and we need to create a national debate on this subject. We need to do it soon. The merchandise trade deficit last year was $166 billion, the highest in history. Jobs left our country. Wages in this country were down.

Our current strategy says to American workers they can now compete with 2 or 3 billion others in the world, some of whom are willing to work for 12 cents an hour at the age of 12, for 12 hours a day. That ought not be the competition for the American worker. No one should produce a product that enters our marketplace under those conditions. And we must, posthaste, create a national debate about trade strategy, looking out for the best interests of this country.

I do not want a trade war. That does not serve anybody's interests. But I do want our country to stand up for its own economic interests for a change. Can we not, for a change, just for once, have a trade negotiation that we win, or at least come out even on? We lose every time we pull up to the table. We lost on NAFTA; we lost on Canada; we lost on GATT. We can go all the way back. It is time for this country to stand up for its economic interests.

## MEDICARE AND TAX CUTS FOR THE RICH

Mr. DORGAN. I did not come to speak about trade, but I wanted to say something about what I saw this weekend—the Speaker of the House, the majority leader of the Senate, and now today I see the chairman of the Ways and Means Committee of the other body, all talking about Medicare.

It was interesting to me. I was thinking about these old movies I used to see when I was a kid, when all these cowboys would whistle when they go into a box canyon and then when the trouble would start, they would start jumping off their horses, trying to find a place to hide.

This is kind of a box canyon we have created in the last couple of months, just riding in, whistling all the way, with the Contract With America, saying: Do you know what we can do? We can balance the Federal budget easily. We can do it before lunch. We will not even break a sweat. We will just change the U.S. Constitution and use $1.3 trillion in the Social Security trust funds to offset against other revenues. We will balance the budget.

Plus we will do more than that. We will promise you American people we will not only balance the budget, we will give you a tax cut. In fact, we will call it a middle-class tax cut. We will do all of that, and we will tame this Medicare and Medicaid problem. We will cut money out of Medicare and Medicaid and we will solve that problem.

Then what happened? I think this weekend somehow these folks that rode into this box canyon understood the trouble they were in because, all of a sudden, the three dismounted and are scurrying in every direction.

I noticed today the Ways and Means Committee in the House was asking the administration to give them advice on how to solve the Medicare and Medicaid problem. They were not asking for any advice when they talked about the tax cut bill or the welfare reform bill that they moved through there quickly. They did not need any advice then. But all of a sudden they find out their promises are coming home to pinch. What they are worried about is that the American people might see what has been created—a promise of tax cuts for the middle class that looks like this:

This is the middle-class tax cut for those middle-class folks who live on Rodeo Drive. At least it must be Rodeo Drive because how else could you explain this chart? Who benefits from the tax bill? If you earn $30,000 or below, as an average family, you get an enormous tax cut, $134 a year. If your income is $200,000 or above as an American family, you get a check back for your tax bill, a tax cut of $11,266.

I was on a radio talk show with a conservative host, somebody who believes in all of this, who said, "Well, Senator DORGAN, what do you think about this middle-income tax cut?" I said, "What middle-income tax cut? What on Earth are you talking about?" He said, "The one just passed by the House of Representatives which benefits the middle-income folks." I said, "Really? Do you understand it? Have you really seen the results of it?" I said, "If you are over $200,000, you get a $11,200 tax break; $30,000 or under, you get $134. That is middle income?" Not in my hometown, it is not middle income.

But you know what has happened here. You know what the box canyon is—people are going to look and say, "Gee. Now if we have a big deficit and we have economic troubles in our country and we are trying to reduce the budget deficit and give a $11,200 tax cut to families over $200,000 a year, and then the same folks who want to do it come along and say, "Do you know how we can pay for all of this? We can take a $300 billion or $400 billion out of Medicare and Medicaid. That is how we can pay for this."

All of a sudden I think a light bulb went on in the minds of some of these architects who said maybe we will get blamed for taking money away from people who are elderly or poor for their health care and using it to give a tax cut to those who are wealthy. Will not that be unfair for those of us who know the facts to stand up and talk about those folks? So all of a sudden we have seen in the last 48 hours, 72 hours, folks scurrying around town here saying, "Wait a second. Do not be so quick on Medicare and Medicaid. That is not really what we meant. That is not what we said."

We do not really know what they mean because those same folks who were out here in an enormous hurry to

change the U.S. Constitution were not in a very big hurry on April 1 when the law said they were required to bring a budget to the floor of the Senate.

You see, you cannot change the Constitution and alter the deficit. If you change the Constitution with a constitutional amendment to require a balanced budget, you will not change the deficit by one nickel. What changes the budget deficit is when we bring a budget to the floor and make decisions.

They were in a big hurry to change the Constitution, but somehow this enormous need to move quickly has left them. Now they simply cannot seem to get over here. The law says April 1 they should be here with their budget. Then it says by April 15 we should have a conference report. Well, April 1 came and went. April 15 is here and gone. May 1 is here and gone. No budget. But we have tax cuts for the big folks.

If you make half a million dollars sitting there clipping coupons, using that channel changer to search to see what entertainment is on tonight for you, boy, you can look at this Congress, and, say, "What a Congress. What a bunch of folks those folks are. $11,000 I have to spend. I can buy some more radio equipment. In fact, I can probably lease a Rolls Royce for 6 or 8 months, or lease a Mercedes Benz." Could you not with $11,000 lease a Mercedes Benz for a year? Then you say to the person that is making $20,000 or $25,000 a year, maybe a hubcap. Maybe you will not be able to afford the hubcap. Maybe a radiator cap, but certainly not the Mercedes Benz we are going to give to the big folks.

Here we are. No budget; got a tax cut, not middle-class tax cut, a tax cut that gives the bulk of the benefits to the wealthiest. It is the old cake and crumbs theory. Give the cake to the big shots. Leave a few crumbs to the rest and say everybody got something.

It is like somebody going to Camden Yards and saying, "You know something. I am going to give away $100 million in Camden Yards over at the baseball stadium in Baltimore." So everybody files in with great expectations because it is going to be divided up among them. The person goes around to every seat and gives everybody a dollar. But the person sitting behind home plate, seat A, row one, that person gets $99,999,000—essentially the bulk of the tax cut, the bulk of the giveaway. That is what is happening here, and people understand that.

So we are in a situation now where those of us who look at this contract and the strategy wonder what is real. They say, "I want a balanced budget. I want a balanced budget. I am willing to weigh in and lift for a balanced budget. I am going to propose a container of spending cuts that is real and substantial."

But as I said a couple of months ago, you know, I tuned in once to a television program and saw weight lifting and body building. They had the body building contest where the folks come out and pose. I had never seen this before. They oil themselves up and they come out and flex their muscles. And the announcer said, "In the sport of body building there is a big difference between lifting and posing."

I thought to myself. Gee. That sort of spells the difference in politics. There are a lot of folks who are terrific in posing. They come out here and flex around, get all oiled up, and look pretty and impress everybody. The question then on April 1 is what can you lift? The answer is apparently nothing. This is all posing.

I think all of us here need to understand what the dimensions of the problem are for this country. We have serious dimensions in the problem of Medicare and Medicaid, and we have to resolve it. We have to reform the system. We ought to redress the rate of growth to the extent we can. We ought to do that in a bipartisan way. But nobody that I know of on this side of the aisle believes we ought to provide $11,000 tax cuts for the people with a couple hundred thousand dollars in income, and then say to the seniors in this country, "We are sorry. We don't have enough money to provide health care for you."

Those are the issues. Is it fair to juxtapose them? It is darned right it is fair. We intend to do that because I think we ought to pass a budget that moves us toward a balanced budget and get rid of these deficits. I think we ought to reform the welfare system. We ought to reduce the rate of growth in Medicare and Medicaid. We should reform the welfare system as well. We ought to reduce the rate of growth in health-care programs.

But we ought not under any circumstance play this kind of a game where we can construct one more bit of evidence of reaching out to the wealthiest in our country and saying, "By the way, let us give you an extra bonus, a little extra appreciation for what you do for America." There is nothing wrong with being wealthy. I think everybody would like to be wealthy. But there are a whole lot of folks in this country who are not wealthy who work and try very hard and also need some help.

I think the help we can give them in this country as a whole is to reduce this crushing budget deficit, do it in an honest way, address the wrenching issues of health care in an omnibus way, but especially with respect to Medicare and Medicaid. If we do that, then I think finally these kinds of things will be believable.

I came today to discuss this only because I have seen the scurrying or the flurry of activity in the last couple of days by our majority leader, and by the Speaker, and by so many others who now say, "Well, it is true we were thinking of several hundred billion dollars in cuts in Medicare and Medicaid but now we want to talk about it in a different context." Why the change? All of us know why the change. Because they understand that even those of us who went to the smallest schools can add and subtract, and when things do not add up, you have to live with the consequences.

This kind of a chart does not add up against the backdrop of those who want to go after Medicare and Medicaid. It does not add up either that those who are most anxious to change the Constitution now somehow seem not anxious at all to bring the budget resolution to the floor of the Senate.

My hope is that in the very near future all of us who care about this can work together and solve these problems together.

You know, I supported, in 1993, a budget resolution that passed this Chamber by one vote, and I have never apologized and never intend to apologize to anybody for voting to do it. I am glad I did. It was the right vote.

The easiest vote and the political vote would have been to vote no, because what we did was we cut some spending, we increased some taxes, and we reduced the deficit.

Nearly half of our Chamber said, "Count me out. I just want to talk about deficit reduction, but when it comes to voting for it, I ain't going to vote for it in a minute, not an hour, not a year." So we did not even get one Republican vote to pass the budget resolution.

So I do not want people in this Chamber wondering whether the Senator from South Carolina or others are willing to balance the budget. We have been willing to cast the difficult votes and live with the consequences. And I am perfectly satisfied with that.

But there is much, much more to do. The next step, and I hope the final step, in getting toward a balanced budget amendment requires, I think, sober, serious budget cuts. It requires us to jettison these kinds of approaches that are called middle-class tax cuts, that really once again reduce the revenues and increase the deficit in order to give tax cuts to the wealthy.

Madam President, I see the Senator from South Carolina is on his feet. Those are the points I wanted to make today about wondering why the budget is not before us, No. 1; and, No. 2, trying to understand a bit, why so much activity in the last 72 hours by leaders of the other party on the Medicare and Medicaid reform issue? I think I understand it. I think they understand it. We will see in the coming days what results from it.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to join in the comments of our distinguished colleague from North Dakota along the line of the difficulty with respect to the budget, and then let me also address Medicare and some of the comments made recently.

I ask unanimous consent that a document released last January on the realities of truth in budgeting be printed in the RECORD.

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

HOLLINGS RELEASES REALITIES ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts is necessary.

Reality No. 2: There aren't enough savings in entitlements. Have welfare reform, but a jobs program will cost; savings are questionable. Health reform can and should save some, but slowing growth from 10 to 5 percent doesn't offer enough savings. Social Security won't be cut and will be off-budget again.

Reality No. 3: We should hold the line on the budget on Defense; that would be no savings.

Reality No. 4: Savings must come from freezes and cuts in domestic discretionary spending but that's not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes are necessary to stop hemorrhage in interest costs.

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|---|---|---|---|---|---|---|
| Deficit CBO Jan. 1995 (using trust funds) | 207 | 224 | 225 | 253 | 284 | 297 | 322 |
| Freeze discretionary outlays after 1998 | 0 | 0 | 0 | −19 | −38 | −58 | −78 |
| Spending cuts | −37 | −74 | −111 | −128 | −146 | −163 | −180 |
| Interest savings | −1 | −5 | −11 | −20 | −32 | −46 | −64 |
| Total savings ($1.2 trillion) | −38 | −79 | −122 | −167 | −216 | −267 | −322 |
| Remaining deficit using trust funds | 169 | 145 | 103 | 86 | 68 | 30 | 0 |
| Remaining deficit excluding trust funds | 287 | 264 | 222 | 202 | 185 | 149 | 121 |
| 5 percent VAT | 96 | 155 | 172 | 184 | 190 | 196 | 200 |
| Net deficit excluding trust funds | 187 | 97 | 27 | (17) | (54) | (111) | (159) |
| Gross debt | 5,142 | 5,257 | 5,300 | 5,305 | 5,272 | 5,200 | 5,091 |
| Average interest rate on debt (percent) | 7.0 | 7.1 | 6.9 | 6.8 | 6.7 | 6.7 | 6.7 |
| Interest cost on the debt | 367 | 370 | 368 | 368 | 366 | 360 | 354 |

Note.—Figures are in billions. Figures don't include the billions necessary for a middle-class tax cut.

| Nondefense discretionary spending cuts | 1996 | 1997 |
|---|---|---|
| Space station | 2.1 | 2.1 |
| Eliminate CDBG | 2.0 | 2.0 |
| Eliminate low-income home energy assistance | 1.4 | 1.5 |
| Eliminate arts funding | 1.0 | 1.0 |
| Eliminate funding for campus based aid | 1.4 | 1.4 |
| Eliminate funding for impact aid | 1.0 | 1.0 |
| Reduce law enforcement funding to control drugs | 1.5 | 1.8 |
| Eliminate Federal wastewater grants | 0.8 | 1.6 |
| Eliminate SBA loans | 0.21 | 0.282 |
| Reduce Federal aid for mass transit | 0.5 | 0.1 |
| Eliminate EDA | 0.02 | 0.1 |
| Reduce Federal rent subsidies | 0.1 | 0.2 |
| Reduce overhead for university research | 0.2 | 0.3 |
| Repeal Davis-Bacon | 0.2 | 0.5 |
| Reduce State Dept. funding and end misc. activities | 0.1 | 0.2 |
| End P.L. 480 title I and III sales | 0.4 | 0.6 |
| Eliminate overseas broadcasting | 0.458 | 0.570 |
| Eliminate the Bureau of Mines | 0.1 | 0.2 |
| Eliminate expansion of rural housing assistance | 0.1 | 0.2 |
| Eliminate USTTA | 0.012 | 0.16 |
| Eliminate ATP | 0.1 | 0.2 |
| Eliminate airport grant in aids | 0.3 | 1.0 |
| Eliminate Federal highway demonstration projects | 0.1 | 0.3 |
| Eliminate Amtrak subsidies | 0.4 | 0.4 |
| Eliminate RDA loan guarantees | 0.0 | 0.1 |
| Eliminate Appalachian Regional Commission | 0.0 | 0.1 |
| Eliminate untargeted funds for math and science | 0.1 | 0.2 |
| Cut Federal salaries by 4 percent | 4.0 | 4.0 |
| Charge Federal employees commercial rates for parking | 0.1 | 0.1 |
| Reduce agricultural research extension activities | 0.2 | 0.2 |
| Cancel advanced solid rocket motor | 0.3 | 0.4 |
| Eliminate legal services | 0.4 | 0.4 |
| Reduce Federal travel by 30 percent | 0.4 | 0.4 |
| Reduce energy funding for Energy Technology Develop. | 0.2 | 0.5 |
| Reduce Superfund cleanup costs | 0.2 | 0.4 |
| Reduce REA subsidies | 0.1 | 0.1 |
| Eliminate postal subsidies for nonprofits | 0.1 | 0.1 |
| Reduce NIH funding | 0.5 | 1.1 |
| Eliminate Federal Crop Insurance Program | 0.3 | 0.3 |
| Reduce Justice State-local assistance grants | 0.1 | 0.2 |
| Reduce export-import direct loans | 0.1 | 0.2 |
| Eliminate library programs | 0.1 | 0.1 |
| Modify Service Contract Act | 0.2 | 0.2 |
| Eliminate HUD special purpose grants | 0.2 | 0.3 |
| Reduce housing programs | 0.4 | 1.0 |
| Eliminate Community Investment Program | 0.1 | 0.4 |
| Reduce Strategic Petroleum Program | 0.1 | 0.1 |
| Eliminate Senior Community Service Program | 0.1 | 0.4 |
| Reduce USDA spending for export marketing | 0.02 | 0.02 |
| Reduce maternal and child health grants | 0.2 | 0.4 |
| Close veterans hospitals | 0.1 | 0.2 |
| Reduce number of political employees | 0.1 | 0.1 |
| Reduce management costs for VA health care | 0.2 | 0.4 |
| Reduce PMA subsidy | 0.0 | 1.2 |
| Reduce below cost timber sales | 0.0 | 0.1 |
| Reduce the legislative branch 15 percent | 0.3 | 0.3 |
| Eliminate Small Business Development Centers | 0.056 | 0.074 |
| Eliminate minority assistance—Score, Small Business Institute and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones | 0.033 | 0.046 |
| Eliminate new State Department construction projects | 0.010 | 0.023 |
| Eliminate Int'l Boundaries and Water Commission | 0.013 | 0.02 |
| Eliminate Asia Foundation | 0.013 | 0.015 |
| Eliminate International Fisheries Commission | 0.015 | 0.015 |
| Eliminate Arms Control Disarmament Agency | 0.041 | 0.054 |
| Eliminate NED | 0.014 | 0.034 |
| Eliminate Fulbright and other international exchanges | 0.119 | 0.207 |
| Eliminate North-South Center | 0.002 | 0.004 |
| Eliminate U.S. contribution to WHO, OAS and other international organizations including the United Nations | 0.873 | 0.873 |
| Eliminate participation in U.N. peacekeeping | 0.533 | 0.533 |
| Eliminate Byrne grant | 0.112 | 0.306 |
| Eliminate Community Policing Program | 0.286 | 0.780 |
| Moratorium on new Federal prison construction | 0.028 | 0.140 |
| Reduce coast guard 10 percent | 0.208 | 0.260 |
| Eliminate Manufacturing Extension Program | 0.03 | 0.06 |
| Eliminate coastal zone management | 0.03 | 0.06 |
| Eliminate national marine sanctuaries | 0.007 | 0.012 |
| Eliminate climate and global change research | 0.047 | 0.078 |
| Eliminate national sea grant | 0.032 | 0.054 |
| Eliminate State weather modification grant | 0.002 | 0.003 |
| Cut weather service operations 10 percent | 0.031 | 0.051 |
| Eliminate regional climate centers | 0.002 | 0.003 |
| Eliminate Minority Business Development Agency | 0.022 | 0.044 |
| Eliminate Public Telecommunications Facilities Program grant | 0.003 | 0.016 |
| Eliminate children's educational television | 0.0 | 0.002 |
| Eliminate national information infrastructure grant | 0.001 | 0.032 |
| Cut Pell grants 20 percent | 0.250 | 1.24 |
| Eliminate education research | 0.042 | 0.283 |
| Cut Head Start 50 percent | 0.840 | 1.8 |
| Eliminate meals and services for the elderly | 0.335 | 0.473 |
| Eliminate title II social service block grant | 2.7 | 2.8 |
| Eliminate community services block grant | 0.317 | 0.470 |
| Eliminate rehabilitation services | 1.85 | 2.30 |
| Eliminate vocational education | 0.176 | 1.2 |
| Reduce chapter 1 20 percent | 0.173 | 1.16 |
| Reduce special education 20 percent | 0.072 | 0.480 |
| Eliminate bilingual education | 0.029 | 0.196 |
| Eliminate JTPA | 0.250 | 4.5 |
| Eliminate child welfare services | 0.240 | 0.289 |
| Eliminate CDC Breast Cancer Program | 0.048 | 0.089 |
| Eliminate CDC AIDS Control Program | 0.283 | 0.525 |
| Eliminate Ryan White AIDS Program | 0.228 | 0.468 |
| Eliminate maternal and child health | 0.246 | 0.506 |
| Eliminate Family Planning Program | 0.069 | 0.143 |
| Eliminate CDC Immunization Program | 0.168 | 0.345 |
| Eliminate Tuberculosis Program | 0.042 | 0.087 |
| Eliminate agricultural research service | 0.546 | 0.656 |
| Reduce WIC 50 percent | 1.579 | 1.735 |
| Eliminate TEFAP: | | |
| Administrative | 0.024 | 0.040 |
| Commodities | 0.025 | 0.025 |
| Reduce cooperative State research service 20 percent | 0.044 | 0.070 |
| Reduce animal plant health inspection service 10 percent | 0.036 | 0.044 |
| Reduce food safety inspection service 10 percent | 0.047 | 0.052 |
| Total | 36.941 | 58.402 |

AMENDMENT INTENDED TO BE PROPOSED BY MR. HOLLINGS

At the appropriate place insert the following:

**SEC. . SENSE OF THE SENATE CONCERNING CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.**

It is the Sense of the Senate

(A) that the Congress should move to eliminate the biggest unfunded mandate—interest on the national debt, which drives the increasing federal burden on state and local governments; and

(B) that prior to adopting in the first session of the 104th Congress a joint resolution proposing an amendment to the Constitution requiring a balanced budget—

(1) the Congress set forth specific outlay and revenue changes to achieve a balanced federal budget by the year 2002; and

(2) enforce through the Congressional budget process the requirement to achieve a balanced federal budget by the year 2002.

Mr. HOLLINGS. Mr. President, in this particular document, I went as seriously in purpose as I possibly could to try my dead-level best to do what the contract said.

As you well know, Mr. President, I have voted for and supported a balanced budget. I voted for one in 1968 and 1969. As chairman of the Budget Committee, we cut the deficit materially. I opposed the tax cuts of President Reagan and favored the spending cuts, which was very costly to me politically. But I knew we had to do it. I knew what the problem was.

I, thereupon, recommended a freeze when our friend, Senator Howard Baker, was the majority leader, and we worked on that. I later worked, of course, with Senator GRAMM and Senator RUDMAN on Gramm-Rudman-Hollings, where we sequestered, cut right straight across the board, reduced the deficit for awhile, and fought like a tiger at 12:41 a.m., October 19, 1990, when they repealed Gramm-Rudman-Hollings on that point of order, with Senator GRAMM voting to repeal it. And I have been disillusioned by that.

But I had tried the freeze; I tried the cuts. And then, under President Bush, talking with his OMB Director, Dick Darman, I said to Dick, "If you can get President Bush to go along now, we will have to have not only the spending cuts, the spending freezes, the elimination of tax loopholes, but we need revenues to get on top of this."

Because I will show in later debate where President Reagan got us the first $100 billion deficit and the first $200 billion. President Bush got us the first $300 billion deficit and the first $400 billion deficit. And I will show that by actual record.

As I have said, we have to get on top of this monster. I testified before the Finance Committee for a value-added tax. So I put this particular item that I have referred to in the RECORD just once again to justify my capacity and sincerity to talk on this particular point.

Because I listed the very, very difficult task that was confronting us whereby, in a line, you are not going to save that much in entitlements and welfare reform and health reform or Social Security or defense, but rather you are going to have to look for domestic discretionary spending. And to put us on a glidepath that first year, you had to cut $37 billion in domestic discretionary spending and even then, you would not accomplish it because interest costs grows this year by $43 billion.

So like "Alice in Wonderland," in order to stay where you are, you have to run as fast as you can; in order to get ahead, you have to run even faster. So it is a far, far more serious problem.

And the talk about tax cuts, that is out of the whole cloth. Everybody likes tax cuts. I joined with Senator FEINGOLD from Wisconsin earlier this year in saying forget about cutting the revenues. The problem is you need revenues, because we have spending on automatic pilot.

I can tell you here and now, irrespective of what they are saying, as we talk this particular day, May 2, 1995, we have spent another $1 billion. And tomorrow, we will spend another $1 billion; Thursday, another $1 billion; and Friday another $1 billion; and Saturday, another $1 billion; and Sunday, another $1 billion, just in interest costs, on automatic pilot.

How do you get on top of this monster? Well, you have to do all the above and, yes, it is going to take bipartisanship and not going to take politics.

I want to make reference now to the statement just made by the Senator from North Dakota about Medicare, because we hear a lot of whooping and wailing about Medicare and, above all, about the President of the United States.

Now, heavens above, if there is one thing—and I think President William Jefferson Clinton has been blamed for everything up here—but if there is one thing that President Clinton cannot be blamed for, that is any deficit in Medicare-Medicaid. He was back home in Little Rock, AR, when we were up here creating these deficits. So let us not blame the President.

Moreover, let us not blame him since he has come to town. He put this as the No. 1 issue. They are talking about AWOL now. I am going to get to this point. Here is the gentleman they talk about being AWOL. He came to town with health care reform as his No. 1 interest and issue. Along with that, he submitted a cut of $125 billion. And the then-chairman of our Finance Committee was the distinguished Senator from New York, Senator MOYNIHAN. He described that as fantasy. And Senator PACKWOOD, the ranking member, joined in with him—a $125 billion cut was fantasy. It just could not be done.

But we worked on it. And we worked on spending cuts. We worked on controlling entitlements, and we worked on tax increases. And, yes, we came up, finally, with a plan that year with all three of them, without a single, single, single Republican vote in either the Senate or the U. S. House of Representatives.

We reduced the deficit some $500 billion. We eliminated over 100,000 Government jobs. We increased taxes on gasoline, liquor, and cigarettes. We increased taxes even on Social Security. And, finally, we did get an agreement, after hard work, of a $56 billion cut in Medicare.

Now, remember, in the last 24 hours, we have heard AWOL: The President is AWOL; took a walk; waved the flag of surrender; AWOL.

Here was a President who led and got his Vice President over and all to get the necessary votes so we could get those cuts in Medicare.

Thereupon, the President came last year with another $80 billion in cuts, along with health care reform, and what did they do? They rebuffed him and beat up on him and ridiculed the First Lady. But she worked, and, agree or disagree, you could not say that Hillary Rodham Clinton was AWOL or that William Jefferson Clinton was AWOL.

Now what they want to do, Mr. President—and this is the interesting thing and I am going to include this in the RECORD—they wanted the President of the United States to do all the dirty work, all the cuts. I want to show you the Dole-Domenici alternative entitled "Because Government, Not People, Should Be the First to Sacrifice." Mr. President, I ask unanimous consent that the Dole-Domenici alternative be printed in the RECORD.

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

*The Dole/Domenici Alternative: Because government, not people, should be the first to sacrifice*

| | *Billions*[1] |
|---|---|
| Drop all proposed spending add-ons | −$124 |
| Drop investment | |
| Drop stimulus | |
| Permit new spending if paid for by added spending cuts | |
| Eliminate proposed taxes | −295 |
| Drop all individual income taxes | |
| Drop President Clinton's proposed new energy tax | |
| Drop all business income taxes | |
| Eliminate Social Security tax increase | |
| Eliminate all proposed user fees | −18 |
| Accept all proposed mandatory and discretionary cuts | −241 |
| Accept all mandatory savings | |
| Accept all discretionary savings (Defense and non-Defense) | |
| Restore $20 billion in Defense budget | +20 |
| Specific details await President's budget submission | |
| Freeze domestic discretionary baseline | −92 |
| Freeze fiscal year 1994 domestic discretionary BA except for increased funding for child immunization and WIC programs ($500 million in 1994) | |
| Extend domestic discretionary sequester to enforce freeze and savings | |
| Revenues: | |
| Pay for R&E and other investment tax incentives: | |
| Cap non-Social Security mandatory spending | −93.1 |
| Total non-Social Security mandatory savings: $177 billion over 5 years | |
| Cap on Medicare and Medicaid spending (CPI+population+4%) | |
| Debt savings | −38 |
| Real deficit reduction[2] | −444.2 |
| Sasser assumptions on debt management | 16.1 |
| Total deficit reduction | −460.4 |

[1] Numbers are based on CBO capped baseline.

[2] Deficit in 1998 would drop to $168.4 billion and continue falling into the next century.

Process reform proposals:

Establish discretionary spending caps for defense and non-defense domestic programs.

Create fixed deficit targets with enforcement through across the board cuts if targets breached.

Assumes zero-based budgeting to control future spending.

Mr. HOLLINGS. Mr. President, this is the Dole-Domenici alternative budget they put up in March 1993. The language is: "Accept all proposed mandatory and discretionary cuts, $241 billion." They not only accepted the President's cuts but on top of that they capped non-Social Security mandatory spending—a cap on Medicare and Medicaid. So they could go to the 1994 election and say, "Look at what they have done. The President wants to cut your Medicare."

And in 1994, here is what they had. This one is entitled "GOP Alternative Deficit Reduction and Tax Relief, Slashing the Deficit, Cutting Middle-Class Taxes." Mr. President, I ask unanimous consent to print the GOP alternative in the RECORD.

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

GOP ALTERNATIVE: DEFICIT REDUCTION AND TAX RELIEF

SLASHING THE DEFICIT, CUTTING MIDDLE CLASS TAXES

The Republican Alternative Budget will reduce the deficit $318 billion over the next five years—$287 billion in policy savings and $31 billion from interest savings. This is $322 billion more in deficit reduction than the

President proposes and $303 billion more in deficit reduction than the House-passed resolution contains.

Moreover, the GOP alternative budget helps President Clinton achieve two of his most important campaign promises—to cut the deficit in half in four years and provide a middle-class tax cut. The GOP plan:

Reduces the deficit to $99 billion in 1999. This is $106 billion less than the 1999 deficit projected under the Clinton budget.

Even under this budget Federal spending will continue to grow.

Total spending would increase from $1.48 trillion in FY 1995 to more than $1.7 trillion in FY 1999.

Medicare would grow by 7.8-percent a year rather than the projected 10.6-percent. Medicaid's growth would slow to 8.1-percent annually rather than the projected 12-percent a year growth.

It increases funding for President Clinton's defense request by the $20 billion shortfall acknowledged by the Pentagon.

Provides promised tax relief to American families and small business:

Provides tax relief to middle-class families by providing a $500 tax credit for each child in the household. The provision grants needed tax relief to the families of 52 million American children. The tax credit provides a typical family of four $80 every month for family expenses and savings.

Restores deductibility for interest on student loans—321,000 for 25,000.

Indexes capital gains for inflation and allows for capital loss on principal residence.

Creates new incentives for family savings and investments through new IRA proposals that would allow penalty free withdrawals for first time homebuyers, educational and medical expenses.

Establishes new Individual Retirement Account for homemakers.

Extends R&E tax credit for one-year and provides for a one-year exclusion of employer provided educational assistance.

Adjusts depreciation schedules for inflation (neutral cost recovery).

Tax provisions result in total tax cut of $88 billion over five years.

Fully funds the Senate Crime Bill Trust Fund, providing $22 billion for anti-crime measures over the next five years. The Clinton budget does not. The House-passed budget does not. The Chairman's mark does not.

Accepts the President's proposed $113 billion level in nondefense discretionary spending reductions and then secures additional savings by freezing aggregate nondefense spending for five years.

Accepts the President's proposed reductions in the Medicare program and indexes the current $100 annual Part "B" deductible for inflation. Total Medicare savings would reach $80 billion over the next five years.

Achieves $64 billion in Medicaid savings over the next five years, by capping Medicaid payments, reducing and freezing Disproportionate Share Hospital payments at their 1994 level.

Achieves additional savings through reform of our welfare system totaling $33 billion over the next five years.

Repeals Davis-Bacon, reduces the number of political appointees, reduces overhead expenditures for university research, and achieves savings from a cap on civilian FTE's.

Mr. HOLLINGS. Mr. President, now we have in March of last year: "Accept the President's proposed reduction in the Medicare program, and index the Part B deductible. Total Medicare savings would reach $80 billion over the next 5 years."

So there is a conscious awareness in the distinguished majority leader when he talks of the President being AWOL on Medicare. Rather than being AWOL, he has been wounded in the front lines while these others have been all back in the barracks and not even attending the battle. In fact, back in the barracks, the cattle call was what we needed was portability so you can carry your coverage from job to job—a little bit of this, that and the other, just some minor adjustments—why is there all this problem, there is no real problem in medical coverage in America.

Now it is a crisis. When? In 2002. I am trying to get by tomorrow. I am trying to stop spending a billion dollars a day today, tomorrow, and the next day. If I can stop doing that, I can get on top of the problems in the year 2002. But to come forward at this particular time and run all over the national TV talking about taking a walk and going AWOL when the poor fellow has been ground into the ground, he has been totally rebuffed. He has tried and fought the good fight. So now they come with all of this "Let's have bipartisanship." They would not give us a single vote, and now they want to get bipartisan, now they want to get commissions, now we are AWOL because we are ready to try to put the truth to their so-called contract.

The rubber is now meeting the road, and if you look at that contract, Mr. President, talking about Medicare and AWOL, who shoots the troops out there on the front line, the Medicare troops? The contract does, for the simple reason that we in raising Social Security taxes—and this Senator voted to raise Social Security taxes—we raised 25 billion bucks and allocated it to Medicare.

And what does the contract call for? Abolish that tax and not give the $25 billion, rather let us shoot the Medicare troops and add to the Medicare deficit.

Do not come with your contract and tell me how serious you are about this deficit and all the costs of Medicare. Then you say, oh, by the way, that problem that the President said for 2 years was the principal cause of the deficit and you shot him down, the President is AWOL. You know it. It was adopted momentarily by the distinguished majority leader, because one of these alternatives says "the GOP alternative," and I take it the majority of the GOP certainly was for it in March of last year. It is in the RECORD. Read it. And now you say that the President is AWOL, he does not even know the problem and he will not come front and center. He has used good common sense, as they call it, commonsense budgets, or whatever is supposed to be common sense around here. He used common sense on this one.

He has tried and fought the good fight. But to be accused, of all things, of being AWOL when they come with a contract trying to increase the Medicare deficit some 25 billion bucks and saying those who have led the fight since they have been in office and never caused any of it are AWOL. The President has been in the front lines leading the battle and fighting the fight.

My suggestion is they get out of the barracks and get out there on the line themselves and put out the full meaning of their so-called deficit reduction package.

On that score, I have been the chairman of the Budget Committee, and I have been the ranking member of the Budget Committee. I have worked on it since 1974, the only remaining Member of either the House or the Senate who has been on it all that time. And I can tell you here and now, in trying to get prompt consideration so the authorizing committees would know what to do and how to do it, we finally put into law that you had the budget out of the committee by April 1 and passed the Senate and passed both Houses by April 15 the concurrent resolution.

As of this minute, we have not met to discuss—we had some cursory hearings the first of the year—but we have not met in 2 months on this budget. They do not even call a meeting. They do not call a discussion. And yet they have the audacity to run around here as leaders and talk about people being AWOL on Medicare and Medicaid.

We have done our best, and we will continue to do our best. But if they want to get any kind of following, they are not going to get any following out of this Senator as long as they continue these political shenanigans. They know it and everybody else knows it. I hope the press will report it, because that is all they do now. They treat it like a spectator sport up here and just avoid dealing with the real issue.

I have pointed out the virtual impossibility of attaining—what Chairman KASICH says on the other side—a balanced budget by the year 2002 without taxes. They can be put on notice, now that I am speaking, that I will join with them on any plan they have so long as it includes revenue.

The reason I say that is because I have tried it every other way—and I am not dumb enough now, having struggled with this thing for 20 years on the Budget Committee with half a haircut. I do not want a little bit here in cuts and a little bit here and a halfway going there and saying, oh, we are going to save $170 billion in interest costs by 2002 and give $170 billion over to the Finance Committee so they can give a middle class tax cut, and beginning to play politics that way. We do not have the money. We are borrowing

every day to keep this Government going. They put a bunch of numbers down on paper, then they all wink at each other and say, "Well, who is going to be here in 2002?"

We can project it just as economists have projected it. We can put it down in black and white when we all know differently. If you are going for a real budget deficit reduction, by having the Government operating in the black by the year 2002, you have my vote. We will give, and take, all the way around because I am committed to the spending cuts and what have you, but not overall, unless you are going to agree to have the revenues. I put in a 5-percent value added tax because it is needed. But you have to have substantial revenues and not tax cuts for middle class and capital gains and family cuts and all these other kinds of things that they have in, just to buy the 1996 election. No half a haircut for me. If you want to have truth in budgeting, then you have my cooperation and vote. But if you are going to have a half truth, which is worse than any at all, a half a haircut, keep it yourself and get it passed by yourself.

Now, Mr. President, I have quite a bit to say with respect to punitive damages, because there have been more than enough articles written on this particular score. Let me ask at this point that we have printed in the RECORD an article by Thomas Lambert with respect to punitive damages, outlining, if you please, the various cases that are brought about safety in America. It is an article of some years ago. I ask unanimous consent that it be printed in the RECORD.

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

SUING FOR SAFETY

(By Thomas F. Lambert, Jr.)

It has been well and truly said, "If you would plant for a year, plant grain; for a decade, plant trees; but if you would plant for eternity, educate a man." For nearly four generations, ATLA has been teaching its men and women, and they have been demonstrating to one another, that you can sue for safety. Indeed, one of the most practical measures for cutting down accidents and injuries in the field of product failure is a successful lawsuit against the supplier of the flawed product. Here, as well as elsewhere in Tort Law, immunity breeds irresponsibility while liability induces the taking of preventive vigilance. The best way to make a merchant responsible is to make him accountable for harms caused by his defective products. The responsible merchant is the answerable merchant.

Harm is the tort signature. The primary aim of Tort Law, of the civil liability system, is compensation for harm. Tort Law also has a secondary, auxiliary and supportive function—the accident prevention function or prophylactic purpose of tort law—sometimes called the deterrent or admonitory function. Accident prevention, of course, is even better than accident compensation, an insight leading to ATLA's longstanding credo: "A Fence at the Top of the Cliff Is Better Than an Ambulance in the Valley Below."

As trial lawyers say, however, "If you would fortify, specify." The proposition that you can sue for safety is readily demonstrable because it is laced and leavened with specificities. They swarm as easily to mind as leaves to the trees.

ACCIDENT PREVENTION THROUGH SUCCESSFUL SUITS IN THE PRODUCTS LIABILITY FIELD

(1) Case of the Charcoal Briquets Causing Death from Carbon Monoxide. Liability was imposed on the manufacturer of charcoal briquets for the carbon monoxide death and injury of young men who used the briquets indoors to heat an unvented mountain cabin. The 10-pound bags read, "Quick to Give Off Heat" and "Ideal for Cooking in or Out of Doors." The manufacturer was guilty of failure to warn of a lethal latent danger. Any misuse of the product was foreseeable because it was virtually invited. Next time you stop in at the local supermarket or hardware store, glance at the label on the bags of charcoal briquets. In large capital letters you will find the following: "WARNING. DO NOT USE FOR INDOOR HEATING OR COOKING UNLESS VENTILATION IS PROVIDED FOR EXHAUSTING FUMES TO OUTSIDE. TOXIC FUMES MAY ACCUMULATE AND CAUSE DEATH." Liability here inspired and exacted a harder, more emphatic warning, once again reducing the level of excessive preventable danger.

(2) Case of the Exploding Cans of Drano. When granular Drano is combined with water, its caustic soda interacts with aluminum, another ingredient in its formula and produces intensive heat, converting any water into steam at a rapid rate. If the mixture is confined, the pressure builds up until an explosion results. The manufacturer's use of a screw-on top in the teeth of such well known hazard was a design for tragedy. The expectable came to pass (as is the fashion with expectability). In Moore v. Jewel Tea Co., a 48-year-old housewife suffered total blindness from the explosion of a Drano can with a screw-on top, eventuating in a $900,000 compensatory and $10,000 punitive award to the wife and a $20,000 award to her husband for loss of conjugal fellowship.

A high school chemistry student could see that what was needed was a "flip top" or "snap cap" designed to come off at a pressure of, say, 15–20 pounds per square inch. After a series of adverse judgments, the manufacturer substituted the safer flip top. Of course, even the Drano flip top will be marked for failure if not accompanied by adequate testing and quality control. Capers involved a suit for irreversible blindness suffered by 10-year-old Joe Capers when the redesigned flip top of a can of Drano failed to snap off when the can fell into the bathtub and the caustic contents spurted 8½ feet high impacting Joe in the face and eyes with resulting total blindness. The shortcomings in testing the can with the reformulated design cost the company an award of $805,000. As a great Torts scholar has said, "Defective products should be scrapped in the factory, not dodged in the home."

Drayton v. Jiffee Chemical Corp., is a grim and striking companion case to the Drano decisions mentioned above, and it underscores the same engineering verities of those cases: the place to design out dangers is on the drawing boards or when prescribing the chemical formula. a one-year-old black girl suffered horrendous facial injuries, "saponification" or fusion of her facial features, when an uncapped container of Liquid-Plumr was inadvertently tipped over. At the time of the accident, this excessively and unnecessarily caustic drain cleaner was composed of 26 percent sodium hydroxide, i.e., lye. No antidote existed because, as the manufacturer knew. Liquid-Plumr would dissolve human tissue in a fraction of a second. To a child (or any human being) a chemical bath of the drain cleaner could be as disfiguring as falling into a pool of piranha fish. Liquid-Plumr, mind you was a household product, which means that its expectable environment of use must contemplate the "patter of little feet" as the children's hour in the American home encompasses 24 hours of the day.

At the time of marketing this highly caustic drain cleaner, having made no tests as to its effect on human tissue within the existing state of the art, the defendant could have reformulated the design to use 5 percent potassium bydroxide which would have been less expensive, just as effective and much safer. After some 59 other Liquid-Plumr injuries were reported to defendant, it finally reformulated its design to produce a safer product. In Drayton the defendant was allowed to argue in defense and mitigation that its management was new, that it had learned from its prior claims and litigation experience and that it had purged the enterprise of its prior egregious misconduct.

To open the courtroom door is often to open a school door for predatory producers.

(3) Case of the Tip-Over Steam Vaporizer. A tip-over steam vaporizer true to that ominous description was upset by a little girl who tripped over the unit's electric outlet cord on the way to the bathroom in the middle of the night. The sudden spillage of scalding water in the vaporizer's glass jar severely burned the 3-year old child. The worst injuries in the world are burn injuries. The cause of the catastrophe was a loose-lidded top which could have been eliminated by adopting any one of several accessible, safe, practical, available, desirable and feasible design alternatives, such as a screw-on or child guard top. The truth is that the manufacturer, Hankscraft, had experienced a dozen prior similar disasters. In the instant case, the little girl recovered a $150,000 judgment against the heedless manufacturer, impeaching the vaporizer's design because of lack of screw-on or child-guard top. When the manufacturer, with icy indifference to the serious risks to infant users of its household product, refused to take its liability carrier's advice to recall and redesign its loose-lidded vaporizer, persisting in its stubborn refusal when over 100 claims had been filed against it, the carrier finally balked and refused to continue coverage unless the company would recall and redesign. Then and only then did Hankscraft stir itself to redeem and correct the faulty design of its product, thereafter proudly proclaiming (and I quote), "Cover-lock top protects against sudden spillage if accidentally tipped." Once again Tort Law had to play professor and policeman and teach another manufacturer that safety does not cost: It pays. Under what might be called the Cost-Cost formula, the manufacturer will add safety features when it comes to understand that the cost of accidents is greater than the cost of their prevention. The Tip-Over Steam Vaporizer case is the most graphic example known to us showing that corporate management can be recalled to its social responsibilities by threat of stringent liability, enhanced by deserved civil punishment via punitive damages, and that belief in such a proposition is more than an ivory tower illusion.

A good companion case to the Tip-Over-Steam-Vaporizer case, serving the same Tort

Touchstone of Deterrence, is the supremely instructive Case of the Remington Mohawk 600 Rifle. While a 14-year-old boy was seeking to unload one of these rifles, pushing the safety to the "off" position as required for the purpose, the rifle discharged with the bullet entering the boy's father's back, leaving him paralyzed and near death for a long time. The agony of his guilt, his feeling that he was to blame for his father's devastating injuries, pressed down on the boy's brow like a crown of thorns and almost unhinged his sanity. Assiduous investigation by the family's lawyer unearthed expert evidence of unsafe design and construction and lax quality control of the safety selector and trigger assemblies of the Mohawk 600.

The result of the exertions of the plaintiff's lawyer, deeply and redoubtedly involved in challenging the safety history of the rifle model, was a capitulation by Remington and an agreement to settle the father's claim (he was a seasoned and successful defense trial lawyer) for $6.8 million. Remington also wrote the son a letter, muting some of his anguish by stating that the weapon was the whole problem and that he was in no way responsible for his father's injuries. Then, facing the threat of cancelled coverage from its carriers for skyrocketing premiums in the projection of other multimillion dollar awards, Remington commendably served the public interest by announcing the recall campaign in which we see another electrifying example of Tort Law litigating another hazardous product feature from the market.

Remington's nationwide recall program affected 200,000 firearms; notices in newspapers and magazines similar to this one that appeared in the January 1979 issue of Field and Stream cut back on the harvest of hurt and heartbreak: "IMPORTANT MESSAGE TO OWNERS OF REMINGTON MODEL 600 and 660 RIFLES, MOHAWK 600 RIFLES, AND XP-100 PISTOLS. Under certain unusual circumstances, the safety selector and trigger of these firearms could be manipulated in a way that could result in accidental discharge. The installation of a new trigger assembly will remedy this situation. Remington is therefore recalling all Model 600 rifles except those with a serial number starting with an 'A'. . . Remington recommends that prior to any further usage of guns included in the recall, they be inspected and modified if necessary. [Directions are then given for obtaining name and address of nearest Remington Recommended Gunsmith who would perform the inspection and modification service free of charge.]."

Tort Law forced Remington to look down the barrel and see what it was up against. Once again Tort Law was the death knell to excessive preventable danger.

For a wonderfully absorbing account of The Mohawk 600, see Stuart M. Speiser's justly praised Lawsuit (Horizon Press, New York, 1980) 348–55.

(4) Case of MER/29, the Anti-Cholesterol Drug Which Turned out to Cause Cataracts. Many trial lawyers will recall the prescription drug MER 29 marketed for its benign and benevolent effect in lowering blood cholesterol levels and treating hardening of the arteries but which turned out to have an unpleasant and unbargained for effect on users, the risk of causing cataracts. As Peter DeVries recently observed, "There is nothing like a calamity to help us fight our troubles." Blatant fraud and suppression of evidence from animal experiments were proved on the manufacturer's part in the marketing of this dangerous drug. Who did more—the federal government or private trial lawyers—in getting this dangerous drug off the market and compensating the numerous victims left in its wake? The question carries its own answer. The United States drug industry has annual sales of 16 billion dollars per year, while the Food and Drug Administration has an annual budget of 65 million dollars to oversee all drug manufacture, production and safety. How can the foothills keep the Alps under surveillance? Worse, as shown by the MER/29 experience, enforcement of the law in that situation, far from being vigorous and vigilant, was lame, limp and lackluster. It was only private suits advanced by trial lawyers that furnished the real muscle of enforcement and sanction, compensation for victims, deterrence of wrongdoing, and discouragement of corporate attitudes toward the public recalling that attributed to Commodore Vanderbilt.

As to the indispensible role and mission of the trial lawyer in Suing for Safety, it should not be overlooked that the current Administration has moved to sharply restrict the regulation of product safety by the Consumer Product Safety Commission. The 1982 Budget for the commission was reduced by 30 percent in the first round of Reagan Administration budget cuts and is marked for further cuts in the future.

As the Thalidomide, MER/29, Dalkon Shield, Asbestos, DES, Slip-into-Reverse Transmissions and Fuel Tank scandals have been starkly revealed, we have crime in the suites as well as crime in the streets. Corporate culpability calls for corporate accountability, and our society has developed no better instrument to encourage socially responsible corporate behavior than the vehicle of adverse judgments beefed up by punitive damages. In the MER/29 situation, for example, the criminal fines levied on the corporate producer and its executives were slap-on-the-wrist trivial when contrasted with the deterrent impact of punitive damage awards in current uncrashworthiness cases where flagrant corporate indifference to public safety was established.

Our leading scholar in the field of punitive damages, writing with verve and virtuosity on that subject, concluded in 1976 that punitive damages awards should be permitted in appropriate products liability cases. Writing in 1982 with the same unbeatable authority, Professor David G. Owen traces the ferment and developments of doctrine in the ensuing years and then delivers a conclusion informed by exhaustive research, seasoned reflection, and an obvious morality of mind. "I remain convinced of the need to retain this tool of legal control over corporate abuses. . . ."

(5) Case of the Infant Who Died from Drinking Toxic Furniture Polish Where Manufacturer Failed to Warn Mother to Keep Toxic Product out of Reach of Children. This is the celebrated case of Spruill v. Boyle-Midway, Inc., in which a 14-month old child reached over from his crib and pulled a doily off a bureau, causing a bottle of Old English Red Oil Furniture Polish, manufactured by the defendant, to fall into the toddler's crib. During the few minutes his mother was out of the room, the baby got the cap off the bottle and drank a little bit of the polish. He was dead within two days of resulting chemical pneumonia. The bottle had a separate warning about combustibility in letters 1/8 inch high, but only in the midst of other text entitled "Directions" in letters 1/32 inch high did it say "contains refined petroleum distillates. May be harmful if swallowed, especially by children." The mother testified that she saw the warning about combustibility but did not read the directions because she knew how to use furniture polish. In a negligence action against the maker, the jury found that both defendant and the baby's mother were negligent and awarded wrongful death damages to the child's father and siblings but not to the mother. The Fourth Circuit in keeping with the grain of modern authority held that it was irrelevant that the child's ingestion of the toxic polish was an unintended use of the product. The jury could properly find that in the absence of an adequate warning to the mother that she could read and heed—to keep the polish out of the reach of children—such misuse of the product was a foreseeable one. The defect was to be tested not only by intended uses but by foreseeable misuses.

The jury could find that the manufacturer's placement of the warning was designed more to conceal than reveal, especially in view of the greater prominence given the fire warning 1/8 of an inch compared to the Lilliputian print, 1/32 of an inch, as to the contents containing "refined petroleum distillates". The poison warning could be found to fall short of what was required to convey to the average person the dangerous nature of this household product. The label suggested that harm from drinking the polish was not certain but merely possible, while experts on both sides agreed that a single teaspoon would be lethal to children.

The warning in short could properly be found to be inadequate—too soft, mispositioned and not sufficiently eye arresting. Defendant admitted in answer to interrogatories that it knew of 32 prior cases of poisoning from ingestion of its "Old English Red Polish."

Did the imposition of liability in this seminal Spruill case supra stimulate, goad or spur the manufacturer to take safety measures against the foreseeable risk of ingestion by innocent children? A trip to the local hardware store a couple of days ago reveals that Old English Red Oil Polish now sports the following on its label: "DANGER HARMFUL OR FATAL IF SWALLOWED. COMBUSTIBLE. KEEP OUT OF REACH OF CHILDREN. SAFETY CAP."

An error is not a mistake unless you refuse to correct it.

(6) Case Holding Manufacturer of PAM (Intended to Keep Food from Sticking to Cooking Surfaces) Liable for Death of Teen-Ager from Inhalation of PAM's Concentrated Vapors. Harless v. Boyle Midway Div. of Amer. Home Products, involved an increasing number of teenagers who were dying of a "glue-sniffing syndrome," inhaling the concentrated vapors of PAM, a household product intended to keep food from sticking to cooking surfaces. Originally, the manufacturer used only a soft warning on the can's label: "Avoid direct inhalation of concentrated vapors. Keep out of the reach of children." However, to the knowledge of defendant, the children continued sniffing and dying. Then the manufacturer, as an increasing number of lawsuits were pressed upon it for the preventable deaths of such children, changed the warning on its label, shifting to a harder warning: "CAUTION: Use only as directed, intentional misuse by deliberately concentrating and inhaling the contents can be fatal." This was, of course, a much harder and more emphatic warning. The Fifth Circuit held that it was reversible error to exclude plaintiff's evidence (in an action for the wrongful death of a PAM-sniffing 14-year-old) that no deaths had occurred from PAM sniffing after the defendant had hardened its warning by warning against the danger of death, the ultimate trauma.

On remand the jury brought in a verdict for the boy's estate in the amount of $585,000 with an additional finding by the jury that the lad's administrator was entitled to an award of punitive damages. Prior to the punitive damages suit, the case was settled for a total of $1.25 million. It was uncontested that prior to the lad's death the manufacturer knew of 45 inhalation deaths from foreseeable misuse of its product, and upon remand admitted to an additional 68 from the same expectable cause.

If you will examine the label on the can of PAM on your shelf, as the writer has just done, you will find: "WARNING USE ONLY AS DIRECTED, INTENTIONAL MISUSE BY DELIBERATELY CONCENTRATING AND INHALING THE CONTENTS CAN BE HARMFUL OR FATAL." Once again the pressures of liability, stimulated a producer to avoid excessive preventable dangers in its product's use by strengthening its warning label, thereby enhancing consumer protection.

(7) Case of the Poisonous Insecticide Holding That Warnings Must Contain Appropriate Symbols, Such as Skull and Crossbones, Where Manufacturer Knows That Product May Be Used by Illiterate Workers (Spanish-Speaking Imported Puerto Rican Laborers) Who Would Not Understand English. This is the salutary holding in the celebrated case of Hubbard-Hall Chem. Co. v. Silverman. The First Circuit upheld judgments entered on jury verdicts for the wrongful death of two illiterate migrant farm workers who were imported by a Massachusetts tobacco farmer and killed by contact with a highly toxic insecticide manufactured and distributed by defendant. Even though the comprehensive and detailed danger warnings on the sacks fully complied with label requirements of the Department of Agriculture, the jury could properly find that because of the lack of a skull or crossbones or other comparable symbols the warning was inadequate. Use of the admittedly dangerous product by persons who were of limited education and reading ability was within the range of apprehension of the manufacturer. While evidence of compliance with governmental regulations was admissible, it was not decisive. Governmental standards are "minimums," a floor not a ceiling, and so far as adequate precautions are concerned, federal regulations do not oust the possibly higher common-law standards of the Commonwealth of Massachusetts.

The steady, unflagging pressures of litigation against the inertia, complacency and moral obtuseness of manufacturers have not only resulted in enhanced safety in the field of conscious design choices (substituting child-guard screw-on tops on tip-over steam vaporizers or over-the-axle fuel tanks for those mispositioned more vulnerably in front of the axle or adding rear-view mirrors to blind behemothic earth-moving machines whose design obstructs the vision of a reversing operator, etc.) but also in inducing product suppliers to reduce marketing defects in the products they sell by strengthening the adequacy of the instructions and warnings that accompany their products set afloat in the stream of commerce.

The net affect of such benign and beneficial litigation has been to improve the adequacy and efficacy of the educational information given to consumers by producers via improvements in the conspicuousness of warnings given; making them more prominent, eye-arresting, comprehensive, complete and emphatic; placing the warnings in more effective locations; avoiding ambiguous warnings; extending warnings to the safe disposition of the product; and avoiding any dilution of the warnings given. In short, the bottom line, as indicated in the cited representative sampling of cases, is that successful lawsuits operate as safety incentives to "inspire" product suppliers to furnish instructions and warnings that are in ratio to the risk and in proportion to the perils attending foreseeable uses of the marketed products.

Here, too, we see the conspicuous usefulness of the lawsuit as the weapon for ferreting out marketing defects, whether ingenious or ingenuous, in selling dangerously defective products.

(8) Case of Marketing Carbon Tetrochloride Using Warnings Found to Be Inadequate Because Inconspicuous. Suppose a defendant sells carbon tetrachloride and places on all four sides of the can, in large letters, the words "Safety Kleen," and then uses small letters (Lilliputian print) to warn of the serious risk of using the cleaning fluid in an unventilated place for places the fine print warning only on the bottom of the can). It requires no tongue of prophecy to predict that this warning will be found inadequate because too inconspicuous. It was so held in Maize v. Atlantic Refining Co. Not only was the warning inadequate because not conspicuous enough, but the representation of safety ("Safety Kleen") operated to dilute, weaken, and counteract the warning. Moreover in Tampa Drug Co. v. Wait, the court upheld a judgment for the wrongful death of a 38-year-old husband who died from carbon tetrachloride poisoning after using a jug of the product to clean the floors of his home. While the label warned that the vapor from the liquid was harmful and that prolonged breathing of it or repeated contact with the skin should be avoided and that the product should only be used in well ventilated areas, the court with laser-beam accuracy ruled that the warning nonetheless could be found inadequate because of its failure to warn with qualitative sufficiency as to deadly effects or fatal potentialities which might follow from exposure to its fumes.

Decisions such as Maize and Wait supra were the prologue and predicate for the action taken by the FDA in 1970, under the Federal Hazardous Substances Act, to ban and outlaw carbon tetrachloride.

Torts archivists know that successful private lawsuits to recover for harm from products simply too dangerous to be sold at all, regardless of the completeness or urgency of the warning given, frequently lead to a recall and reformulation of the product's design or to a decision to ban the product from the market. Life and limb are too important to trade off against unmarketed inventory.

(9) Case of the 8-Year-Old Boy Who Choked to Death from Strangling on a Quarter-Inch Rubber Rivet, Part of a Riviton Toy Kit Given Him for Christmas. This case will indeed rivet the attention (in the sense of attract, fasten and hold) of concerned citizens who wish to understand how the threat of liability operates as a spur to safety on the part of product producers. The present example involves a toymaker whose work is indeed "child's play."

Parker Brothers, a General Mills subsidiary headquartered some 18 miles north of Boston, had big plans for Riviton. This was a toy kit consisting of plastic parts, rubber rivets and a riveting tool with which overjoyed children could put together anything from a windmill to an airplane. In the first year on the market in 1977, the Riviton set seemed on its way to becoming one of those classic toys that parents will buy everlastingly. However, one of the 450,000 Riviton sets bought in 1977 ended up under the Christmas tree of an 8-year-old boy in Menomonee Falls, Wis. He played with it daily for three weeks. Then he put one of the quarter-inch long rubber rivets into his mouth and choked to death. Ten months later, with Riviton sales well on their way to an expected $8.5 million for the year, a second child strangled on a rivet.

What should the company do? Just shrug off the two fatal child strangulations, ascribe the deaths to freakish mischance, try to shift the blame to parental failure to supervise and police their children at play, or assign responsibility to the child's abnormal misuse or abuse of their product? Could not the company cap its disavowal of responsibility by a bormidic disclaimer that, "After all, peanuts are the greatest cause of strangulation among children and nobody advocates the banning of the peanut."?

However, as manufacturers, Parker Brothers well knew that they would be held liable to an expert's skill and knowledge in the particular business of toymaking and were bound to keep reasonably abreast of scientific knowledge, discoveries and hazards associated with toys in their expectable environment of use by unsupervised children in the home. The toymaker knew that the Riviton set must be so designed and accompanied by proper instructions and warnings that its parts would be reasonably safe for purposes for which it was intended but also for other uses which, in the hands of the inexperienced, impulsive and artless children, were reasonably foreseeable. When you manufacture for children, you produce for the improvident, the impetuous, the irresponsible. As a seasoned judge put it: "The concept of a prudent child, God forbid, is a grotesque combination." Much must be expected from children not to be anticipated when you are dealing with adults, especially the propensity of children to put dangerous or toxic or air-stopping objects into their mouths. The motto of childhood seems to be: "When in doubt, eat it." Knowledge of such childish propensity is imputed to all manufacturers who produce products, especially toys, which are intended for the use of or exposure to children. Cases abound to document this axiom.

Recently, Wham-O Manufacturing Co. of San Gabriel, Calif., voluntarily recalled its Water Wiggle, a garden hose attachment that drowned a child when it jammed in its throat. Still more recently, Mattel, Inc. of Hawthorne, Calif., initiated a recall of missiles fired by its Battlestar Gallactica toys when a 4-year-old boy inhaled one and died. The manufacturer of a "Play Family" set of toy figurines would have been well advised to pull from the market and redesign the small carved and molded figures in the toy set, intended for children of the teething age. A 14-month-old child swallowed one of the toy figures 1¾" high and ⅞" in diameter, and before it could be extricated from his throat at a hospital's emergency room, the child was reduced to vegetable status as a result of irreversible brain damage from the toy's windpipe blockage of air supply to the brain. The manufacturer's dereliction of design and lack of product testing were to cost it a $3.1 million jury verdict for the child and his parents.

Against the marketing milieu and the legal setting sketched above, what should be the proper response of Parker Brothers, manufacturers of the Riviton toy set, when its executives learned of the second child's death from strangulation on the quarter-

inch rubber rivet in the toy kit? Should they have tried to tough it out or luck it out in the well known lottery "do nothing and wait and see"? The company was sensitive not only to the constraints of the law (liability follows the marketing of defective products), but also to the imperatives of moral duty and social responsibility, and the commercial value of an untarnished public image. Parker Brothers decided to halt sales and recall the toy. As the company president succinctly stated. "Were we supposed to sit back and wait for death No. 3?"

Business, the Frenchman observed, is a combination of war and sport. Tort Law pressures business to realize how profitless it may prove to war against children or to trifle and jest with their safety. The commendable conduct of Parker Brothers in this case is one of the most striking tributes we know to the deterrent value and efficacy of Tort Law and the example would make a splendid case study for the nation's business schools.

(10) Case of the Recycling Washing Machine That Pulled out a Boy's Arm. In *Carcia v. Halsett*. The plaintiff, an 11-year-old boy, sued the owner of a coin-operated laundromat for injuries inflicted while he was using one of the washing machines in the launderette. He waited several minutes after the machine had stopped its spin cycle before opening the door to unload his clothing. As he was inserting his hand into the machine a second time to remove a second handful of clothes the machine suddenly recycled and started spinning, entangling his arm in the clothing, causing him serious resulting injuries. The evidence was clear that a common $2 micro switch—feasible, desirable, long available—would have prevented the accident by automatically shutting off the electricity in the machine when the door was opened. The reviewing court held the launderette owner strictly liable for defective design because the machine lacked a necessary safety device, an available micro switch. Shortly thereafter the defendant obtained 12 of these micro switches and installed them himself on the machines. Once again, the threat of tort liability serves to deter—the prophylactic purpose of Tort Law at work. The deterrent function of Tort Law is not just an idea in the air; it has landing gear, has come down to earth and gone to work.

SUMMARY

The foregoing 10 cases and categories are merely random and representative examples, not intended to be complete or exhaustive, of the deterrent aim and effective of Tort Law in the field of product failure or disappointment.

It needs to be emphasized that the preventive aim of Tort Law is pervasive and runs like a red thread throughout the entire corpus of Torts. For example, the private Tort litigation system has served, continues to serve, as an effective and useful therapeutic and prophylactic tool in achieving better health care for our people by discouraging and thereby reducing the incidence of medical mistakes, mishaps and "misadventures." An error does not become a mistake unless you refuse to correct it. For example, successful medical malpractice suits have induced hospitals and doctors to introduce such safety procedures as sponge counts, electrical grounding of anesthesia machines, the padding of shoulder bars on operating tables, and the avoidance of colorless sterilizing solutions in spinal anesthesia agents. Remember, the fraudulent butchery practiced on defenseless patients by the notorious Dr. John Nork was not unearthed, pilloried or ended by the vigilant action of hospital administrators, peer review groups, or medical societies but by successful, energetically pressed malpractice actions prosecuted by trial lawyers in behalf of the victimized patients.

So we come full circle and end as we began: Accident Prevention Is Better Than Accident Compensation: "A Fence at the Top of the Cliff Is Better Than an Ambulance in the Valley Below." A successful lawsuit and the pressures of stringent liability are one of the most effective means for cutting down on excessive preventable dangers in our risk-beleaguered society.

My hero in the foregoing chronicle of good lawyering has been the hard-working trial lawyer with his care, commitment and concern for public safety, the civil religion of us all.

He more than any other professional has proved that we can indeed Sue for Safety. My tribute to him is in words Raymond Chandler used to salute his hero: "Down these mean streets a man must go who is not himself mean, who is neither tarnished nor afraid."

Mr. HOLLINGS. Mr. President, I think the point of the article, Mr. President, is that we really should be focusing on the issue of safety. We have a magnificent record here in the United States of America with respect to the safety of products, and one of the best articles I have ever seen on this is the one just printed in the RECORD entitled "Suing For Safety" by Thomas F. Lambert. He goes down the various cases up until that particular point some years ago. He says:

Tort law also has a secondary, auxiliary and supportive function—

In addition to compensation for the injured party.

sometimes called the deterrent or admonitory function.

He cites then the various cases that come to mind. "Accident Prevention Through Successful Suits in the Products Liability Field."

Case of the charcoal briquets causing death from carbon monoxide. Liability was imposed on the manufacturer of charcoal briquets for the carbon monoxide death and injury of a young who used the briquets indoors . . .

They produce these in my backyard in South Carolina. The warning is:

Do not use for indoor heating or cooking unless ventilation is provided for exhausting fumes to outside. Toxic fumes may accumulate and cause death.

That is exactly what happened in that case.

So we have hundreds and hundreds, maybe thousands, of individuals that have been saved from death by this one particular case. Specifically, the Moore versus Jewel Tea Co., where "a 48-year-old housewife suffered total blindness from a Drano can * * *" They had an imperfect screw on top of the can and, of course, it came under tremendous pressure and the Drano exploded and caused her blindness.

We also have the case of the Liquid-Plumber, where in almost the same way injuries were reported to defendant. They reformulated its design to produce a safer product. "After some 59 Liquid-Plumber injuries were reported to defendant, it finally reformulated its design to produce a safer product."

Then you have the Tip-over Steam Vaporizor.

A tip-over steam vaporizer scalded a young kid who was walking and tripped and pulled the particular electrical cord, turning it over. The insurance carrier finally balked after hundred claims, and went to the manufacturer and said, "Look, we are not going to continue coverage on your company unless you have recall and redesign." Thereafter, the company proudly proclaimed

Cover-lock top protects against sudden spillage if accidentally tipped.

Once again, the tort law had to play professor and policeman and teach another manufacturer that safety does not cost, it pays. All this about consumer cost, I am rather embarrassed to hear some of the arguments. A companion case goes to the Remington Mohawk 600 Rifle case, where when a young lad was trying to put the safety on to the off position, it discharged and shot the boy's father in the back. After pressure was brought Remington sent out this notice:

Important message to owners of Remington Model 600 and 660 rifles, Mohawk 600 rifles and XP-100 pistols. Under certain unusual circumstances, the safety selector and trigger of these firearms could be manipulated in a way that could result in accidental discharge. The installation of a new trigger assembly will remedy this situation. Remington is therefore recalling all Model 600 rifles except those with serial numbers starting with an "A". . . Remington recommends that prior to any further usage of guns included in the recall, they be inspected and modified if necessary. [Directions are then given for obtaining name and address of the nearest Remington recommended gunsmith . . .

Then of course, there was MER/29, the anti-cholesterol drug which turned out to cause cataracts. It would cause a calamity, and blatant fraud was proved on the manufacturer's part when they got into the manufacturer's record. In that particular case, they were manufacturing a dangerous drug. Who did more? Did the Federal Government or private trial lawyers do more in getting this dangerous drug off the market? The question carries its own answer.

The U.S. drug industry has annual sales of $16 billion per year, while the Food and Drug Administration has an annual budget of $65 million to oversee drug manufacture safety. How can the foothills keep the Alps under surveillance. Worse, as shown by the Mer/29 experience, enforcement of the law in that situation, far from being vigorous and vigilant, was lame, limp, and lackluster.

So it was the trial lawyers, product liability, all those who are talking about consumers. We are talking about

consumers, manufacturers, and everybody else.

The Consumer Product Safety Commission came about at that particular time. That is when we instituted it. The 1982 budget, of course, under President Reagan, cut it some 30 percent. Talking about spending cuts in the Government, in Government spending, in cut spending.

Now, looking at the Dalkon shield, asbestos, DES, slip into reverse transmission, fuel tank scandals—all the way down the list—and we find we have crime in the suites as well as crime in the streets.

We have the case of the infant who died drinking toxic furniture polish, while the manufacturer failed to warn the mother to keep the toxic product away and out of the reach of the children.

We have warning changes as to the foreseeable misuse: "DANGER. HARMFUL OR FATAL IF SWALLOWED. COMBUSTIBLE. KEEP OUT OF REACH OF CHILDREN," and so forth. That was done.

Then we have the case holding the manufacturer of PAM liable for the death of a teenager from inhalation of the PAM concentrated vapors, in the Harless versus Boyle-Midway Division of American Home Products case.

It was uncontested that prior to the lad's death the manufacturer knew of 45 inhalation deaths from the foreseeable misuse of its product, and upon remand admitted to an additional 68 from the same expectable cause.

In examining the label on the can of PAM on the shelf, Mr. President, we have: "WARNING: USE ONLY AS DIRECTED. INTENTIONAL MISUSE BY DELIBERATELY CONCENTRATING AND INHALING THE CONTENTS CAN BE HARMFUL OR FATAL."

We go even to the language difficulties—down in the distinguished Presiding Officer's backyard, they speak Spanish fluently—the case of the poisonous insecticide, holding that warning labels must contain appropriate symbols. Where they cannot read the language, at least they see the symbol. For wrongful death, in the case of Hubbard-Hall Chemical Co. versus Silverman, Puerto Rican laborers that could not understand English had to have, thereupon, the proper symbols.

The First Circuit upheld judgments entered on jury verdicts for the wrongful death of two illiterate migrant farm workers who were imported by a Massachusetts tobacco farmer and killed by contact with a highly toxic insecticide manufactured and distributed by defendant.

We see here, of course, the conspicuous usefulness of the lawsuit as the weapon for ferreting out marketing defects, whether ingenious or ingenuous, in selling dangerously defective products.

We have the case, Mr. President, of marketing carbon tetrachloride. That was finally taken, of course, off the market by the FDA as a result of this very disastrous case in Maize versus Atlantic Refining Co. and Tampa Drug Co. versus Wait. The court found that life and limb were too important to trade off against unmarketed inventory.

We have the case, Mr. President, of the 8-year-old boy who choked to death in strangling on a quarter-inch rubber rivet, part of a Riviton toy kit given him for Christmas. The toymaker knew that the Riviton set must be so designed and accompanied by proper instructions and warnings that its parts would be reasonably safe for purposes for which it was intended but also for other uses which, in the hands of the inexperienced, impulsive and artless children, were reasonably foreseeable.

So we had that decision. Parker Brothers decided to halt the sales and recall the toy. The company president, Mr. President, succinctly stated: "Were we supposed to sit back and wait for death No. 3?"

So there is a responsible manufacturer responding to product liability, saving thousands of others that are buying these toys and games. The commendable conduct of Parker Brothers in this case is one of the most striking tributes we know to the deterrent value and efficacy of tort law. The example would make a splendid case study for the Nation's business schools.

The case then, Mr. President, of the recycling washing machine that pulled out a boy's arm. He had waited for the washing machine at the laundromat for several minutes after the machine had stopped the spin cycle before opening the door to unload the clothing. As he was inserting his hand into the machine a second time to remove a second handful of clothes, the machine suddenly recycled and started spinning and tore his arm off.

The reviewing court held the launderette owner strictly liable for defective design because the machine lacked the necessary safety device, and of course thereafter they installed what they call a microswitch, which gave safe operation.

I could pursue this on and on, and I should. All we have heard here is a sham pose of how we are, on the floor of the U.S. Senate, sponsoring this bill to save the consumer the cost, the cost of the product, the thrust recognized with the Consumer Product Safety Commission, which has done outstanding work, and that is why this came about.

I could go into flammable pajamas, in the textile field, in my particular backyard. I visited, Mr. President, at Penney's safety laboratory on the 14th floor on Lexington Avenue in downtown New York. I was amazed at what Penney was doing. This was years ago.

I went up on that floor and they had all kinds of safety tests for all the toys and articles going into Penney stores around the country. That is responsible, corporate leadership. That is what product liability has brought about. The manufacturers and the retailers, Penney knows, under joint and several liability, they could be held liable. So they do not just take a product that appears good which they can make a profit on without looking at it themselves.

So we have the large marketing operations like Penney's which have instituted a safety laboratory. This has really saved money, and consumers—I wish they could find for me the word consumer in the Constitution. That is all I hear about with the sham trade policy they have. We are supposed to be saving the manufacturers' backbone, the jobs in the country.

We just referred a little while ago to manufacturing trade. Twenty-five years ago, in 1970, 10 percent of the manufactured products consumed in the United States of America was represented in imports—just 10 percent.

Today, in 1995, 25 years later, over 50 percent of manufactured products consumed in the United States is represented in imports. If we were back to 1970, with 90 percent of manufactured products consumed in the United States produced in the United States, we would automatically have 10 million more manufacturing jobs.

That is middle class. Those running around here wanting to do something for the middle class: We should build it, we should expand upon it, we should employ them, let them be able to afford a home, afford sending their kids to college.

We are going like the country of Great Britain, where they told them years ago, "Do not worry." Instead of a nation of brawn, we will be a nation of brains; instead of producing products, we will provide services, a service economy. Instead of creating wealth, we are going to handle it and be a financial center.

England has gone to hell in an economic handbasket, with two classes of society, in exactly the way we had it here in the United States of America.

When we get to product liability, we have one of the finest initiatives ever to come about in law. National problem—heavens above. Manufacturers come from the world around and gladly respond to product liability, bragging about their quality and safety, production.

That is what I have in my backyard. I see it. I talk to the Federal judges there. Most of them have been appointed by President Bush, President Reagan, President Nixon, President Ford—all of them.

They are good appointments. I am proud of them. I joined in them in confirming. I know them intimately. They will say, about product liability—they will laugh and they say they know it is a political issue gotten up by Victor

Schwartz, the National Association of Manufacturers, the Business Round Table, and the conference board, and they run around and ask candidates for the U.S. Senate, the U.S. House of Representatives, to commit. They use the buzzword reform. "Will you help us on product liability reform?"

I would say 95 percent of those asked as candidates have never tried or were aware of a product liability case. The easy answer, running for reelection or election, be that as it may, is to solve rather than create problems. If you have large financially supportive groups like the Conference Board, the Business Round Table, the Chamber of Commerce, the National Association of Manufacturers asking you, your immediate response is, "Well, sure, yes, I am for reform."

That is why we have been able to hold it up. Because the merit is on our side. This is a solution looking for a problem. There is not a national problem in product liability. Of all civil claims in the United States of America, torts are 9 percent of all civil filings. Of that 9 percent, only 4 percent of the 9,—36/100 of 1 percent—is in product liability. The States, over the past 15 years, with this issue raised, have all reformed—practically all—their product liability laws.

Why change on punitive damages, now the law of 45 States, at the national level? Why change that? Has anybody from the States come up and asked? Not a soul. The nearest they could get—and I remember politically when they changed it in the Governors Conference. I was waiting for the Governors because I have been a Governor. You could not find a Governor coming up and saying there is a terrible problem in my State. Because you would have to say: Wait a minute, I am a Governor. What did I propose? What did I try to do? So they sent up the executive secretary, who just rattled off some nostrums about litigation. He did not even know what he was talking about.

They brought up other witnesses. It was an embarrassment. In the Alabama cases they talked of businesses suing businesses. It had nothing to do with product liability. The hearings that we had before the Commerce Committee were an embarrassment, the way they were trying to get this thing on. And that is all it is and that is what is holding us up.

On the budget, we have not spent any time on the budget—serious national problems. Welfare reform—serious national problems. Crime, if they want to go back into the crime bill, or terrorism—serious national problems. Telecommunications—serious national problems.

But here they come with 36/100 of 1 percent of tort claims, which habitually have been held, for over 200-and-something years under the English rule, at the State level. They are preaching, if you please, Jeffersonian government, "That government nearest to the people is the best government" and that is why we have to get rid of this Washington bureaucracy, what they call the "corrupt, liberal welfare state." Take housing, block grants back; welfare, block grants back; crime, no policemen on the beat, block grants back—everything back in block grants, save this manufacturers bill. And by the way, as we enunciate the rules and regulations and compliance to the users and so forth, for the lawyers, let us not make them pertain or apply these to the manufacturers themselves.

The unmitigated gall of presenting this in a serious fashion on the floor of the U.S. Senate is an embarrassment to this Senator. I feel very keenly about it. I know I have behind me the American Bar Association. I know I have behind me the Association of State Legislatures. I know I have behind me the States Attorneys General. I know I have behind me the Association of State Supreme Court Justices. I know I have a list of over 130 organizations that we put in there comprising, amongst others, all the leading consumer organizations in the United States. Yet they have the audacity to keep pleading here, we have to save the cost to the consumer, the cost to the consumer.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I simply would like to inform my colleagues on the status of debate. We have two amendments to the Dole amendment that have been placed before us. One, by the Senator from Maine [Ms. SNOWE] is identical to the amendment that was agreed to this morning as an add-on to medical malpractice. I hope, and ask my colleagues who are here present—I hope we can simply adopt that amendment by a voice vote. We had a rollcall vote this morning on an identical proposition. Then, after an opportunity for Members to come to the floor and to debate the Dorgan amendment, I intend to move to table the Dorgan amendment.

The majority leader has said there will be votes, at least one additional vote and maybe more this evening.

All attempts during the afternoon have been made to secure a unanimous-consent agreement under which we could complete the debate on all amendments relating to punitive damages this evening and in a brief time tomorrow morning and then have a series of votes on punitive damages tomorrow morning, very much like those on medical malpractice today. We have been unable to secure that unanimous-consent agreement. In the absence of being able to secure it, the only way that any progress can be made is by motions to table and record votes on the amendments that are before us or are going to be in front of us.

So I intend at this point to yield so the Senator from Wisconsin may speak, I assume on one of these subjects.

Immediately after he has completed speaking I will ask unanimous-consent that we—I will ask we simply take a voice vote on the amendment by the Senator from Maine, Senator SNOWE. And then after the Senator from North Dakota has an opportunity to speak on his amendment, we will move to table it unless we can secure the unanimous-consent agreement we have been looking for.

I plead with our colleagues to try to do this in an orderly fashion. This is not the end of the bill. We are only attempting by tomorrow to finish up dealing with the subject of punitive damages.

With that, Mr. President, I yield the floor. I think the Member who has been waiting here the longest time to speak is the Senator from Wisconsin.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will just take a second. I wonder if the Senator from Wisconsin can give us some idea how long he may wish to speak, and then the Senator from North Dakota, I understand, wishes to speak, too, on his amendment?

I would say before they respond, I share the views just expressed by the Senator from Washington. We had thought we would have an agreement where amendments would be offered this evening and then tomorrow morning we would start voting on amendments in the order they were offered. Apparently we cannot. Agreement has not been cleared on that side of the aisle.

We are still prepared to negotiate that agreement. That would get us finished with punitive damages on any and all second-degree amendments. Failing that, I do not see any alternative than to stay here late tonight and dispose of as many amendments as we can between now and 11 o'clock or midnight.

If I could just inquire of the Senator from Wisconsin how long he may wish?

Mr. FEINGOLD. I advise the majority leader, about 15 minutes.

Mr. DOLE. How much time does the Senator from North Dakota require?

Mr. DORGAN. Mr. President, I had hoped we would have a lengthier period of debate for my amendment. I offered my amendment prior to a couple of presentations and debate recently on the floor. I had not anticipated my amendment would be voted on tonight.

When I originally discussed this with the Senator from Washington, I understand they were at that point working

on a unanimous-consent agreement. I do not know why that unanimous consent agreement has not been agreed to at this point.

But I do know that there are others who wish to speak on my amendment. I would hope that if, however, you dispose of the Snowe amendment, that you would provide further opportunity for some additional debate. It is certainly not my intention to stretch out this process. But, by the same token, I think the Senator would admit that when you offer an amendment, they come to the floor and suggest we have a vote.

Mr. DOLE. Can we vote at 8 o'clock?

Mr. DORGAN. I have some other people who would like to speak on the amendment. But the intention of the Senator from Kansas is to do what?

Mr. DOLE. My original intent was to try to get an agreement where we could offer amendments tonight and vote on those tomorrow which I thought the Senator from North Dakota was supporting and obviously is supporting. For some reason we cannot reach that. The only other alternative we have is to stay here and grind through the amendments because we are now on the second week on this legislation. It seems to me that there may be other things we want to do in the next couple of weeks. But I would be prepared if we can reach an agreement. I certainly am not going to shut off the Senator from North Dakota. But if we could reach some reasonable agreement upon what time we could move to table the amendment, because we are going to stay here late tonight, late tomorrow night, and late the next night if we cannot reach an agreement. We do not have any alternative. Would the Senator have any indication of how much time he might need?

Mr. DORGAN. I might say to the majority leader, Mr. President, that I would like to visit with some other Members who would like to speak on my amendment. My understanding when I offered the amendment—I discussed it with the Senator from Washington—was that we were going to have a series of votes tomorrow morning. Apparently that has not materialized, at least in an agreement, at this point. But that was my understanding when I offered it.

My intention is that the proposal I have offered would eliminate the punitive damages cap in the underlying legislation. There will be a series of proposals on punitive damages, and there already have been some. And there will be others. This is probably the only opportunity the Senate will have on the issue of eliminating the cap on the underlying bill. I would hate to see a discussion on that issue go by in 15 or 20 minutes. I have spoken briefly. I know others would like to speak on the same subject.

Mr. DOLE. I am trying to reach an agreement. You say 8 o'clock is not enough time. Nine o'clock? Sooner or later we will move to table, if we cannot reach an agreement. We do not have any other recourse. We are the majority. We have to move legislation.

I think the Senator from Washington has a good suggestion. I think we will proceed and let the Senator from Wisconsin proceed, and then I will be recognized at that point either to make a tabling motion or reach an agreement.

Mr. FEINGOLD addressed the Chair.

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

Mr. FEINGOLD. I thank the Chair, and I thank the majority leader.

Mr. President, I believe my remarks at this point are not only relevant to the whole bill but in particular to the contents of the Dole amendment and some of the contents of the further amendments of the Senator from North Dakota.

I would like to take this opportunity to respond to statements made during the debate last week by the senior Senator from Washington that suggests that somehow or another the arguments that this bill has seventh amendment implications is somehow a bizarre argument.

In effect, that statement was made by the distinguished Senator from Washington on the opening day of this debate, on April 24, following the opening remarks by the Senator from South Carolina. On April 26, after my own remarks referencing the seventh amendment to the U.S. Constitution, the Senator from Washington described references to the seventh amendment in this context as both curious and bizarre.

I note that the Senator from Washington was very careful not to assert that either the Senator from South Carolina or the Senator from Wisconsin were making the argument that the pending legislation literally violated the seventh amendment, but rather he stated that we were "somehow or another implicating the seventh amendment right of trial by jury into this debate and thereby implied at least that the bill before us somehow or another restricts that constitutional right to trial by jury." That is the end of his statement.

Mr. President, I find the statements made by the Senator from Washington to be somewhat curious for two reasons:

First, a number of State courts have already struck down State statutes imposing limitations on amount of damages that juries can award as violating State constitutional guarantees of a right to trial by jury.

There is nothing strange or bizarre about suggesting that such limitations on the ability to recover may violate fundamental right to trial by jury since a number of State courts have already made precisely that determination with respect to similar State laws, and similar State constitutional provision.

For example, in *Smith* v. *Department of Insurance*, 507 So. 2d 1080 (Fla 1987) a $450,000 cap on noneconomic damager in tort actions was found to violate a right of access to the courts and the right to a trial by jury.

In *Kansas Malpractice Victims Coalition* v. *Bell*, 757 P 2d 251 (Kan 1988), a limit on noneconomic damages and on total damages was held to violate the state guarantee of right to remedy and jury trial.

In *Sophie* v. *Fibreboard Corporation*, 771 P. 2d 711 (Wash, 1989) a cap on noneconomic damages in tort actions was found to violate the State constitutional right to a jury trial. The Court said in the Sophie case that "[the state of Washington] has consistently looked to the jury to determine damages as a factual issue, especially in the area of noneconomic damages. The jury function receives constitutional protection [under the State constitution] which commands that the right of trial by jury shall remain inviolate".

There has thus been a series of State cases holding that statutory limitations quite similar to those proposed in the pending legislation violate State constitutional provisions guaranteeing a right to a trial by jury.

As the Senator from Washington well knows, the seventh amendment has not been held to apply to State court proceedings. Indeed, both the Senator from South Carolina and I have been careful not to argue that the legislation violates the seventh amendment as applied to State court proceedings.

However, many State constitutions provide for constitutional guarantees for trial by jury in State court proceedings that parallel the seventh amendment, and, as I have cited, a number of courts have held that limitations in State laws similar to those proposed in this legislation which limit the ability of a jury to award damages violate the right to a trial by jury under those State constitutional provisions.

So, Mr. President, that is the first reason it is neither bizarre nor inappropriate to argue about the right to trial by jury and the impact this legislation may have on it. But there is a second reason, Mr. President.

Second, it is clear that this legislation is an assault upon the American jury system and that is precisely what the proponents intend—an assault upon the American jury system.

Repeatedly, supporters of this legislation have asserted that it is needed because of excessive jury awards in product liability and other tort litigation.

They have repeatedly argued that the legislation is necessary to curb American juries from making these excessive awards.

This debate has been full of so-called examples of excessive jury awards,

starting with the infamous McDonald coffee case.

In fact, this is a specious argument.

To the extent that jury verdicts have been excessive, courts have routinely stepped in and reduced the awards, using their long-established powers of remittitur.

The infamous McDonald coffee case is an excellent example. The court there reduced the jury award from $2.7 million to $480,000.

I ask unanimous consent that a "Dear Colleague" I recently circulated dealing with the myth of excessive jury awards be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, this legislation would not only curtail the power of juries to determine the amount of punitive damages to be awarded; it would also prevent certain evidence relating to damages from even being presented to the jury in the first place. That has something to do with the right to trial by jury.

Section 107 provides that evidence relating to the punitive damages, for example, evidence of willful misconduct, would be inadmissible during the compensatory damages stage of the proceeding.

That section 107 also provides that evidence relating to a defendant's wealth, which I think is clearly a relevant factor in assessing what level of punitive damages should be assessed, could not be presented to the jury, which, in my view, is another serious derogation from the right to trial by jury.

Other proposals which may soon be added to this measure would do even more of the same.

They would prevent juries from making punitive damages awards entirely, leaving those decisions not to the jury but to judges alone.

All of these proposals, in my view, evidence a clear and very disturbing distrust of the jury system itself. And it looks to me like a presumption somehow that juries are incapable of reaching good decisions without these kinds of federally mandated restraints and constraints on the jury. That is what this is—a new Federal mandate that constrains and restrains juries.

Mr. President, as we debate whether Congress should place these kinds of mandates or restrictions on the deliberation of juries, it may help actually to take just a few moments to reflect upon the historical importance placed upon the jury system in our Nation.

The right to a trial by jury in civil as well as criminal cases was one of the most important rights that was sought by the framers of our Constitution.

Indeed, one of the primary grievances of the American colonists against the British was the extensive effort by the British to shift the adjudication of civil and criminal disputes from the colonial courts, where the local juries traditionally sat, to the vice-admiralty courts and other nonjury tribunals administered by judges who were, of course, completely beholden to the British Crown.

So this is not something that we just came up with recently. This goes back as far as our country's history to the colonial era.

This anger over the fact that under the British rule juries were being deprived of their authority was actually expressed in the Declaration of Independence itself, which cites among the many grievances lodged at the British, "For depriving us in many cases, of the benefits of Trial by Jury."

Thomas Jefferson described the jury in his writings as "the only anchor yet imagined by man, by which a government can be held to the principle of its Constitution."

Mr. President, in the constitutional convention, the proposed Constitution included the right to trial by jury in criminal cases under article III, but the absence of an expressed guarantee of the right in civil actions was condemned by the antifederalists as sufficient cause to reject the entire Constitution.

So the entire Constitution was in some jeopardy because of that omission. And, of course, it was those kinds of concerns of those who were not entirely happy with the Constitution itself that led to our Bill of Rights, specifically their demand for an explicit guarantee for the right of a trial by jury for civil cases, that led to its inclusion in the seventh amendment to the U.S. Constitution in our Bill of Rights.

Mr. President, it was included from the first among Madison's proposals for the Bill of Rights, noting "in suits at common law, the trial by jury, as one of the best securities to the right of the people, ought to remain inviolate."

Juries were regarded by the Framers, according to one constitutional scholar, Morris Arnold, in a 1980 University of Pennsylvania Law Review article, "A Historical Inquiry into the Right to Trial by Jury in Complex Civil Litigation," "as more than a 'mode of trial' they were instruments of local government as well."

I find that very interesting. The 104th Congress, I think, should be given the most credit on any issue perhaps so far for having dealt with that whole overriding issue of unfunded mandates, of showing respect for the local levels of government.

Mr. President, our Framers perceived the jury as one of those local levels of government, one of those institutions that was made up of the people back home not specifically beholden either to this Federal Government or, before the revolution, the British Crown.

Indeed, this view of juries as a critical element of the American democracy prompted Alexis de Tocqueville to observe in "Democracy in America," "The jury is, above all, a political institution, and it must be regarded in that light in order to be duly appreciated."

More recently in our modern history, Chief Justice Rehnquist recognized the historical role of the American jury in his dissenting opinion in Parklane Hosiery Co. versus Shore in 1979, in which our current Chief Justice stated, "The founders of our nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign."

Mr. President, that is what this bill is all about today. This is the sovereign, the Federal Government, choosing to override the right of State and local juries to make the decisions about what a jury should be free to do. This is exactly what Chief Justice Rehnquist must have meant.

The Supreme Court has repeatedly recognized the fundamental importance of trial by jury, stating in Dimmick versus Schiedt, that "Maintenance of the jury as a fact-finding body is of such importance and occupies so firm a place in our history and jurisprudence that any seeming curtailment to the right to a jury trial should be scrutinized with the utmost care."

Tort reform, particularly limits on the amount of damages that juries may award, clearly implicates this right to trial by jury, as a number of State court decisions have held with respect to State laws and constitutional guarantees to trial by jury.

As the Washington Supreme Court found in the Sophie case, statutory damage limits interfere with the jury's traditional function to determine damages.

That case also contains a very instructive discussion of the difference between a trial judge's power of remittitur to reduce a jury verdict and a statutory cap, an overall, across-the-board cap, on the amount of damages a jury can award.

The court observed that the judicial finding that an award is too high in a particular case is fundamentally different from a legislatively imposed "remittitur" that operates automatically in all cases without regard to the facts and justice of the case.

A judge implements remittitur only under well-developed constitutional guidelines that provide that a judge can only reduce a jury's damages determination when that determination was wholly unsupported by the evidence, obviously motivated by passion or prejudice, or when in certain cases it actually shocks the conscience just for a jury to have given such an excessive award.

Mr. President, absent such factors, there is a strong presumption in favor of the jury's determination. And that comes to us all the way back from the Framers and the seventh amendment.

Finally, the opposing party in cases of remittitur has the choice generally of accepting the reduction or seeking a new trial. It is not necessarily completely the end of the line.

None of these safeguards, as was observed by the court in the Sophie case, is present in one of these across-the-board statutory damage limits that is contemplated by the legislation before us.

The system of remittitur thus operates in a fashion very different from the kind of statutory caps that are being advocated by the people who are presenting the so-called tort reform.

Mr. President, I do not intend to get into an extensive debate about whether or not the pending legislation violates the seventh amendment in practical terms, since the seventh amendment has not, to this date, actually been applied to the States through the 14th amendment, although it is certainly applicable, of course, to proceedings in Federal court.

It certainly, however, Mr. President, violates the spirit of the seventh amendment, which was intended to assure that local juries, local folks on local juries comprised of one's peers, not just governmental officials in Washington, would be the ones to makes these decisions.

I am advised that this measure, should it be enacted, Mr. President, will be challenged in court before the ink is dry, both on the basis of the seventh amendment and on the basis of last week's decision in United States versus Lopez, which restricts the right of Congress to intrude upon areas which have been traditionally regulated by the States under their own powers.

The decision in Lopez states that the scope of constitutional authority under the interstate commerce power "must be considered in light of our dual system of government and not be extended so as to embrace effects upon interstate commerce so indirect and remote that to embrace them, in view of our complex society, would effectually obliterate the distinction between what is national and what is local and create a completely centralized government."

Now that sounds like language, Mr. President, of the so-called Contract With America—let us not take away the power of the States and the local governments. But, in a very real sense, that is the best description of this bill I have heard.

Mr. President, I am one of the few Members of Congress who voted against the 1994 crime bill; in fact, one of only two Democrats to vote against the crime bill. I did it, in part, because I believe it represented an inappropriate incursion of the Federal Government into areas of law enforcement which had throughout our history been within the province of State and local law enforcement agencies.

My reasons at the time were based upon policy concerns that the Federal Government ought to do a better job with the responsibilities that clearly rested at the Federal level than seeking to usurp State and local law enforcement responsibilities.

Last week's decision, of course, by the U.S. Supreme Court adds an even more compelling argument to the debate.

Congress does need to learn to restrain itself from trying to take on every problem that gets a headline in the newspaper. We need to learn to say that some problems are better addressed at the State and local level.

That is why I voted for the unfunded mandates bill, and I believe, Mr. President, if especially the new Senators take a look at this bill, tort reform is clearly one of those areas that belongs with the States. I do not think the Federal Government knows better than the 50 States of this country as to what should be a law in this area.

There is often a great deal of rhetoric about what the Founding Fathers might think about various contemporary problems and how our Government deals with those problems. All we can do is speculate. It was 200 years ago. But every argument makes us want to know, even though we cannot know for sure, what the Framers would have said.

At least one of the proponents of this legislation argued last week that if we asked the Framers, they would not have wanted juries to consider medical malpractice or product liability cases. I do not agree with that at all. I think that would have made a lot of sense to them.

I, for one, believe that the Framers would be horrified—horrified—at the idea of the Federal Government passing legislation like this to preempt the powers of State governments, to require State courts to follow Federal law in an area which has been the domain of the States and local governments and local juries for 200 years.

They would have been horrified to hear the arguments that somehow the common citizens, the average folk of this country who comprise American juries, are somehow out of control and that they need the Federal Government in Washington to check their powers. That is about as direct an offense to the folks back home as I can think of, saying they cannot handle it on these juries, that they are out of control.

I think the American patriots who fought against the British attempts to take power away from colonial courts, to prevent local juries from rendering decisions would turn over in their graves to hear such arguments advanced in their name and in defense of this legislation.

Mr. President, this legislation is nothing more or less than an assault on the American jury system. It is predicated on a belief that local juries are not capable of rendering fair decisions. It is an attempt—a serious attempt—to diminish the role of juries, a role which our Framers regarded as vital to our democracy and system of government, and I think it should be soundly rejected.

I just want to raise one last point that actually came out during the Commerce Committee hearing, and I think it is worth repeating.

Testifying on behalf of the Conference of Chief Justices and in opposition to this bill was the Honorable Stanley Feldman, the chief justice of the Arizona State supreme court. The chief justice pointed out that in many States, we have entrusted juries with virtually all major decisions, including the decision of whether or not to sentence a criminal defendant to death.

In criminal courts, we say to the juries, here are the facts of the case, here is what the prosecution claims the defendant did, here is the defendant's alibi or confession and here is the doctor's psychiatric evaluation. We give the juries all of this information, and then we ask them to make a final judgment about whether a person should live or die.

As Chief Justice Feldman illustrated, it is almost bizarre that those who believe we should entrust with juries the power to put people to death also maintain that juries are unable to objectively calculate what a reasonable punitive damage award should be.

I find it unfathomable that we can say that juries are qualified to impose the death penalty on criminal defendants but underqualified and incapable to assess monetary penalties against civil defendants. I am afraid that says something about what our society has come to value in this day and age.

Mr. President, to conclude, this may not literally be an issue of whether the seventh amendment literally applies in this situation. It may, as constitutional interpretation has done with respect to Federal aspects of this bill. But, obviously, the right to trial by jury has to have some core meaning and, at some point, if you limit what a jury can do to make a person whole or you restrict the evidence a jury can hear to make its decision, it has to have an impact on the right to trial by jury.

Maybe we have not reached that point yet in our legislation in this country, but I believe this bill takes us quite far over the line and does seriously diminish what I think most Americans would agree is properly the role of the jury, not the role of the U.S. Congress.

I thank the Chair, and I yield the floor.

EXHIBIT 1

DEAR COLLEAGUE: As the debate continues around the product liability bill, I wanted to address one of the many myths circulating about the need for this legislation: that juries are out of control and they are subject to no restraints under current law. Quite simply, I believe this attack upon the jury system is unwarranted.

For over two hundred years Americans have valued the jury box as much as they have valued the ballot box. Perhaps there is nothing more symbolic of or distinguishing about the American judicial system—the greatest judicial system in the world—than the principal of trial by jury.

The one distinguishing characteristic about American jurors is that they have no distinguishing characteristics. A juror could be the waitress that served you breakfast this morning. It could be the person who delivers your mail. It could be your doctor, a family member or even your favorite celebrity. And we must remember that jurors today are just as capable of administering fair and equal justice as were jurors in 1791, the year the Seventh Amendment and the Bill of Rights were ratified.

Unfortunately, the powerful supporters of S. 565 have run an effective campaign of misinformation about jury verdicts in recent months. They have tried to convince this country that jurors are determined to drive American manufacturers and corporations into bankruptcy. Of course, nothing could be further from the truth.

A well-known study by Professors Michael Rustad and Thomas Koening—referred to by the Supreme Court as the "the most exhaustive study" ever on punitive damages—found only 355 punitive damages awards in federal and state courts for product liability cases between the years 1965-1990. Not counting the cases that related to asbestos, that is an average of about 10 punitive damage awards a year—hardly a situation of vindictive juries running amok in America.

Does this mean that juries are inhuman and incapable of mistakes? Does it mean that jury decisions should be absolute with no checks or limits? Of course not. In fact, just last year the Supreme Court affirmed in *Honda Motor Company* v. *Oberg* that judges have a clear authority and obligation to limit punitive damages awarded by juries. As Justice Stevens wrote in his majority opinion, ". . . judicial review of the size of punitive damage awards has been a safeguard against excessive verdicts for as long as punitive damages have been awarded."

In their study, Professors Rustad and Koening found that of the 355 punitive damage awards in the past 25 years, 90 of these awards—about 25 percent—were either reversed or remitted by the presiding judge. Take the infamous McDonald's coffee case. The jury awarded $2.7 million in that case—the equivalent of two days' worth of McDonald's coffee sales. The judge reduced this to $480,000 or three times the plaintiff's economic damages. Judges can and do reduce these awards.

In short, this is reflective of a system of justice in which juries prescribe appropriate sanctions against parties that have been found guilty in a product liability action and at the same time bestows upon judges a necessary oversight role that is exercised with frequency and prudence.

The fundamental issue here is this: If an injured consumer sues a manufacturer in a state court, who do you trust to administer justice in that case—the judge and the jury, or Congress?

Best regards,

RUSSELL D. FEINGOLD.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the time has come for us to put some common sense in our court system. There is no question that we must make sure that every person has a right to go to court if that person has been injured. But we see courts being overcrowded, we see defendants having to settle because it is less expensive to settle than to go ahead and try a case. We have seen research, particularly in the area of women's health, being shut off because the drug companies and the pharmaceuticals just cannot do it. They cannot do it because of the liabilities they are afraid they will incur.

This is the eighth consecutive Congress in which the Senate or the Commerce Committee has considered product liability. During that time, the need for product liability reform has grown by leaps and bounds. A study by the Texas Public Policy Foundation found that from the early 1980's to the early 1990's, the total number of punitive damage awards in Dallas County was 14 times greater and the average award, adjusted for inflation, was 19 times higher.

In Harris County, which is Houston, total awards were up 26-fold and the average award was up eightfold, and that is from a House Judiciary Committee report.

My State of Texas and the State of California have begun to take steps to control this growth. But this is all over the country. These things are happening all over our country, and it is affecting the price of our products and the ability to do research.

In a recent letter, Robert Bork, the judge, explained how product liability laws force national manufacturers to plan and protect themselves against lawsuits in the most litigious States. He said a State like California or Texas can impose its views of appropriate product design and the penalties for falling short on manufacturers and distributors across the Nation. He found this to be a perversion of federalism. Instead of national standards being set by the National Legislature, national standards are set by the courts and juries of particular States. He was making the case that it is Congress' role at the Federal level to take control of this situation. It is a matter of interstate commerce. It is something that we must deal with.

Today, we are talking about an amendment by the majority leader—and I am a cosponsor of this amendment—to provide the same protection from excessive punitive damage awards that this bill provides for manufacturers and retailers, to civic groups, to charities, to churches, and to local governments. Our courts are being misused. People who have not done anything wrong are being held up for settlements, and now this applies to Girl Scouts and Boy Scouts, to our Boys and Girls Clubs of America.

Congress must take control. We can lower prices, we can lower insurance premiums, we can have new business starts, we can get new products and drugs on the market, we can increase jobs, and we can free the people who want to volunteer to do that without fear of retribution by a lawsuit.

We can keep cities and towns from being bankrupted by lawsuits over playground accidents. We can keep volunteers helping the needy by maintaining a proportionality between compensatory and punitive damage awards in tort actions. We must expand the product liability bill to protect all Americans from unnecessary and frivolous lawsuits, from excessive damages for injuries they did not cause.

This bill, under the leadership of Senators GORTON and ROCKEFELLER, goes a long way in the right direction to try to bring these abuses to heel. It is time to end the judicial lottery and put common sense back in the courts. If we are going to do that, Mr. President, I think we must apply it to the cities because, after all, it is the taxpayer who always foots the bill when there is a lawsuit that gets an award that the city's insurance does not cover. Who pays? You know. We all know. It is the taxpayers of this country. When it is the Girl Scouts selling cookies and they have a frivolous lawsuit because it is just assumed they would have deep pockets, who pays? It is all the good deeds and the leadership qualities that Girl Scouts give that will suffer.

It goes on and on, Mr. President. We must take control of the situation. I hope the Senate will not let this bill go by the wayside. I hope we do not argue and bicker so that we are not able to get a good bill out of this body, so that we can go to conference and work with the House and send something to the President that I hope he will sign. If we can do that, we will be able to reopen research that has been left out of the game right now because people are just not able to afford to do it, because they cannot protect themselves from the litigation attempts.

So I am hoping that we will take action so that we can open up the research capabilities and open up our playgrounds and swimming pools. Personal responsibility is a new theme in America that has been rejuvenated from the past. I think personal responsibility is part of what we are about. We are not talking about legitimate issues of a person being injured. We are not talking about the right to have economic damages, some damages for pain and suffering—absolutely not. I

have heard stories on the floor for the last week that are heart wrenching.

There is no question that some people are entitled to damages. But we have to curb the excesses. We have to bring common sense back into the mix. That is what this bill will do. I urge my colleagues to support the Dole amendment so that everyone will have the same coverage as the corporations do. I urge my colleagues to look at the big picture and try to make the decision to get a good bill out of the Senate so that we can send something to the President that I hope he will, in the name of responsibility, be able to sign.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Mr. President, the legislation that we are considering today has no place on the Senate floor or on the Senate calendar. This legislation is a blatant attempt to eliminate over 750 years of Anglo-American common law and to federalize over 200 years of State Tort law in this country.

I want to return power to the States, not federalize important areas of State control. I thought that returning power to the States was a major part of the philosophical victory of the Republican party, my party, which occurred last fall.

Mr. President, our current legal system, based on Anglo-American law, has its beginning in A.D. 1215 when the barons of England forced King John to sign the Magna Carta at Runnymede. The Magna Carta placed the King under the law and put limits on royal power. It also created remedies for many of the abuses that were occurring in England and gave legal protection to the English ruling class, which was later expanded to all Englishmen. Following the Magna Carta other English legal documents provided for additional legal protections for British citizens and the concept of rule of law.

Ultimately, the Magna Carta has come to stand for the proposition that no man is above the law.

English courts, after the Magna Carta, went on to develop a system of common law to provide legal protection to all men and women, the likes of which the world had never seen. Common law, including all Tort law, is basically judge-made law. For hundreds of years English judges decided cases which in turn formed the basis for future decisions.

Under the Magna Carta, the later laws passed by the British Parliament, and the English common law, men were for the first time given certain basic rights in the legal system such as due process, jury trials, and the right to cross examine witnesses.

Mr. President, this system of Anglo-American law was brought to our shores by English settlers and was adopted by our Founding Fathers when they wrote the United States Constitution—the single most important document in our land. Many of the provisions of the Magna Carta anticipate rights that were embedded in the U.S. Constitution and American law.

Our Constitution created a Federal system of Government. Under this system, that so many in this body appear to want to do away with, the Federal Government has certain areas of responsibilities and the States have their areas of influence.

As early as 1648 in the Maryland Act for the Liberties of the People, American colonists explicitly recognized that they were protected and governed by the common law. In 1774, the Declaration of Rights of the First Continental Congress stated that the "Colonies are entitled to the common law of England." After the American Revolution, the colonies, and later the 13 States developed and adopted the common law to their own needs and circumstances. Common law, including Tort law, has remained solely a responsibility of the States for over 200 years.

Mr. President, I would like to direct my colleagues' attention to the tenth amendment of the U.S. Constitution, the tenth amendment states that:

> 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.

For over 200 years, the States have had the responsibility and a duty, Mr. President, to develop tort law. They have done so.

The bill we are considering today is the first step, I believe, in destroying the States' important role in developing and administering rules and laws for the redress and compensation for various torts, including product liability cases.

In addition to eliminating over 750 years of Anglo-American common law, this bill violates the 10th amendment of our Constitution and the basic principles of American federalism.

Mr. President, the States have truly served as laboratories of democracy over the last 20 years in the area of tort reform. Virtually every State in the country has significantly reformed its legal system as it relates to product liability.

Where there have been problems, the States have examined their legal systems and corrected the problems. As Supreme Court Justice Powell has stated,

> Our 50 States have developed a complicated and effective system of tort laws and where there have been problems, the States have acted to fix those problems.

There is no current justification, I believe, Mr. President, for federalizing our Nation's tort system. Under the logic of this bill, if we carry it a step farther, if we federalize all product liability cases, why do we not federalize all civil and criminal statutes?

The Federal Government can usurp all State power. We know that. Unfortunately, Mr. President, there are many in this body who see federalizing product liability law and other things as a first step to federalizing all legal matters.

This bill will substantially disrupt and may end our country's State common law system. It will result in additional litigation in both State and Federal courts.

Mr. President, I hope that my colleagues will think long and hard before they go down the path toward ending federalism as we know it and preempting all State common law.

The Federal Government, including the Congress, I believe, cannot solve all of our society's ills by Federal statute.

I find this legislation totally unacceptable, and I urge all my colleagues to vote and work against it.

AMENDMENT NO. 621 TO AMENDMENT NO. 617

(Purpose: To provide that a defendant may be liable for certain damages if the alleged harm to a claimant is death and certain damages are provided for under State law, and for other purposes)

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

The PRESIDING OFFICER. The pending question is the Gorton amendment No. 620.

Mr. SHELBY. Mr. President, I ask unanimous consent that this amendment be made a second-degree amendment to the Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alabama [Mr. SHELBY], for himself and Mr. HEFLIN, proposes an amendment numbered 621.

Mr. SHELBY. Mr. President, I ask unanimous consent that the reading be dispensed with.

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

The amendment is as follows:

> At the appropriate place insert the following:
>
> **SEC. . LIABILITY FOR CERTAIN CLAIMS RELATING TO DEATH.**
>
> In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

Mr. SHELBY. Mr. President, I have made statements in the past about the negative effects this bill will have on

State laws and federalism in general. Tonight, I want to be more specific.

My State of Alabama has a wrongful death statute whose damages are construed as only punitive in nature—yes, only punitive in nature.

Under the product liability bill that we are considering today in the Senate, along with some of the proposed amendments to this bill, people who have committed or are guilty of a wrongful death in my State of Alabama, the damages available will be severely limited.

In 1852, quite a while ago, the Alabama legislature passed what is known as the Alabama Homicide Act. This act permits a personal representative to recover damages for a death caused by a wrongful act, omission, or negligence. For the past 140 years, the Alabama Supreme Court has interpreted this statute as imposing punitive damages for any conduct which causes death.

Alabama believes that all people have equal worth in our society, so the financial position of a person is not used as the measure of damages in wrongful death cases in my State. The entire focus of Alabama's wrongful death civil action is on the cause of the death.

The amendment that I am offering tonight on behalf of myself and my colleague, Senator HEFLIN, will provide that in any civil action where the alleged harm to the claimants is death and the applicable State law only allows for punitive damages such as Alabama, the punitive damages provision of this bill will not apply—in other words, of the Federal statute if it were to pass.

Mr. President, I believe there are legitimate reasons to exclude from coverage of this bill actions such as those brought under Alabama's wrongful death statute.

I urge all of my colleagues to support this important amendment to my State.

Mr. HEFLIN. Mr. President, I rise in support of the Shelby amendment.

In all of the 50 States, Alabama has a different and unique recovery in the event that a decision is made by a court or jury in regard to the death of an individual, whether it be brought by negligence or any form of action. Alabama's wrongful death statute is unlike any other State's wrongful death statute because its damages are punitive only. A person cannot prove, in a wrongful death case in Alabama, compensatory damages. An Alabama plaintiff cannot show his wages, his doctor bills, or anything similar of an economic or noneconomic nature. Alabama's statute is very unique and different from any other State.

The language of the Shelby amendment was included in a number of previous bills that were reported out of the Commerce Committee. In the 102d Congress, in the bill that was reported out, S. 640, and in several bills that were reported out of the Commerce Committee on product liability previous to that, they contained the exact language of the pending Shelby amendment. This had been worked on, and there had been several drafts and everybody agreed that it was a proper amendment to be included.

I suppose since I have opposed the overall product liability, this provision may have been taken out. What I am saying is that the citizens of Alabama ought not to be at a disadvantage in regard to recovery under whatever product liability bill is passed.

The language of this amendment was agreed to and was in previous bills but has been omitted from this bill. Basically, it allows for punitive damages as the element of damages that is allowable. A person is not allowed to have compensatory damages. A wrongful death statute does not allow even for the matters pertaining to loss of wages or pain and suffering or anything else. It is strictly a matter left to the jury on the wrongful death issue, and has been in existence for a long time. The defense bar, the plaintiff bar, have all agreed that this is a type of damage that ought to prevail, pertaining to wrongful death in Alabama.

This concept was developed many years ago in what we know as the Lord Campbell Act. The Lord Campbell Act was passed because English jurisprudence realized that a defect existed in common law in that there were questions as to whether or not when someone died, that the cause of action survived.

Many States passed wrongful death statutes, and following the Lord Campbell Act that was passed in England, the Alabama Supreme Court a number of years ago, well over 100 years ago, interpreted that act as being punitive in nature only and compensatory damages could not be proved.

As a result, under the current language of punitive damage provisions in the product liability bill, unless the Shelby amendment is adopted, then a person who is killed in my State in a wrongful manner could not recover any damages.

I support the Shelby amendment. I think it ought to be adopted. I think if we look back into the past history and those that have dealt with it, we see that everybody at a previous time who worked on this came up with an agreement language, and it is one, I think, that ought to be adopted by the Senate.

I want Members to check with various people involved in this, and I think it is a legitimate amendment. It ought to be passed, or otherwise the people in the State of Alabama will be the only State in the Nation that could not recover when an individual is killed by negligence or by gross negligence or recklessness or wantonness or any type of proof that is necessary to prove a cause of action.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

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.

AMENDMENT NO. 617, AS MODIFIED

Mr. DOLE. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 617), as modified, is as follows:

On page 19, strike line 12 through line 5 on page 21, and insert the following:

**SEC. 107. PUNITIVE DAMAGES IN CIVIL ACTIONS.**

(a) FINDINGS.—The Congress finds that—

(1) punitive damages are imposed pursuant to vague, subjective, and often retrospective standards of liability, and these standards vary from State to State;

(2) the magnitude and unpredictability of punitive damage awards in civil actions have increased dramatically over the last 40 years, unreasonably inflating the cost of settling litigation, and discouraging socially useful and productive activity;

(3) excessive, arbitrary, and unpredictable punitive damage awards impair and burden commerce, imposing unreasonable and unjustified costs on consumers, taxpayers, governmental entities, large and small businesses, volunteer organizations, and nonprofit entities;

(4) products and services originating in a State with reasonable punitive damage provisions are still subject to excessive punitive damage awards because claimants have an economic incentive to bring suit in States in which punitive damage awards are arbitrary and inadequately controlled;

(5) because of the national scope of the problems created by excessive, arbitrary, and unpredictable punitive damage awards, it is not possible for the several States to enact laws that fully and effectively respond to the national economic and constitutional problems created by punitive damages; and

(6) the Supreme Court of the United States has recognized that punitive damages can produce grossly excessive, wholly unreasonable, and often arbitrary punishment, and therefore raise serious constitutional due process concerns.

(b) GENERAL RULE.—Notwithstanding any other provision of this Act, in any civil action whose subject matter affects commerce brought in any Federal or State court on any theory, punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant only if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct by the defendant that was either—

(1) specifically intended to cause harm; or

(2) carried out with conscious, flagrant disregard to the rights or safety of others.

(c) PROPORTIONAL AWARDS.—The amount of punitive damages that may be awarded to a claimant in any civil action subject to this section shall not exceed 2 times the sum of—

(1) the amount awarded to the claimant for economic loss; and

(2) the amount awarded to the claimant for noneconomic loss.

This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

(d) BIFURCATION.—At the request of any party, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded and the amount of such an award. If a separate proceeding is requested—

(1) evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded; and

(2) evidence admissible in the punitive damages proceeding may include evidence of the defendant's profits, if any, from its alleged wrongdoing.

(e) APPLICABILITY.—Nothing in this section shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by the United States, or by any State, under any law;

(2) create any cause of action or any right to punitive damages;

(3) supersede or alter any Federal law;

(4) preempt, supersede, or alter any State law to the extent that such law would further limit the availability or amount of punitive damages;

(5) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(6) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(7) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(f) FEDERAL CAUSE OF ACTION PRECLUDED.—Nothing in this section shall confer jurisdiction on the Federal district courts of the United States under section 1331 or 1337 of title 28, United States Code, over any civil action covered under this section.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "claimant" means any person who brings a civil action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) The term "clear and convincing evidence" means that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard shall be more than that required under preponderance of the evidence, and less than that required for proof beyond a reasonable doubt.

(3) The term "commerce" means commerce between or among the several States, or with foreign nations.

(4)(A) The term "economic loss" means any objectively verifiable monetary losses resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, costs of repair or replacement, costs of replacement services in the home, including child care, transportation, food preparation, and household care, costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

(B) The term "economic loss" shall not include noneconomic loss.

(5) The term "harm" means any legally cognizable wrong or injury for which damages may be imposed.

(6)(A) The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(B) The term "noneconomic loss" shall not include economic loss or punitive damages.

(7) The term "punitive damages" means damages awarded against any person or entity to punish such person or entity or to deter such person or entity, or others, from engaging in similar behavior in the future.

(8) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision of any of the foregoing.

## UNANIMOUS CONSENT AGREEMENT

Mr. DOLE. Mr. President, I think we have a consent agreement now. I will recite it. If there are any questions I will be happy to respond.

I ask unanimous consent that during the Senate's consideration of H.R. 956, all second-degree amendments to the Dole amendment must be debated during today's session of the Senate.

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

Mr. DOLE. I further ask that any votes ordered on or in relation to second-degree amendments to the Dole amendment, No. 617, occur beginning at 11:15, and that the final vote in the sequence be on or in relation to the Dole amendment, No. 617, as amended, if amended.

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

Mr. HEFLIN. Just a moment. I reserve the right to object.

I mean if the final—oh, I see; in the sequence in relationship. So it does not mean that that is the final vote of the day or anything like that?

Mr. DOLE. No. I wish it were.

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

Mr. DOLE. I further ask that at the hour of 10:15 a.m. there be 1 hour for debate to be equally divided between the two managers for discussion on any of the pending amendments to the Dole amendment.

Mr. HEFLIN. I assume that, in regards to that, it is to the managers, between the managers. That means that people who are opponents to the various amendments rather than the managers would be——

Mr. DOLE. I think that provision is set to accommodate the Senator from Alabama. If the Senator from West Virginia has no objection, I can say to the Members in opposition——

Mr. ROCKEFELLER. The Senator from West Virginia will do it in any way that is equitable.

Mr. HEFLIN. Why not put it that half of the time be under control of Senator HOLLINGS or his designee?

Mr. DOLE. Would that be all right with the Senator from West Virginia?

Mr. ROCKEFELLER. That will be fine.

Mr. DOLE. So I modify the request, time to be equally divided between Senator GORTON and Senator HOLLINGS or their designees.

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

Mr. DOLE. I further ask that following the disposition of the Dole amendment, as amended, if amended, Senator THOMPSON be recognized to offer an amendment to limit the bill to Federal court cases only.

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

Mr. DOLE. So I say to my colleagues, there will be no votes tonight. But anybody who has a second-degree amendment to the Dole amendment, or anybody who wishes to debate, we will be in session as long as that may take.

I thank my colleagues on both sides for agreeing to this request.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent if I could proceed as in morning business for 5 minutes?

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

## TRIBUTE TO SENATOR JOHN C. STENNIS

Mr. COCHRAN. Mr. President, it was my honor, a unique honor and special pleasure to serve in this body as the State colleague of John C. Stennis for 10 years. I deeply appreciated the bond of friendship, respect and trust that developed between us as we worked together to represent the interests of the State of Mississippi, and its citizens, in the U.S. Senate.

He had already established a reputation for intelligent leadership in this body when I arrived here, and I considered it my good fortune to be able to learn first hand from him and from his example. We were never rivals. We talked almost every day. He was always friendly and courteous to me, as he was with every other Senator. Although we were members of different political parties, that did not interfere with or detract from our relationship.

Our State has its share of demagogues, as all other States have, and I have deplored their excesses and have been embarrassed by them. But in Senator Stennis we saw a man as pure in heart and deed with less inclination to

inflame the passions of the voters with exaggerated and flamboyant rhetoric as any we have ever elected to public office, and I admired him for that. He preferred to win a debate or an election on the basis of the well argued evidence, rather than to prey upon the fears or suspicions or prejudices of the audience.

He was the kind of Senator I try to be.

During his more than 41 years of service as a U.S. Senator, he was steady, conscientious and extraordinarily successful in every assignment and undertaking.

From his earliest days to his last days he gave the full measure of energy and his ability to the service of this body and to his State. He saw that as his duty, and he took that as seriously as anyone who has ever served here.

Others have recalled in their speeches the positions of responsibility he held and the legislation he authored and caused to be adopted. There were many of each, and they are persuasive testimony to his effectiveness as a Senator. I will not try to recount all of them.

What may not be as easily measured is the influence he had in the Senate by the force of his character. He was the epitome of rectitude, of fairness, of decorum. His selection to be the first chairman of the Senate's Select Committee on Standards and Conduct was an illustration of the view that others in the body had of him, and the confidence they had in him to do what was right and just.

That is why he was so admired and appreciated in Mississippi. He got things done that helped our State, and its people, but he was more than an effective Senator. He was totally honest and trustworthy.

Mississippi will forever honor the memory of John C. Stennis.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, I ask unanimous consent to speak as if morning business.

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

Mr. ROCKEFELLER. Mr. President, I thank the presiding officer for his patience.

## MEDICARE

Mr. ROCKEFELLER. Mr. President, I am here to talk about the Medicare Program. In the recent days, I have noticed all kinds of people expressing deep concern for Medicare. That is comforting, because there is more than enough reason to be concerned.

Let me get right to the point. The Republican leaders in Congress, and the chairs of both Budget Committees in Congress, want to balance the budget in 7 years. If they keep their word and leave Social Security and defense spending completely alone, that will require cuts totaling $1.2 trillion.

If they throw in the tax cuts for top income-earners that will require another whopping $345 billion to finance those cuts. Now here's the key point for anyone concerned about Medicare: as we have seen in papers distributed by the Senate Budget Committee itself, this drive for a balanced budget—and presumably some tax cuts—will require cuts in Medicare to the tune of $250 to $300 billion in 7 years. Medicaid will also have to help out with $160 to $190 billion in cuts.

The recent talk about Medicare is not really saying this. It is all about the need to shore up the Medicare trust fund, because it could be insolvent in 7 years. It is all about the idea of restructuring Medicare to save the program. The argument we are hearing is that Medicare has to be drained of $300 billion to save the program. A curious argument.

Somehow, I think we need to make sure Americans, especially the 37 million senior citizens and disabled citizens who rely on Medicare, aren't being sold a bill of goods.

The fact is that the terms set by the leadership on the other side of the aisle—balance the budget by 2002, leave defense alone, and throw in some tax cuts—may require a raid on Medicare to get the job done.

That is why I am here.

My basic reaction to all this talk is to urge the Republican leaders to simply show us precisely what you mean. I am speaking as someone who cast my vote, several times, for a very precise, very specific plan to reduce the federal deficit by $600 billion. It included savings in Medicare. The 1993 budget and deficit reduction plan was based on the simple concept of shared responsibility, and spread the burden fairly.

Along with spending cuts to reduce the deficit, it did important things like expand the tax credit for working families to make sure work is a better choice than welfare in this country.

But for all of the fire and brimstone heard this year about the need to balance the budget and now "save" the Medicare Program, we have yet to see a budget resolution, a budget plan, a single detail on just how everyone making the noise intends to achieve these impressive goals.

Of course, the President is reacting by saying essentially "show me." He submitted his budget on time. He offered a health care plan that tied Medicare savings to comprehensive health care reform. He rejected the idea of a constitution amendment on the Republicans' terms, and so of course, he is asking for some specifics.

I cannot conceive of a budget that meets the conditions of the other side of the aisle—stay away from Social Security, do not touch defense, no new revenue, and tax cuts for corporations and the wealthy—without huge cuts in Medicare.

And make no mistake about it, $250 to $300 billion of cuts in Medicare will mean higher deductibles and premiums for seniors, lower fees for hospitals and doctors, and a lot worse. If there is such a budget that can side-step Medicare, we are simply saying "show us." We have put our cards on the table for the past 2½ years when it comes to health care, Medicare, and deficit reduction.

While all of this talk and born-again interest in Medicare's solvency gets sorted out, I am here to lay out proposals that I think are bottom-line ways to act in the best interests of Medicare. I do this as someone who has tried to protect Medicare for a long time, and will keep fighting to do exactly that. I do this as the former chair of the Medicare Subcommittee on the Finance Committee, and now the ranking member—the majority leader is the chairman of that subcommittee now.

I do this as someone who smells a rat when the same people who have talked for months about stepping up to the plate, with specifics on how the budget can be balanced by 2002 with tax cuts thrown in and defense off the table, but now suggest that the $300 million in Medicare cuts they are talking about is their new plan for saving Medicare. Something is not quite right about this picture, I suggest. I agree that Medicare has to be put on better financial footing. But that effort should not be a smokescreen for using it to finance other agendas like tax cuts for corporations.

First, I am introducing legislation to create a National Commission on Medicare modeled after the National Commission on Social Security Reform that President Reagan chartered in 1981.

The charge given to the Social Security Commission was to propose "realistic, long-term reforms to put Social Security back on a sound financial footing; and to forge a working bipartisan consensus so that the necessary reforms can be passed into law."

We need this kind of bipartisan process to shore up Medicare. We need to jump off the current rhetorical, budget-driven track to one where we can resolve the real question: how best to keep Medicare dependable for seniors over the next generations.

If Medicare is cut by unprecedented amounts of money to pay for anything but Medicare, the consequences will be disastrous for health care providers

and beneficiaries. Rural hospitals will close in droves. Doctors will be forced to turn away the elderly. Medicare will no longer be reliable insurance for seniors in West Virginia.

As my second proposal, I will offer an amendment to the budget resolution when it comes to the Senate floor that will put Medicare in a lock-box to protect it from looting.

This isn't the blueprint we need to get Medicare back on solid ground for the long term, but it will buy a few more years of solvency and ensure it will not be used for anything but the promises made to senior citizens. Medicare is not a slush fund to finance tax cuts or other Government programs.

I will tell you why I am concerned about Medicare. I am worried its true purpose is getting lost.

It is a promise, a pledge, to the American people that they will be able to live their lives in dignity and security past their working years. Instead of treating Medicare like a checking account in this budget process, we need to remember it is an investment.

The Medicare trustees sounded the alarm about the short-term insolvency of the Medicare Program more than 3 years ago.

In fact, the Medicare trustees urged action on comprehensive health care reform to address the country's systemic problem of rising health care costs that are draining the Medicare hospital trust fund and the pockets of American families and businesses.

But comprehensive reform was rejected by the Congress last year. I should note that up until very recently, the Medicare Program outperformed the private sector in holding down its costs. Over the past 2 years, Medicare costs have been slightly higher than the private sector costs.

But, and this is a big "but," the private sector is insuring fewer and fewer people, while Medicare's enrollment is increasing; and Medicare pays for home care services and skilled nursing home care, types of services that are not normally covered by private insurance policies.

Mr. President, I have heard lots of talk about needing to move the Medicare Program into the 21st century by "restructuring" it so it looks more like insurance in the private sector.

So far, I just cannot share in the enthusiasm for copying something that is leaving out so many hard-working people and families from any kind of health care security. In fact, Medicare was first established because the private insurance industry had failed so miserably to provide affordable insurance to senior citizens. While many of my colleagues like to talk about the "miracles of the marketplace," I still see cherry-picking and redlining, medical underwriting and policy cancellations, job-lock, and families paying more and more money for fewer and fewer health benefits.

Just think about sending 37 million people with preexisting medical conditions to the private insurance market with vouchers called choice-clerk and medi-check. High administrative costs in the private sector will eat up the value of Medicare benefits right off the bat. Will the senior citizens living in small towns across West Virginia end up paying more of their own money for their health care or be forced to join an HMO—if one is even available in the area?

To "save" Medicare we need comprehensive proposals to address these issues, not just blind cutting of Medicare. Last year, we offered proposals to fix these myriad problems. Republicans disagreed with our approach, and celebrated the defeat of our proposals. Our opponents' television ads stated again and again that there's "a better way." Slashing $250 to $300 billion out of Medicare is not a better way.

Mr. President, cutting $250 billion out of Medicare over 7 years is not the way to guarantee the long-term solvency of the Medicare Hospital Trust Fund. It might add a few more years of solvency—5 to 8 tops, CBO thinks—to the trust fund. We need to rise to the challenge met when Medicare was created and Social Security was rescued, and chart a long-term prescription for Medicare's health over the next 25 years or more.

I make my two suggestions as a way to get started.

Protect Medicare from raids to pay for anything, especially tax cuts, but what its intended for—the promise of health care security for the seniors of West Virginia and the country. And while we know Medicare is safe, let us replicate the approach used to save Social Security and really prepared Medicare for the challenges of the next century.

I thank the Presiding Officer and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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## COMMONSENSE PRODUCT LIABILITY AND LEGAL REFORM ACT

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the Gorton amendment No. 620.

Mr. GORTON. Is the Snowe amendment to the Gorton amendment also pending?

The PRESIDING OFFICER. It is a Gorton amendment offered on behalf of Senator SNOWE.

Mr. GORTON. Mr. President, this amendment is identical to an amendment which was adopted by a rollcall vote earlier today to the medical malpractice sections of the bill. We have discussed it. Everyone has agreed that we do not need another rollcall vote on it. I believe all debate is concluded. I ask the President to put the question.

The PRESIDING OFFICER. If there is no further debate, the question occurs on agreeing to the amendment No. 620 to amendment No. 596.

The amendment (No. 620) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 622 TO AMENDMENT NO. 617

(Purpose: To provide protection for individuals, small businesses, charitable organizations and other small entities from excessive punitive damage awards.)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself and Mr. ABRAHAM, proposes an amendment numbered 622 to amendment No. 617.

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

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

The amendment is as follows:

On page 3, line 23, strike "loss." and insert in lieu thereof: "loss;

"except that if the award is against an individual whose net worth does not exceed $500,000 or against an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization which has fewer than twenty-five full-time employees, that amount shall not exceed $250,000."

Mr. DEWINE. Mr. President, I offer this amendment on behalf of Senator ABRAHAM and myself. It really is an amendment that is a small business amendment.

I expressed yesterday on the floor a concern, a twofold concern: One, that

we make sure that the cap was sufficiently high so that larger businesses would in fact be deterred by the proper awards juries would make in regard to punitive damages, and that we not lose that deterrent effect; but I also expressed a concern that small business not be unduly penalized by punitive damages.

I have talked to small business men and women throughout Ohio who do have this very legitimate concern and who really live in fear literally every day of something happening where they would have a huge award that would literally put them out of business; that what would become a punitive damage award which, for a big business, might, in fact, be a deterrent, might, in fact, be for a small business actually the death penalty.

This particular amendment provides an exception for small business. And small business is defined in the amendment as any business that has 25 or fewer employees or has a net worth of not over one-half million dollars. If this amendment is agreed to, a punitive damage award could not exceed $250,000.

I think this amendment makes a great deal of sense. I think it will take care of one of the problems that we have today, a problem expressed to me many, many times by small business.

I hope that tomorrow it will, in fact, be adopted.

Mr. President, at this time, I ask unanimous consent that this amendment be set aside for the moment.

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

AMENDMENT NO. 623 TO AMENDMENT NO. 617

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE] proposes an amendment numbered 623 to amendment No. 617.

The amendment is as follows:

On page 4 line 11 strike the semicolon after the word "awarded" through line 15 and insert a period.

Mr. DEWINE. Mr. President, this amendment will, I believe, clean up the bill and it will finish a process that was begun several days ago. That was a concern that I expressed on the floor yesterday in regard to the way the bill was originally drafted, which said that juries no longer could consider the assets that a corporation had when that jury made its decision about what was the appropriate level of punitive damages.

As I indicated yesterday, that type of preemption of State law makes absolutely no sense because punitive damages have always been intended to do basically two things: One, to serve as punishment and, second, to serve as a legitimate deterrent.

A jury cannot make that determination unless the jury knows all the facts. One of the pertinent facts has to be what the assets of the corporation might be, and other relevant financial information.

The danger of the way the bill was written was not only that we might lose that deterrent effect. Because a jury would not really know what assets the company had, it might have just the opposite effect. You might have a jury assuming that a company had a great deal of assets and the company did not have those assets. The jury then would make a disproportionate award. And so it could hurt really on both sides.

What this amendment does is really complete the process that was started several days ago, by providing and taking out of the bill that preemption. So if this amendment would be passed, we would be back to where we were before in regard to what juries could consider in regard to making their decision about punitive damages; namely, we would be back to State law, which I think is where we need to go.

So, in this case, I hope that tomorrow, when we vote on this particular amendment, we will agree to it. I think it is only equitable and fair. I urge my colleagues to do so.

At this point, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## CLOTURE MOTION

Mr. GORTON. Mr. President, I send two separate motions to invoke cloture on the Gorton amendment No. 596 to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Gorton Amendment No. 596 to H.R. 956, the Product Liability bill.

Bob Dole, Slade Gorton, Rick Santorum, Jim Inhofe, Conrad Burns, Pete V. Domenici, Hank Brown, Spencer Abraham, Paul D. Coverdell, Larry E. Craig, Dirk Kempthorne, Bob Smith, Trent Lott, Chuck Grassley, Judd Gregg, Mitch McConnell.

## CLOTURE MOTION

The PRESIDING OFFICER. The clerk will now read the second motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Gorton Amendment No. 596 to H.R. 956, the Product Liability bill.

Bob Dole, Slade Gorton, Orrin G. Hatch, Dirk Kempthorne, Pete V. Domenici, Conrad Burns, John Ashcroft, Dan Coats, Bill Frist, Olympia J. Snowe, Spencer Abraham, Nancy Landon Kassebaum, James J. Jeffords, Ted Stevens, Mark O. Hatfield, Frank H. Murkowski.

## MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

## REMEMBERING GINGER ROGERS

Mr. MOYNIHAN. Mr. President, the Op-Ed page of Friday's Washington Post featured an irresistible account by Philip Geyelin, "When I Danced With Ginger Rogers." The occasion was the Gridiron Club dinner of March 28, 1981. With the advent of Ronald Reagan's presidency "Hooray for Hollywood" was the evening's theme, and Miss Rogers its most illustrious guest. It happens I was the Democratic speaker that evening, and I had the inexpressible joy of sitting next to Miss Rogers at the head table in my white tie and tails. I took the liberty of expounding, as best I was able, Professor Joseph Reed's theory of the dramatic import of Miss Rogers' abrupt decision to dance with Astaire on that lovely day they were caught in the raid in Regents Park. She confided to me that she had to slip off to dance, that night, with Geyelin. She returned to pronounce him divine!

Mr. President, I ask unanimous consent that the text of the above cited article be reprinted in the RECORD.

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

[From the Washington Post, Apr. 28, 1995]

WHEN I DANCED WITH GINGER ROGERS

(By Philip Geyelin)

That was a nice piece Tom Shales wrote about Ginger Rogers [Style, April 26]. He had it just right, except maybe the part about how she made it look effortless but "not for a minute did it look easy." I would have put it the other way around: It wasn't exactly effortless for me when I danced with Ginger Rogers, but she certainly made it look easy.

You heard me: When I danced with Ginger Rogers. I am not dreaming this up. Rather, I'm setting out to describe the realization of a dream of, oh, let's say close to a half-century. From the first time I saw a Fred Astaire-Ginger Rogers movie, I had nurtured the fantasy. And then, unbelievably, there I was 14 years ago standing on stage with Ginger, before an audience of more than 600 swells, waiting for the beat that would send us gliding off to the music of "Isn't This a Lovely Day."

It was March 28, 1981, at the spring dinner of what The Post's Style section describes

with relentless redundancy as the "exclusive Gridiron Club." By "swells" I mean that when you peer across the footlights on these occasions, you dimly see a head table that starts with the president and the vice president and their wives, most of the Cabinet, maybe three justices of the Supreme Court, the Joint Chiefs and a gaggle of ambassadors. The ballroom is wall-to-wall governors, members of Congress, CEOs, TV talking heads, other assorted celebrities and the publishers and editors of the newspapers whose Washington correspondent make up the Gridiron Club's membership.

So much for the setting. A dance story should be taken step by step. It was the first year of Ronald Reagan's presidency. A Hollywood touch was in order. An invitation was extended to Ms. Rogers through the good offices of Godfrey "Budge" Sperling Jr. of the Christian Science Monitor. She not only accepted but agreed in principle, to a surprise appearance on stage. In my capacity that year as music chairman (producer), I was in a position to claim the right to be Ms. Roger's partner if there was to be any dancing. I did so at the cost of what may be the earliest onset of stage fright ever experienced by anybody.

The plot was that Ms. Rogers, who was seated at the head table, would actually proceed directly backstage and appear in the opening number of the show, which, in another bow to the Gipper, was to the tune of "Hooray for Hollywood." The cue for her to step from the wings would be the line: "Hooray for Fred Astaire—Miss Ginger Rogers made him walk on air"—whereupon there she would be, the real thing, at the microphone, singing a satiric put-down of the Gridirons: "Isn't this a lovely way, to be meeting the press . . .?"

Not bad, showbizwise, wouldn't you say—for amateurs? With only mild trepidation, I called Ms. Rogers. I told her my name was of French origin. She said her favorite husband was French. It was going well. Then I got to the part of the briefing that had to do with "Hooray for Fred Astaire," and the stories that she didn't much like running as an entry turned out to have some truth to them. "Let's stop right there," she said. While I was mumbling my confusion she cut in to make her meaning clear. "If you were Abbott," she asked, "would you want people to be always asking. 'How's Costello'"? The mention of Astaire, I said quickly, will be excised.

She arrived in Washington the Friday night before the dinner, and on Saturday I sent flowers to her room, thinking that to be the Hollywood way, with the lyric tucked in among them. At an appointed hour we met, and she handed me the lyric with some pencil editing. Recklessly, I questioned whether her changes would scan, noting modestly that, while I was tone deaf and usually urged when singing as a member of the chorus not to get too close to the microphone, I did have some experience as a lyric writer.

"Honey," Ms. Rogers replied gently, with no hint of any awareness of what that salutation meant to me, "I've been singing that song longer than you've been writing lyrics for the Gridiron Club."

With only three hours to go before curtain, we repaired to the empty ballroom, where a piano player and the club's dance director put us briefly through what were, mercifully, pretty elementary paces. We parted to change for dinner, she to a ball gown, me to—you guessed it—white tie and tails.

We met again backstage and warmed up with a few practice twirls. Her introduction went precisely as planned; the song was a smash. We were perfectly poised to begin the dance, but somehow, with a full orchestra, the bar of music that was our cue didn't come through. I froze. Now, I'm not saying Ms. Rogers also missed it. But she knew what to do. Stepping to the mike, she said: "Let's try that again—We only had 20 minutes to rehearse."

The second effort was—how shall I put it?—pretty close to perfection, or at least relatively close. Things are relative when you have been contemplating the real possibility of stumbling off stage into the orchestra pit and taking Ginger Rogers with you.

My sigh of relief, however, was cut short. Ms. Rogers, was back at the microphone. "Let's see," she was saying, "if this guy can do it one more time." I did, or I should say that we did. She was then 69, but to dance with she was going on twenty-something, and she made it easy—so much so that when she graciously consented to stay over for the usual Sunday afternoon reprise of the Saturday night show, it was becoming very nearly effortless.

A few years later, she sent a message saying she was writing her memoirs and would appreciate a memorandum on some of the details of that night at the Gridiron. Ignoring my effusions on what the evening had meant to me, she wrote in her book that the dance "had brought the house down but not because of me; the audience couldn't get over Mr. Geyelin's dancing."

A classy dividend, I thought, from a classy lady who made the lifelong dream of an ink-stained wretch come true.

## CARTNEY KOCH McRAVEN

Mr. PRESSLER. Mr. President, I was saddened to learn the news last night that rescue workers in Oklahoma City discovered the body of Cartney Koch McRaven amid the rubble that once was the Alfred P. Murrah Federal Building.

Cartney Koch McRaven was one American—not ordinary—extraordinary.

Cartney graduated from Spearfish High School in 1993. She enlisted in the Air Force, whose members believe that the protection of freedom is the highest, most important public service. With devotion and honor she served her country. Her action was a tribute to the core values that make this country great.

Cartney was only 19 years old. Newly married on April 15 to Shane McRaven, a fellow airman in the U.S. Air Force. She was stationed at Tinker Air Force Base. She had traveled to the Murrah Federal Building to register her new name on Federal documents. A new name. A new husband. About to start a new life. A life that will never be. A life cut short by the savagery of domestic terrorism. By murderers who kill their fellow citizens.

Cartney had a beautiful life ahead of her. On behalf of the people of South Dakota, my wife Harriet and I extend our condolences to Cartney's family, friends, and loved ones.

For Cartney and the other victims of the Oklahoma City tragedy, we must not let our commitment to freedom waiver. These cowards will be brought to justice. She and the others tragically killed in Oklahoma will not have died in vain.

## RALPH NEAS—THE 101ST SENATOR FOR CIVIL RIGHTS

Mr. KENNEDY. Mr. President, later this month, Ralph Neas will step down from his position as executive director of the Leadership Conference on Civil Rights, after 14 years of extraordinary service as a champion of the basic rights of all Americans.

For nearly half a century, the Leadership Conference has been the Nation's conscience in meeting the fundamental challenge of protecting the civil rights of all of us. Ralph Neas joined the Leadership Conference in 1981, following 8 years of outstanding service to the Senate on the staffs of our former colleagues, Senators Edward Brooke and David Durenberger.

During Ralph's tenure, the Leadership Conference fought some of its most difficult battles, and achieved some of its most important victories. Time and again, when the forces of reaction sought to turn back the clock on civil rights, Ralph Neas rallied the coalition, and civil rights prevailed.

When the Reagan administration sought to block extension of the Voting Rights Act, Ralph Neas helped to put together a broad bipartisan majority in Congress to renew it.

When the Supreme Court in the Grove City case carved a hole below the waterline in laws banning discrimination in Federal programs, Ralph Neas played an indispensable role in developing the two-thirds majority needed to pass the Civil Rights Restoration Act of 1988 over President Reagan's veto.

When President Reagan nominated Judge Robert Bork to the Supreme Court, Ralph Neas assembled and led an extraordinary nationwide coalition which successfully opposed the nomination because of Judge Bork's hostility to protecting the constitutional rights and liberties of all Americans.

When the Supreme Court in 1989 issued a series of rulings severely reducing protections for job discrimination, Ralph Neas worked closely with Republicans and Democrats to fashion legislation to restore the protections, and after one unfortunate veto by President Bush, Congress enacted the Civil Rights Act of 1991.

Under Ralph Neas' leadership, we gained ground on several other important fronts during those years as well. In 1988, Congress passed the Fair Housing Act Amendments to strengthen the law banning housing discrimination and extend its reach to ban discrimination against families with children and persons with disabilities.

In 1990, we enacted the landmark American With Disabilities Act, providing comprehensive new protection

for the rights of 43 million disabled Americans. Because of that law, fellow citizens across the country are finally learning that "disabled" does not mean "unable."

Ralph Neas' enormous energy, and his extraordinary talents as an advocate, strategist, and spokesperson, helped make each of those victories possible. Now he is leaving the Leadership Conference to practice law and to serve as a visiting professor at Georgetown University Law School.

Ralph Neas is being honored at a gala dinner tomorrow evening, when he will receive the Hubert H. Humphrey Award for his outstanding achievements in making America a better and fairer land. Every citizen committed to the constitutional ideal of equal justice under law owes Ralph Neas a debt of gratitude for his brilliant public service.

Truly, through all these years, Ralph Neas has been the 101st Senator for civil rights. As he leaves the Leadership Conference, I congratulate him on his outstanding accomplishments, and I extend my best wishes to Ralph and his wife Katy for continuing success in the years ahead.

## U.S./CUBA MIGRATION AGREEMENT

Mr. PELL. Mr. President, today President Clinton has announced the conclusion of a new migration agreement with the Government of Cuba. This new agreement treats the more than 15,000 Cuban migrants currently detained at Guantanamo in a very humane manner, while putting in place safeguards to ensure that a similar flood of migrants is not encouraged at some future date. I want to commend the President for his decision to enter into, what I believe is a fair and balanced approach to handling the Cuban migrant issue.

Under the terms of the agreement, Cuban migrants currently being detained at Guantanamo will now be eligible to be paroled into the United States, provided they qualify under United States immigration laws. Those paroled from Guantanamo will be counted in the annual 20,000 migration ceiling set last September in the context of the resolution of last year's Cuban migration crisis. This will mean that people at Guantanamo who have been in limbo since last year will now have the possibility of getting on with their lives. To continue to detain these people indefinitely was really inhumane, but nothing else could be done for them until this new agreement was reached with the Government of Cuba.

In contrast to the treatment of those currently at Guantanamo, any future Cuban rafters intercepted at sea will be returned to Havana. Cuban authorities have committed to accepting these migrants back without reprisal, and will allow for the monitoring of such individuals to ensure that this is the case. Obviously, any individual who might qualify for refugee status will be able to apply for asylum at the U.S. Interest Section in Havana.

Finally, those Cubans who may successfully evade interdiction and reach the United States will be subject to the same deportation procedures any other alien would face upon entering the United States illegally.

Mr. President, as you know I am in profound disagreement with our overall policy toward Cuba. I have said many times in the past that I believe that policy is outdated and ineffective and should be altered to enhance communications and contacts between the Untied States and Cuba. In my view this is the best way to facilitate the peaceful transition to democracy on that island.

Unfortunately, President Clinton has not yet decided to alter the overall framework of our policy toward Cuba. However, I believe that the agreement announced today is one step in the right direction toward a more enlightened Cuba policy. I hope there will be many more steps in that same direction in the very near future.

## IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, there's an impression that simply will not go away—that the $4.8-plus-trillion Federal debt is a grotesque parallel to the energizer bunny we see, and see, and see on television. The Federal debt keeps going and going and going—up, of course!—always to the misery of the American taxpayers.

So many politicians talk a good game—when, that is, they go home to take—and talk is the operative word—talk about bringing Federal deficits and the Federal debt under control.

But, oddly enough, so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress. Come to think about it, this may have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of yesterday, Friday, May 1, at the close of business, the total Federal debt stood—down to the penny—at exactly $4,860,333,100,308.86 or $18,449,91 per person. Res ipsa loquitur.

## THE RETIREMENT OF NORMAN PODHORETZ

Mr. MOYNIHAN. Mr. President, on the occasion of his retirement after 35 years as editor-in-chief of Commentary magazine, I would like to offer my concurrence with the sentiments expressed in this morning's New York Post, Wall Street Journal, and Washington Times honoring the career and the person of Norman Podhoretz. As a New York Post editorial notes: "the ideas advanced in Commentary—thanks to Podhoretz's editorial gifts—make it a forum for the key policy questions confronting the Nation." David Brooks of the Wall Street Journal, offers a similar accolade:

> If there is one thing Mr. Podhoretz and his magazine have stood for all these years, it is the joy and value of ideas.

Thirty-four years ago, I first appeared as a contributor to Commentary. The article, entitled "Bosses and Reformers," dealt with conflict within the Democratic Party—a subject still alive and well today.

Norman Podhoretz and Commentary have contributed much of value to modern political discourse. We owe them both great thanks. Mr. President, I ask unanimous consent that the full text of the above cited articles be reprinted in the RECORD.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 2, 1995]

NORMAN PODHORETZ, NEVER RETIRING, RETIRES

(By David Brooks)

Hundreds will gather tonight in a New York hotel ballroom to honor Norman Podhoretz, who is retiring after 35 years as editor of Commentary. There will be toasts from Henry Kissinger, Daniel Patrick Moynihan and Cynthia Ozick—and if the thing were done in true Commentary style, then there would be rebuttals and the whole ballroom would break into discussion groups, debating until morning "The Podhoretz Question."

If there is one thing Mr. Podhoretz and his magazine have stood for all these years, it is the joy and value of serious discussion. He develop a prose style, instilled in the magazine, that is decisive, clear and authoritative, the sort of style that begs for response. Commentary has a letters section that is rivaled in length only by Penthouse and in quality by no American magazine. The monthly can be seen as an effort to create an ideal community, a group of people who are prone to sitting up late at the kitchen table, wrapped up in discussions about politics, culture or Judaism.

This is the sort of community that Mr. Podhoretz entered as a young man, having studied literature at Columbia and Cambridge. He called it The Family, the group of New York intellectuals centered around Partisan Review in the 1950s—Mary McCarthy, Sidney Hook, Saul Bellow. They were on the left, but anti-communist for the most part, which meant they were tough-minded and disputatious, because the verbal battles against American communists were like hockey games—every few minutes people would throw off the gloves.

Mr. Podhoretz was a young star, published in the New Yorker, editor of Commentary when he was 30, close friends with such leading writers as Norman Mailer, James Baldwin and Lionel Trilling. He drifted to the radical left in the early 1960s, publishing in Commentary the work of Paul Goodman, who laid out what would later become the standard New Left critique of American life. Mr. Podhoretz was an early opponent of the war in Vietnam.

But as the decade wore on, he discovered that the ideas that were provocative and subtle in Commentary in 1961 turned dumb and platitudinous when turned into clichés by Tom Hayden and the student radicals. Also, he discovered that teachings about Vietnam were not the sort of serious discussions that he cherished, but rather occasions for shouting down anyone who was deemed insufficiently outraged. In 1967, as he was turning away from the left, he published "Making It," which, typical of his writings, was a book that made everybody talk, not always in calm tones.

"Making It" is a memoir about life in The Family, but with a point—that literary people are not motivated simply by a desire for truth but by a passion that dare not speak its name, worldly ambition. Look at me, he said: I am successful because I am ambitious.

The New York intellectuals expended a lot of typewriter ribbon on the subject of the American identity. Not only were many of them, like Mr. Podhoretz, poor Jewish kids from Brooklyn, but they were also intellectuals, not a profession featured often on the cover of the Saturday Evening Post. But the thinkers in the Podhoretz camp decided that they approved of and identified with American culture, and were attacked by others for not being sufficiently alienated. "Making It" can be read as an attempt to show that just because its author is an intellectual doesn't mean he is not involved in the central activity of American life, making it.

Apparently there were no celebrations in Topeka, Des Moines and Fort Worth when the Partisan Review crowd announced it approved of American life: "Look, Eloise—They approve of us!" But it turned out to be important. Because those who like Mr. Podhoretz did approve turned out to be essential to the growth of the conservative movement, bringing to conservatism, when they made the jump in the late 1970s, an intellectual self-confidence that had been in short supply.

It's usual to say that Mr. Podhoretz and Commentary started out on the left and ended up neoconservative. But that's not quite right. Mr. Podhoretz has been consistent in his love for rigorous argument (and so was appalled by the Dionysian tone of the radical left). He has also remained consistent, for the most part, in his sympathy for mainstream American life, and in his staunch anti-communism. Furthermore, neither Commentary nor Mr. Podhoretz has reached a resting point. Neoconservatism looks lie a transitional phenomenon that may even today be extinct.

The term was once used to denote those who were hawkish in foreign policy but were sympathetic to the current structure of the welfare state. But Scoop Jackson has passed on, and the so-called neoconservatives are now among the most devastating critics of the welfare state. In what sense, for example, are William Bennett and Jeane Kirkpatrick neoconservative? Both made their reputations in the pages of Commentary but are now mainstream Republican figures.

These days, the people who seem most insistent on preserving the distinction between neoconservatives and regular conservatives are certain liberals on either coast. Possibly, that is because they see people like Norman Podhoretz and Irving Kristol—who are urbane, literate, and have wives who are equally accomplished—and they insist there must be a huge gulf between this sort of person (who by cultural measures looks like a liberal ideal) and the yahoos who they know (for they have read about it) make up the rank and file of American conservatives.

One of the legacies of Commentary in the Podhoretz era was that it enhanced the intellectual respectability of conservatism. In the 1960s, conservatives were shooting up at the liberal agenda. Now, liberals tend to be shooting up at the conservative agenda. Thanks to the passion and urgency of those earlier fights, those who travel in Mr. Podhoretz's footsteps can afford to be a little more benign.

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[From the New York Post, May 2, 1995]

NORMAN PODHORETZ RETIRES

At a gala dinner tonight in New York, Norman Podhoretz will be honored on the occasion of his retirement after 35 years as editor of Commentary magazine. A monthly long published under the auspices of the American Jewish Committee (AJC), but without AJC editorial control, Commentary established itself under Podhoretz as America's leading journal of ideas.

Its circulation has never been large and it doesn't make a profit. But the core readership consists of influential Americans, and the ideas advanced in Commentary—thanks to Podhoretz's editorial gifts—make it a forum for the key policy questions confronting the nation.

Norman Podhoretz's tenure saw him start out as a seminal figure on the left during his early days at Commentary. But by the late 1960s, Podhoretz had moved significantly rightward. And he'd taken Commentary with him.

His decision to "Break Ranks," as he described the phenomenon in a late '70s memoir—Podhoretz's early intellectual compatriots remained wedded to the left—made Commentary a leading American voice for foes of Soviet communism, for advocates of a strong national defense, for critics of affirmative action and for supporters of Israel's security.

The pages of the magazine were filled with essays by then-U.N. Ambassador Daniel Patrick Moynihan—who called on the U.S. to conduct itself as an opposition party functioning within a hostile international arena—and by then-Georgetown Professor Jeane Kirkpatrick, who deplored the Carter administration's tendency to employ "double standards" in dealing with left-wing dictatorships (toward whom it showed some sympathy) as distinct from rightist authoritarian regimes.

Commentary—under Norman Podhoretz—played a central role in arguing the need for an aggressive posture vis-a-vis Soviet expansionism, for a re-evaluation of failed Great Society programs and for a recognition of "anti-Zionism" as the principal contemporary manifestation of international anti-Semitism.

In the last analysis, the most striking fact about Commentary consists in the fact that over the last 35 years—thanks to Norman Podhoretz's leadership—the magazine has always been important to the national intellectual discourse. That's a claim few journals can make for anything like that duration.

Eventually, many followed Podhoretz's rightward lead, resulting in a circumstance where the magazine he edited came to speak for a whole movement: neo-conservatism, an important intellectual tendency that can be defined loosely as the conservatism of people who were once liberals.

Norman Podhoretz, we're certain, has much left to say—as his magazine goes forward, he'll undoubtedly produce important books and articles. But it seems appropriate to pause and consider one of the most extraordinary careers in 20th-century American intellectual life. Podhoretz will deserve the tributes he receives tonight from Henry Kissinger, Irving Kristol, Daniel Patrick Moynihan, Rupert Murdoch and many others.

For some years a columnist for this newspaper, Podhoretz is a man who proved, above all else, that ideas matter. The Post joins in saluting him.

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[From the Washington Times, May 2, 1995]

THE 35 REMARKABLE YEARS OF NORMAN PODHORETZ

(By Arnold Beichman)

This is the story of the little magazine that could and still can. Launched as a monthly half a century ago by the American Jewish Committee with a guarantee of editorial independence, Commentary became a magazine of enormous influence. Its articles on politics, particularly foreign policy, and culture over the years have had an enormous multiplier effect.

The editor of Commentary for the last 35 years, Norman Podhoretz, has reached the retirement age of 65. He is retiring to his Manhattan apartment-office to figure out with his wife, Midge Decter, author, publicist and editor in her own right, what his next major effort will be. Midge, however, who is semi-retired, has figured out what to do next. She found a neighborhood health club and is doing what she has wanted to do for years and never had time for—swimming every day. It is doubtful that such a future, however temporary, awaits Mr. Podhoretz, who has just been appointed a senior fellow at the Hudson Institute.

While Mr. Podhoretz, whose new title is Commentary editor-at-large, seeks implementation of several inspirations, he is being honored at a farewell dinner tonight—at New York's Hotel Pierre for four hundred friends, contributors, editors of other magazines, relatives and even critics.

The remarkable feature of Commentary is that an examination of its issues from the time Mr. Podhoretz took over as editor in 1960 shows the current relevance and readable topicality of so many of the articles published what seems to be so long ago. Here are some of the titles:

Was the Holocaust Predictable? Was Alger Hiss Guilty?; The Return of Islam; On Returning to Religion; Vietnam: New Light on the Question of American Guilt; Are Quotas Good for blacks?; The War Within the CIA; Reagan and the Republican Revival; What Happened to the Schools; Totalitarianism and the Lie; Education in Defense of a Free Society; The Political Dilemma of American Jews; AIDS: Are Heterosexuals at Risk?; Against the Legalization of Drugs; How Good Was Leonard Bernstein?; The Professors and the Poor; Intermarriage and Jewish Survival; The Liberated Women; Authenticity and the Modern Unconscious; The Problem of Euthanasia.

And the authors—Irving Kristol, Midge Decter, Thomas Sowell, Bernard Lewis, Lionel and Diana Trilling, Gertrude Himmelfarb, James Q. Wilson, Glenn C. Loury and dozens of other leading intellectuals and scholars. Mr. Podhoretz set a high standard for content. That standard obtained in the articles and also in the letters to the editor feature, which was as widely read as the articles. In fact, some readers who never managed to get articles accepted (and paid for) by Commentary got in anyway by writing long letters—for which there was no writer's fee but the satisfaction at least of being published in Commentary.

Commentary's overwhelming achievement was its leadership in the world of culture in the fight against communism and the Soviet Union, one undertaken by the magazine's first editor, Elliot Cohen. It is no exaggeration to say that Commentary in time became the scourge of the left, especially in culture. Major analyses of communist foreign policy by writers like Jeane J. Kirkpatrick, Sidney Hook, Lexzesek, Kolakowsi, Richard Pipes and other scholars and by Mr. Podhoretz himself filled its pages. They were widely discussed and were read in Congress and the White House. And all this, mind you, by a magazine whose circulation never exceeded 80,000.

It is a truism that few editors leave behind successors who deserve the promotion. Mr. Podhoretz, however, is the exception. His successor as editor-in-chief is Neal Nozodoy. He has been the leading member of the team which transformed a Jewish magazine with deep involvement in Jewish and Israeli affairs into a publication which without compromising its cultural and ethnic roots became an important part of the resistance to those who sought and still seek the perversion of Western civilization in the name of new revolutionary slogans.

## AUTOMOBILE TRADE WITH JAPAN

Mr. LEVIN. Mr. President, as the United States-Japan framework negotiations in autos and auto parts accelerate over the next few weeks, I want to bring to my colleagues attention a New York Times op-ed by Thomas L. Friedman published on April 16. Mr. Friedman describes the problems American auto and auto parts manufacturers face when trying to sell their products into Japan's closed market and our limited chances of opening these protected markets unless we are willing to impose reciprocal treatment on Japan's products in this country.

Regarding the likelihood of concluding a market opening deal in the framework negotiations with Japan anytime in the near future, Mr. Friedman says:

Don't hold your breath. The Japanese will literally do anything to preserve their domestic car monopoly, even though it is one of the major causes of the massive trade imbalance between the U.S. and Japan that is, in turn, causing the yen to soar in value against the dollar.

In fact, the higher the yen goes the less likely Japan is to open its auto market. With the yen rising against the dollar, Japan's cars become more expensive and difficult to sell in the U.S., so Japanese auto company profits are squeezed. That makes it all the more important for Japanese auto makers to protect their home market from competition, so they can charge higher prices there and run up profits they need to cover losses abroad.

What the U.S. is seeking is an end to Japan's barriers. For instance, only 7.4 percent of Japanese car dealers, who are manipulated by the manufacturers, sell foreign cars alongside Japanese models. Almost 80 percent of U.S. dealers sell foreign models alongside their domestic brands.

The U.S. is also seeking better access to Japan's huge market for replacement auto parts, which has been largely closed to foreigners through Japanese regulations, customs codes and cartels. U.S. manufacturers have 3 percent of Japan's $27 billion replacement parts market, while foreigners have 18 percent of the U.S. replacement market and 22 percent of Europe's.

Mr. Friedman believes we should be willing to take reciprocal action against Japan in an effort to get Japan to open its markets to United States autos and auto parts. Doing so will not result in retaliation. Mr. Friedman says:

Maybe, just maybe, the Japanese need us more then we need them.

For starters we should charge Japanese auto manufacturers a distribution tax on every car they sell in the U.S.—a tax that will be reduced in proportion to how many Japanese manufacturers open their showrooms to foreign cars. We should also inspect every Japanese car and part that comes into this country, and take our sweet time doing it, which is just what Japan does.

He goes on to say:

Hold on, the Japanese will say, that is a violation of the rules of the World Trade Organization. Rules? Did somebody say rules? Does anyone think that Tokyo shrank the U.S. share of the Japanese auto market from 60 percent in 1953 to 1 percent in 1960 by playing by the rules? We'll only win equal opportunity in the Japanese market when we play the game by their rules—which are no rules at all.

Mr. Friedman has hit the nail on the head. Decades of painful history have proven that Japan will open its markets only when forced to do so. Now is the pivotal moment in auto and auto parts negotiations with Japan and the administration seems prepared to so what no other administration has done for 25 years: tell Japan that it faces equivalent restrictions on its goods if it does not open its market to our autos and auto parts.

Mr. President, I ask unanimous consent that the op-ed be printed in the RECORD.

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

[From the New York Times, Apr. 16, 1995]

WHERE DO CARS COME FROM?

WASHINGTON.—The other day I was playing the computer game "Where in the U.S.A. Is Carmen Sandiego?" with my 9-year-old daughter, Orly. It's a wonderful geography-teaching tool. You have to follow clues to different cities to trade down vile criminals. The clues we were given for one trip were all clearly pointing to Detroit. But instead of giving my daughter the answer, I wanted to see if she could figure it out herself, so I asked her: "Where are cars made?" And without missing a beat she answered: "Japan."

From the mouths of babes.

Where have I failed as a parent? I guess it's the same place that we've failed as a nation. We have so blithely surrendered so much of the car market to the Japanese that my own daughter thinks cars come from Japan as surely as pizza comes from Italy and babies from the stork.

My daughter, of course, was only part right. Roughly 25 percent of cars sold in the U.S. today are Japanese models. But if we were living in Tokyo she would be dead right, since only 1.5 percent of the cars sold in Japan are American.

This week U.S. and Japanese negotiators will once again try to work out a deal for opening the closed Japanese auto market. Don't hold your breath. The Japanese will literally do anything to preserve their domestic car monopoly, even though it is one of the major causes of the massive trade imbalance between the U.S. and Japan that is, in turn, causing the yen to soar in value against the dollar.

In fact, the higher the yen goes the less likely Japan is to open its auto market. With the yen rising against the dollar, Japan's cars become more expensive and difficult to sell in the U.S., so Japanese auto company profits are squeezed. That makes it all the more important for Japanese auto makers to protect their home market from competition, so they can charge higher prices there and run up profits they need to cover losses abroad.

What the U.S. is seeking is an end to Japan's barriers. For instance, only 7.4 percent of Japanese car dealers, who are manipulated by the manufacturers, sell foreign cars alongside Japanese models. Almost 80 percent of U.S. dealers sell foreign models alongside their domestic brands. It's hard to sell a car by mail order. You need a showroom and U.S. cars don't have many in Japan. And the old America-makes-the-wrong-cars line doesn't wash anymore. U.S. companies now make eight different right-hand-drive vehicles tailored for Japan.

The U.S. is also seeking better access to Japan's huge market for replacement auto parts, which has been largely closed to foreigners through Japanese regulations, customs codes and cartels. U.S. manufacturers have 3 percent of Japan's $27 billion replacement parts market, while foreigners have 18 percent of the U.S. replacement market and 22 percent of Europe's.

Clinton officials claim they are finally ready to tell Tokyo that either it enters into a meaningful agreement to open Japan's auto market, with measurable results or the U.S. will impose punitive tariffs.

(If this is true, it means the White House has rejected the brain-dead advice of the Pentagon that we must not allow "trade friction" to undermine our security ties with Japan. Nonsense. We're Japan's largest export market and we provide Japan with its security umbrella. We should use both as levers to promote our trade interests. Would somebody get the Pentagon a map. The last time I checked, North Korea and China were a lot closer to Tokyo than Washington. Maybe, just maybe, the Japanese need us more than we need them. How about a little less Keynes and a little more Machiavelli?)

For starters we should charge Japanese auto manufacturers a distribution tax on every car they sell in the U.S.—a tax that will be reduced in proportion to how many Japanese manufacturers open their showrooms to foreign cars. We should also inspect every Japanese car and part that comes into this country, and take our sweet time doing it, which is just what Japan does.

Hold on, the Japanese will say, that is a violation of the rules of the World Trade Organization. Rules? Did somebody say rules? Does anyone think that Tokyo shrank the U.S. share of the Japanese auto market from 60 percent in 1953 to 1 percent in 1960 by playing by the rules? We'll only win equal opportunity in the Japanese market when we play the game by their rules—which are no rules at all.

Even a 9-year-old understands that.

## COOPERATIVE EXTENSION SERVICE AND 4-H

Mr. PRESSLER. Mr. President, periodically, it is my pleasure to address the Senate on the effective work of the Cooperative Extension Service and 4-H programs.

The Cooperative Extension Service [CES] is at the heart of many American communities. Established in 1914 by the Smith-Lever Act, the CES has been serving the needs of millions of Americans for more than 80 years. The CES provides education and one-on-one assistance on a wide variety of issues, from agribusiness skills and safe chemical handling to senior nutrition and child care. The U.S. Department of Agriculture works closely with each State's land-grant university to provide information on these and other programs to participating communities. The hands-on approach increases productivity and keeps thousands of farms and families running smoothly.

Local agents tailor CES programs to meet special area needs. In southeast South Dakota, for example, more than 1,200 producers affected by flooding received information on cropping alternatives and financial management. In Day and Marshall Counties, CES agents organized more than 450 South Dakota families and businesses in a recycling effort. Another example is the successful Extension Service Indian reservation programs. On the Pine Ridge and Rosebud Reservations, 87 farmers and ranchers completed training for their private pesticide applicators license.

One unique program run by the CES in every South Dakota county is helping to put welfare recipients back to work. Every recipient of Aid to Families With Dependent Children [AFDC] must attend resourceful living classes offered by county extension agents. In these classes, welfare recipients learn basic skills such as household budgeting, and interviewing skills. No other State in the country has such a program to establish self-sufficiency.

According to the CES, for every dollar invested in CES livestock programming, $4.60 to $5.80 is realized in the increased value of livestock sold. For every dollar invested in crop programming, the value of crops sold is increased by $5.90 to $8.62. Thousands and thousands of dollars in health care costs are saved through the nutrition and child care education offered by CES. Clearly, this is an example of a Federal program with an excellent return on the taxpayers' dollar. Why? Because it relies on the common sense participation of local folks who know the unique needs in their own communities.

Another program with a history of common sense result is 4-H. The mission of 4-H is to help young people become self-directed, productive, and contributing members of society. 4-H members have the opportunity to explore many areas of interest. Their projects can include raising cattle, hogs, and sheep. Other 4-H projects involve growing farm or garden crops, forestry and entomology collections, baking, sewing, handicrafts, art, electronics, horse showing, photography, public speaking, and much more.

Nationally about 5.5 million young people are involved in 4-H annually. I always enjoy meeting 4-H'ers in my Washington office or at our State fair. They always give me helpful advice. 4-H has helped them to become well-informed and articulate leaders.

While growing up on a small family farm in my home State of South Dakota, I was active in a local 4-H club, the Humboldt Hustlers. The 9 years I was active in 4-H helped me develop my personality and better focus myself. That helped me to confidently formulate and pursue my goals. Each 4-H participant learns the value of teamwork, and gains knowledge of the community, State, Nation, and world in which he or she lives. I was fortunate to have attended twice the 4-H Club Congress in Chicago and the 1961 World Agricultural Fair in Cairo, Egypt. Participation in such programs by young people is even more vital today with the growing importance of the global community to the United States.

The success of South Dakota 4-H is due to a team of very competent, well-informed adult professionals and volunteers who help educate 4-H members. I remember in particular two professionals who helped me and other South Dakota youth. They were Glenn Schrader, who was the Minnehaha County agent for more than 30 years, and John Younger, who was the South Dakota 4-H leader for nearly 25 years. Both were instrumental in the development of 4-H within South Dakota, as well as nationally. All 4-H participants also appreciate their local 4-H leaders for the time, effort, and commitment they volunteer. During the time I was involved in 4-H, I had two leaders: Elmer Anderson and Harry Stofferahn. They shared the values and spirit of 4-H to me and my fellow members, for which I am grateful to this day.

With the reported decline in rural communities, my colleagues may wonder how these programs continue to serve a useful purpose. The Extension Service and 4-H programs are no longer just for rural areas. They have expanded from addressing traditional farm and home economic problems to current issues such as teen pregnancy and violence. In fact, nearly one-third of 4-H students now reside in urban areas. They have grown so fast because the lessons and values that are the essence of 4-H—head, heart, hands, and health—transcend geography and demography. More important, at a time when thousands of young people in urban areas face so many challenges, the lessons and values of 4-H are needed more than ever before.

As Federal budgetary pressures grow, it will be tempting for Congress to cut funding for programs such as the CES and 4-H. I hope my colleagues will resist this pressure and continue supporting these effective programs. The CES and 4-H programs should be permitted to continue providing support for communities across the United States for many years to come.

## CWO-2 PETER A. DAVIS, AN AMERICAN PATRIOT

Mr. SMITH. Mr. President, I rise today to salute CWO-2 Peter A. Davis, who died April 24, 1995, in a helicopter crash in Williamson County, TX. The accident that took the life of this fine man was a terrible tragedy for his family and for all those who knew him.

Mr. Davis, born in Kittery, ME and educated in Laconia, NH, was on active duty and has served in the U.S. Army for 21 years. He is the son of Phillip and Maria Davis of Laconia. He is also survived by his wife, Bonnee Davis and son Nicholas Davis, both of Fort Hood, TX.

Peter died in service to his country in the U.S. Army. I extend my deepest sympathies to Peter's family and friends. As a member of the Senate Armed Services Committee, I am honored to represent Peter's family in the U.S. Senate. CWO-2 Peter Davis joins a distinguished list of American patriots who have given their lives in service to their country.

## TRIBUTE TO SHELDON L. MORGAN

Mr. HEFLIN. Mr. President, I want to pay tribute to Sheldon L. Morgan, who recently retired as senior vice president after 23 years with the First Alabama Bank. He was manager of the bank's corporate sales and services department, which included national accounts, industrial development, private banking, and corporate cash management. He had also served as head of First Alabama's marketing division.

Prior to joining the bank in 1972, Sheldon was manager of industrial trade development for the Mobile, AL Area Chamber of Commerce. His colorful career also carried him to the Alabama State docks, where he served as public relations director, and to the Mobile County schools, where he taught. He was in the U.S. Air Force from 1948 to 1952.

Sheldon received his bachelor's and a master's degrees from Auburn University. He also graduated from the Stonier Graduate School of Banking at Rutgers University in New Jersey. His thesis was selected for placement in the libraries of the American Bankers Association and the Harvard business school.

In addition to being an outstanding manager and banker, Sheldon Morgan has served his community through a wide variety of civic and professional organizations, including his service as president of the advisory board of the Providence Hospital School of Nursing; the Mobile Azalea Trail Festival; the Mobile Kiwanis Club; Senior Citizens Service; and the Industrial Developers Association of Alabama, which he founded. He has also served as a member of the Junior Chamber of Commerce, the American Cancer Society; and the Mobile Economic Development Council.

I congratulate Sheldon for his illustrious career and for his many contributions to his community and state. I wish him all the best for a happy, healthy, and long retirement.

## IN TRIBUTE TO SENATOR JOHN C. STENNIS

Mr. HATFIELD. Mr. President, I join with my colleagues today in remembering a man who embodied the U.S. Senate perhaps better than anyone, Senator John C. Stennis. Known as a Senator's Senator and the conscience of the institution, his presence for 41 years in the Senate was formidable, yet comforting and reassuring.

While his departure represents the passing of an era and is cause for our grief, it is also certainly cause to rejoice, for our friend is no doubt experiencing the rewards of a faithful heart and humble service. The legacy he leaves is one defined by his strength, integrity, and compassion.

Growing up in rural Mississippi, John Cornelius Stennis learned the lessons that would last him a lifetime. Such lessons molded a man whose southern courtesy would become a mark of dignity and distinction. After receiving a law degree from the University of Virginia in 1927, young John Stennis spent 19 full years serving first as a State representative, then district prosecuting attorney and finally a circuit judge before being elected to the U.S. Senate in 1947.

Much in the same manner Senator Stennis took so many of us under his wing, upon his arrival in the Senate, it was Senator Richard B. Russell who mentored the like-minded Mississippian. Soon, Senator Stennis' sharp mind and unmatched work ethic earned him seats on the powerful Armed Services and Appropriations Committees. As chairman of the new Armed Services Preparedness Subcommittee, Senator Stennis became a watchdog for the Department of Defense and the armed services. His fair investigations and scrutiny of these organizations quickly secured him a reputation which would never be tarnished: He was analytical, critical, and he held unwavering convictions.

The impact John Stennis had over his 41 years in the U.S. Senate surpasses description. Early in his Senate career he courageously spoke against McCarthyism. While assuring America would have the strongest and most capable military on the planet, he demanded accountability for each defense dollar spent. While always standing by his commitment to a strong military, he also began to see the growing danger of our Federal deficit and supported necessary defense budget cutbacks. A consummate professional, Chairman Stennis commented more than once that his work was his play. Indeed, the joy with which he carried out our Nation's business was contagious—our Senator's Senator was humorous and likeable, a role model to Members on both sides of the aisle.

The trials Senator Stennis experienced during his sunset years in the U.S. Senate are almost unthinkable. He was shot twice by a burglar in 1973, but he returned to the work of the Senate; he lost his wife of 50 years in 1983, but he returned to the work of the Senate; and he lost a leg to cancer in 1984, but again he returned to the work of the Senate. Through all this, Senator Stennis remained a commanding presence. As the distinguished senior Senator from Virginia once put it, Senator Stennis " . . . had a great spiritual reservoir that came to his rescue and served as a solid, strong, foundation for him." Well, the spiritual reservoir overflowed and served as a solid and strong foundation for the rest of us as well.

To more than one Senator, John C. Stennis was more than a colleague, even more than a mentor. Indeed, I am not the only Senator still in this body who would call Senator Stennis a father figure—a figure worthy of our respect and deserving of our love. As long as he was in the Senate, I was his student—especially on the Appropriations Committee. Even when serving as chairman it was his counsel and leadership, his spirit and presence which guided me through the many hours of committee sessions and floor deliberations. To Senator John C. Stennis I owe a debt of gratitude that is both professional and personal. Seeing his patient and humble years presiding as chairman and as President pro tempore brought me peace of mind as I struggled through the difficult periods of my own service. And what would Senator Stennis' response to this tribute be? Well, about 7 years ago, upon his retirement, he remarked that he "* * * was just trying to do what looked like to be the duty and keep it up the best he could." He certainly did, and much, much more.

In the Book of Ezekiel, the third chapter, God declares the Prophet to be a watchman over the house of Israel. Ezekiel is commanded to warn the rebellious Israelities of God's impending judgment. Well, for the past several decades, John Cornelius Stennis has been our watchman. He has always cared for, and often admonished, a dignified yet sometimes unruly body of U.S. Senators. He has and will continue to represent the history of this body, to represent the integrity of this body and to represent the stature of this body. For his years of service, leadership, and friendship, I am eternally grateful.

## TRIBUTE TO JEFFERY ALLEN BREAUX

Mr. BREAUX. Mr. President, today I would like to honor Jeffery Allen Breaux. Jeff was a native of my hometown of Crowley, LA, and he passed away on April 15, 1995. It is with extreme sorrow that I pay tribute to him on behalf of his parents, Mr. and Mrs. Larry J. Broussard, Sr.

## THE 25TH ANNIVERSARY OF EARTH DAY

Mr. DASCHLE. Mr. President, more than a hundred years ago, Sitting Bull, chief of the Lakota Sioux Indians, implored Americans: "Let us put our minds together and see what life we can make for our children."

I thought of that plea again on Saturday, April 22, the 25th anniversary of Earth Day.

Much has changed since the first Earth Day.

More and more, Americans recognize that conserving our natural resources and safeguarding a clean environment is in everyone's best interests. It is, as Theodore Roosevelt said, the patriotic duty of every American.

Congress has attempted to fulfill that responsibility by passing laws such as the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and the Federal Land Policy Management Act. As a result of these and other protections, the water Americans drink and the air we breathe is cleaner than it was 25 years ago.

We also understand much more about how the delicate Earth system works and about the effects of human actions on the environment. For example, earth scientists have come to recognize that the Earth's climate is changing because of human actions that alter the composition of the atmosphere. Geologists tell us that global climate change could increase the frequency of droughts and floods.

We now appreciate that these events can have direct socioeconomic consequences for individuals and communities.

We need to build on this knowledge and our successes, not undo them.

Clearly, we cannot and will not tolerate laws and rules that frustrate businesses and justify redtape. We must be willing to heed the lessons of the last 25 years and adjust our environmental laws to be more efficient and less burdensome.

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But, we must not exploit the current frustration with Government to gut all laws protecting our environment.

Those who claim we must eviscerate environmental rules in order to sustain our economy are at best disingenuous. They know—we all know—that we cannot strengthen our economy if we destroy our environment. In fact, establishing policies for a sustainable environment is an economic necessity. We must develop policies using balance, reason, and good science.

We will debate many important environmental issues in this Congress. Let us hold ourselves to those standards: Balance, reason, and good science.

Pollution does not respect ideological boundaries. So our efforts to prevent pollution, to clean up mistakes from our past, and to plan thoughtfully for the future on this delicate planet must transcend those boundaries.

In my lifetime, the world population has doubled, and the U.S. population has soared from 150 million to 260 million people. At current growth rates, it's projected that the U.S. population will double—to 522 million people—just 60 years from now.

The cold, hard truth is that the Earth cannot supply the resources to sustain such a large human population unless we change our consumption and conservation practices now.

Earth Day reminds us that the Earth is not an infinitely bountiful cornucopia. Rather, it is a planet of finite resources from which comes the materials for our food, clothing, and shelter. We must learn to live within its geological and biological limits.

Environmental issues are often expressed by scientists in complicated, technical terms. But the essential issue is really quite simple and critical for all of us to embrace. President Theodore Roosevelt put it best early in this century when he said: "A nation behaves well if it treats its natural resources as assets which it must turn over to the next generation increased—not impaired—in value."

We have an obligation to our children and our children's children to safeguard their future, to preserve the water, soil, air, minerals, rivers, and oceans that are the resource base of this diverse planet and the many life forms that inhabit it.

Last week, students at the Grandview Elementary School in Rapid City spoke with me about pressing environmental problems and possible solutions.

Let us not disappoint our children. Let us, Democrats and Republicans alike, heed Sitting Bull's plea to "put our heads together," to work together, "to see what life we can make for our children."

## SAFE WORKPLACES FOR AMERICAN WORKERS

Mr. DASCHLE. Mr. President, our Nation's history includes too many tragic and avoidable workplace accidents that have maimed and killed workers.

The Triangle Shirtwaist Factory fire early in this century, in which women died because the owner had locked the fire doors to prevent them taking an unauthorized work break, remains one of the most horrifying examples.

Twenty-five years ago last Friday, Congress passed the Occupational Safety and Health Act. With that legislation, we made a commitment to all American workers that the places where they earned their living would not themselves pose a hazard to life or health.

Yet it has been just a couple of years since the Hamlet chicken processing plant fire had a result all too similar to the Triangle Shirtwaist Factory disaster, and for the same cause—a locked fire escape door. Twenty-five working people in North Carolina died in that fire.

The Occupational Safety and Health Act was intended to prevent such tragedies, but despite the passage of a quarter century, its work is not yet done.

Every year, more than 6,000 workers are killed by workplace injuries; more than 50,000 die each year from occupational diseases.

We have made great strides in cleaning up the chemicals and other contaminants that pose a hazard to health in many workplaces. Most American employers are anxious to create workplaces that will not cause injury to their own employees.

But the number of deaths each year, whether from immediate injury or from the long-range effects of exposure to hazardous substances, means we cannot say that the work of the Occupational Health and Safety Administration is finished. It is not.

It is inconceivable that, with this heavy toll of premature worker death, there is today a concerted effort to roll back and eviscerate workplace safety provisions that protect workers today.

This is a misguided and mistaken approach. We are seeing improvements in the rate of workplace safety, with reduced injuries and accidents. Clearly, the work done by Federal and State inspectors is having an effect. It is counterproductive to take an effective enforcement approach and seek to weaken it.

American workers deserve better. American workers should not have to fear that the Congress, which promised to protect their health a quarter of a century ago, will today renege on that promise.

There are undoubtedly improvements to be made in the enforcement field, but proposals to eliminate the tools of enforcement itself are not improvements. They will do nothing but undermine the ability of inspectors to do their job.

There are fewer than 2,000 Federal workplace safety inspectors. They are already overwhelmed by the scope of their responsibilities. If they don't have the tools with which to enforce safety requirements, the promise of a safe workplace will become an empty one.

A week after the ultimate workplace tragedy, the bombing in Oklahoma City that took the lives of so many Federal employees as they worked at their desks, it is worthwhile to remember the tragic and wasteful loss of life that goes unremarked in the workplace every day.

I commend the AFL-CIO and its affiliates for the continued effort they make, through Workers Memorial Day, to recall to the national memory the lives needlessly lost to preventable injuries and hazards on the job.

## THE 80TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LIEBERMAN. Mr. President, this week we commemorate the 80th anniversary of the Armenian genocide—the death of over 1.5 million Armenians and their exile from their homeland.

This terrible tragedy marked the beginning of an ugly period in human history where there have been attempts to systematically liquidate certain ethnic groups. The Nazi Holocaust, the extermination of the Kulaks by Stalin, and the ruthless murders of innocent Cambodians by the Khmer Rouge are all further examples of brutality against fellow human beings. Today, people are being killed in the Balkans, Rwanda, and Burundi once again because they are members of a different ethnic group.

What can we learn from all these tragedies and especially the one we commemorate today? The first and foremost lesson is to acknowledge that a tragedy occurred and admit that it is a crime against all of humanity. Then we must never allow the world to forget what happened here and the fate of these people. This is why we mark this date in history—and why we must continue to do so.

In 1915, the Ottoman Empire was in a state of collapse. The Empire was exhausting its last strength in fighting World War I. The economy was in tatters and the Government was in a state of confusion. The victims of this time of upheaval were the Armenian people who were either killed or forced to flee their homelands.

The Armenian people kept their culture and beliefs, and with the collapse of the Soviet Union, the Nation of Armenia was born. This birth has been a troubled one.

The tragic 7-year conflict between Armenia and Azerbaijan has cost thousands of lives and displaced over a million people. I am very encouraged, however, by the cease-fire which has been in place in Nagorno-Karabakh for 1 year this month.

I am also encouraged that Russia decided this past December to work with the Minsk Group of the OSCE to seek a peaceful solution in Nagorno-Karabakh. The Minsk Group, cochaired by Russia and Finland, has been meeting regularly to address the needs of all the concerned parties. The process is moving along slowly, but there is hope that a peacekeeping unit may soon be in Nagorno-Karabakh to ensure the safety of all people.

The United States is eager to see a lifting of the blockade of Armenia and to see a return to the free flow of humanitarian aid in this region. We share the aspirations of Armenia, Azerbaijan, and the other members of the OSCE Minsk Group for a peaceful solution to this troubling problem.

We must do whatever we can to solve the situation in Nagorno-Karabakh. We must use all available resources to see that the tragedy which befell Armenians in the first part of this century is not repeated—either in Armenia or anywhere else in the world. On this, the 80th anniversary of a terrible genocide, we must learn from the past and make sure that such a tragedy is never repeated.

## THE 80TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. GLENN. Mr. President, once again I join my colleagues in pausing to reflect upon, and remember the victims of, this century's first example of the horrendous crime of genocide, the Armenian population of the Ottoman Empire. April 24, 1995, marked the 80th anniversary of the beginning of this tragedy. On that day in 1915, some 200 Armenian religious, political, and intellectual leaders were arrested in Constantinople and exiled or taken to the interior and executed. For the next several years, Armenians were systematically expelled and deported. Some were killed and others left to die of deprivation. When the horror ended in 1923, 1.5 million Armenians had perished and another 500,000 had fled their homeland.

Evidence of the Armenian genocide is available from a number of sources, among the most compelling of which is the reporting of our own United States Ambassador to the Ottoman Empire, Henry Morgenthau. In a cable to the Secretary of State, Ambassador Morgenthau wrote:

> Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in process under a pretext of reprisal against rebellion.

Some may ask why it is important to take time each year to commemorate an event which occurred over half a century ago. In reply I would recall the reported observation of Adolph Hitler as he contemplated the "final solution"—"Who remembers the Armenians?"

Sadly, as we all well know, the Armenian peoples' tragedy was not the last genocide of this century; there followed the horrors of the Holocaust and the extermination of the Cambodians during the brutal Khmer Rouge regime. Surveying the world today we unfortunately see many too many examples of brutal ethnic, religious, or tribal-based conflict, from ethnic cleansing in Bosnia to massacres in Rwanda.

Today we remember the 1½ million victims of the Armenian genocide. It is not comfortable to remind ourselves of this tragedy, or to visit the Holocaust Memorial Museum, or to see ongoing atrocities in real time on our television screens. Let us hope and pray today that we never allow ourselves to become complacent about man's inhumanity to man. For in the words of Edmund Burke, "the only thing necessary of the triumph of evil is for good men to do nothing."

## ARMENIAN COMMEMORATION

Mr. JEFFORDS. Mr. President, I join many of my colleagues today in commemorating one of history's greatest tragedies: The slaughter 80 years ago of more than 1 million Armenians. That brutal assault on the Armenian people was an unconscionable effort to deny Armenians basic political and social rights of self-determination, independence, cultural identity, and community.

The atrocity could not extinguish the Armenian people's desire for freedom and justice. The Armenian community survives in many places around the globe, including, thankfully, the United States of America. In commemorating the immense tragedy which took place 80 years ago, we are honoring the achievements and lives of those who perished. We are also paying tribute to the perseverance and vigor of the Armenian people, who have maintained their cultural and historical identity despite oppression and diaspora. They continue to make positive contributions wherever they are, including in the United States and in the Republic of Armenia.

Commemorating these tragic events of 80 years ago, we also recognize the need for vigilance and action in the face of ethnic intolerance and injustice. Failure to learn the lessons of such events in history will unquestionably lead to future tragedies.

## ARMENIAN GENOCIDE

Ms. MOSELEY-BRAUN. Mr. President, April 24 was the 80th anniversary of the beginning of the Armenian genocide. On that day in 1915, 200 Armenian leaders were arrested in Constantinople, now Istanbul, and taken to the Turkish interior, where they were executed. This act marked the beginning of the first genocide of the 20th century.

From 1915–23, 1.5 million Armenians were killed and more than 500,000 were exiled. By 1923, the entire Armenian population, which had numbered 2 million, 9 years before, was removed from Turkey.

During the last years of the Ottoman Empire, the government carried out the extermination of the Christian Armenian minority as a matter of government policy. The Turks were concerned that the Armenian population sympathized with the Allied Powers, and were worried that they might side with the Russians in the Turkish-Russian conflict during World War I. The Ottoman Government felt they needed to fully contain the Armenians.

All Armenians were equal candidates to be deported or massacred—men, women, children, the elderly. The Ottoman Empire justified the genocide as one of the necessary military operations during wartime.

Many Armenians were transferred from their homes and taken to desolate areas to be abused and killed in mass slayings. They were moved either by forced caravan marches or by overly packed cattle car trains, both of which caused massive casualties.

The survivors of these deportations were sent to camps in the middle of the Syrian desert, where they faced heat, starvation, exhaustion, thirst, and disease.

In addition to the loss of life, Armenian churches, libraries, towns, and other symbols of their culture were razed. The property and belongings of individual Armenians were transferred to the state.

The massacres ended only after the intervention by the Great Powers, including the United States. Henry Morgenthau, the United States Ambassador to the Ottoman Empire, organized and led protests against the targeting of Armenians. Congress chartered an organization, Near East Relief, which provided $113 million between 1915–30 for the Armenians' cause. 132,000 Armenian orphans were sent to America and placed in foster homes. The United States' efforts stopped the Turks from fully completing their plan of extermination. Unfortunately, though, we were unable to protect the majority of the Armenians from that brutal government.

Those who were not killed were scattered around the globe. The largest community of Armenians today is in the United States, and approximately 25,000 Armenians live in Illinois.

I believe it is important to recognize this history of suffering. The United States should make April 24 a national day of remembering the Armenian genocide. We must acknowledge the Armenian genocide for what it was.

There is no way we can go back and change history, but we must recount

the truth of what happened to the Armenian people between 1915–1923 in the Ottoman Empire. We must demonstrate that the attempted extermination of an entire people will not be tolerated. We must not forget those who suffered and died.

I dedicate this statement to those who did not survive the first genocide of the 20th century. They must never be forgotten.

## THE ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, today I rise to pay tribute to the Armenian people on the 80th anniversary of the Armenian genocide. April 24, 1915, marked the beginning of the systematic elimination of the Armenian people in the Ottoman Empire by the Turks. It is important to recall this horrible chapter in history not only to commemorate the courage, strength, and energy of the Armenian people, but also to ensure that history does not repeat itself.

Beginning in 1915, the Ottoman Empire carried out a genocidal plot against its Armenian minority. From 1915 to 1923, approximately 1.5 million Armenian people, including religious, political, and intellectual leaders, lost their lives due to starvation, torture, and disease. More than 500,000 Armenians were exiled from their homes and by the end of 1923, the entire Armenian population of Anatolia and Western Armenia had been killed or deported.

During this bleak period for the Armenian people, hope was temporarily restored on May 28, 1918, when Armenian refugees, with the help of volunteers from abroad, defeated a Turkish attack and gained freedom. Unfortunately, in 1920 the Soviet Union joined with Ottoman Empire forces to attack and defeat Armenia, whose people were subjugated by these foreign powers for the next 70 years. It was not until 1991, after the break up of the Soviet Union, that the independence of the Armenian people was restored and the Republic of Armenia was born.

Although independence has been gained, Armenia's struggle still continues. There have been many efforts to deny the Armenian genocide and to discredit scholarship on this historical event. However, the suffering inflicted upon the Armenian people—one of the oldest Christian nations in the world—must not be forgotten or denied. The horror of these events must not be concealed, because only through education and remembrance can the wounds inflicted by this tragic incident in history be healed.

It is our duty to salute the Armenian people, for it reminds us that we all must work together to discourage prejudice and discrimination, to hold steadfast to the view that genocide will not be tolerated, and to make certain that it is never again repeated.

## THE 80TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. BIDEN. Mr. President, I rise today to speak of a triple commemoration of horror. April 1995 marked the anniversary of both the first and the most recent genocide of the 20th century. The first, of course, was the massacre of 1.5 million Armenians in 1915. The most recent was last year's slaughter of the Tutsis of Rwanda.

Chronologically between these two grisly events stand the decimation of the Ukrainian people by Stalin's collectivization, the Jewish Holocaust, the killing fields of Cambodia, and most recently the unspeakable ethnic cleansing of Bosnia's Moslems.

The precedent for this inhuman chain was the Armenian genocide, the world's failure to prevent it, and the inability to ensure that it not be denied by future generations.

From 1915 to 1923, 30 percent of the Armenian people were massacred by the brutal hand of the Ottoman Turks, beginning with the Armenian intellectual and religious elite on April 24, 1915. Armenian men who had already been conscripted into the Ottoman Army were put into work battalions and then murdered.

Other Armenians—mostly helpless, elderly, women, and children—were driven on forced marches into the desert. Many of those who withstood unimaginable suffering finally succumbed to starvation or illness.

Sadly, the Armenian massacres have been labeled the "forgotten genocide" as a result of a concerted effort to rewrite history. Some who should know better assert that the horrid events were merely a regrettable sidelight of war, not genocide.

Mr. Chairman, we must not let unseemly quarrels over semantics cloud our moral vision or distract us from the fundamental point: The world must not allow human beings to be killed because of their race, religion, or ethnic group.

It matters little whether or not in every case of genocide in this century the perpetrators had a master plan for annihilation. The crucial, horrifying truth is that Armenians were killed because they were Armenians; Jews were killed because they were Jews; Gypsies were killed because they were Gypsies; Tutsis were killed because they were Tutsis; and Bosnian Moslems were killed because they were Moslems.

In the 1930's the international community should have been alerted by Hitler's cynical comment, "Who today remembers the extermination of the Armenians?" Just as Hitler saw lack of historical memory of the Armenian genocide as a signal that he could carry out with impunity his demented genocide of Jews and Gypsies, so too must the Hutus in Rwanda have been emboldened by the world's failure to stop the vile ethnic cleansing in Bosnia.

On this 80th anniversary of the Armenian genocide; the 50th anniversary of the liberation of Auschwitz, Buchenwald, and other Nazi death camps; and the first anniversary of the Tutsi genocide, I stand here to tell you that this chain must be broken once and for all.

We must not only remember and honor the martyrs, but must also solemnly swear: "This will never happen again."

## THE 80TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mrs. FEINSTEIN. Mr. President, last Monday, April 24, marked the 80th anniversary of the beginning of the Armenian genocide. I rise today to acknowledge and commemorate this terrible chapter in our history, to help ensure that it will never be forgotten.

On April 24, 1915, the Ottoman authorities began rounding up hundreds of Armenian political and religious leaders throughout Anatolia. Over the ensuing months and years, some 1.5 million Armenians were killed at the hands of the Ottoman authorities, and hundreds of thousands more were exiled from their homes. For its devastation and barbarism, the Armenian genocide stands out as one of the most horrific events in human history.

As the 80th anniversary of the Armenian genocide passes, it is vital that we remember and speak out about the systematic persecution and murder of millions of Armenians by the Ottoman government. I urge my colleagues to join me, the Armenian-American community, and people across the United States in commemorating the genocide and paying tribute to the victims of this crime against humanity.

Americans, who are blessed with freedom and security, can never allow oppression and persecution to pass without condemnation. By commemorating the Armenian genocide, we renew our commitment always to fight for human dignity and freedom, and we send out a message that the world can never allow genocide to be perpetrated again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all across the world have clung to their identity and have prospered in new communities. Their strength and perseverance is a triumph of the human spirit, which refuses to cede victory to evil. The best retort to the perpetrators of oppression and destruction is rebirth, renewal, and rebuilding. Armenians throughout the world have done just that, and today they do it in their homeland as well. A free and independent Armenia stands today as a living monument to the resilience of a people. I am proud that the United States, through our friendship and assistance, is contributing to the rebuilding and renewal of Armenia.

Let us never forget the victims of the Armenian genocide; let their deaths

not be in vain. We must remember their tragedy to ensure that such crimes can never be repeated. And as we remember Armenia's dark past, we can look with hope to its future, which is bright with possibility.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON RESCISSION PROPOSALS—MESSAGE FROM THE PRESIDENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Commerce, Science, and Transportation, and to the Committee on the Judiciary.

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report three rescission proposals, totaling $132.0 million.

The proposed rescissions affect the Departments of Justice and Transportation, and the National Aeronautics and Space Administration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1995.*

## MESSAGES FROM THE HOUSE

At 1:04 p.m., a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes;

H.R. 517. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes; and

H.R. 1380. An act to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act.

At 3:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to 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, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LIVINGSTON, Mr. MYERS of Indiana, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. DELAY, Mrs. VUCANOVICH, Mr. LIGHTFOOT, Mr. CALLAHAN, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. BEVILL, Mr. FAZIO, Mr. HOYER, Mr. DURBIN, Mr. COLEMAN, and Mr. MOLLOHAN as the managers of the conference on the part of the Houses.

## 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-748. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on the metric system; to the Committee on Commerce, Science, and Transportation.

EC-749. A communication from the Administrators of the Federal Aviation Administration and the National Aeronautics and Space Administration, transmitting jointly, pursuant to law, the report on the subsonic noise reduction technology; to the Committee on Commerce, Science, and Transportation.

EC-750. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

EC-751. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of the budget requests of the Federal Aviation Administration for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-752. A communication from the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report on the Grant-In-Aid for Fisheries Program for fiscal years 1993 and 1994; to the Committee on Commerce, Science, and Transportation.

EC-753. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on bluefin tuna for calendar years 1993 and 1994; to the Committee on Commerce, Science, and Transportation.

EC-754. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "National Implementation Plan for Modernization of the National Weather Service for Fiscal Year 1996"; to the Committee on Commerce, Science, and Transportation.

EC-755. A communication from the Secretary of Transportation, transmitting, the report on the regulatory review effort on grassroots partnerships; to the Committee on Commerce, Science, and Transportation.

EC-756. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Department of Transportation Reorganization Act of 1995"; to the Committee on Commerce, Science, and Transportation.

EC-757. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the national plan of integrated airport systems; to the Committee on Commerce, Science, and Transportation.

EC-758. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Maritime Administration for fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

EC-759. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "The Amtrak Restructuring Act of 1995"; to the Committee on Commerce, Science, and Transportation.

EC-760. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "The Interstate Commerce Commission Sunset Act of 1995"; to the Committee on Commerce, Science, and Transportation.

EC-761. A communication from the Assistant Administrator (National Weather Service), National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a revision to the report entitled "National Implementation Plan for Modernization of the National Weather Service for Fiscal Year 1996"; to the Committee on Commerce, Science, and Transportation.

EC-762. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on the Youth Conservation Corps for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC-763. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report entitled "Outer Continental Shelf Natural Gas and Oil Resource Management Program: Cumulative Effects, 1987-1991"; to the Committee on Energy and Natural Resources.

EC-764. A communication from the Deputy Assistant Secretary of the Interior (Water and Science), transmitting a draft of proposed legislation entitled "The Helium Disposal Act of 1995"; to the Committee on Energy and Natural Resources.

EC-765. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report of a notice on leasing systems; to the Committee on Energy and Natural Resources.

EC-766. A communication from the President and Chief Executive Officer, U.S. Enrichment Corporation, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC-767. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC-768. A communication from the Secretary of Energy, transmitting a draft of proposed legislation entitled "The Alaska Power Administration Sale Authorization Act"; to the Committee on Energy and Natural Resources.

EC-769. A communication from the Secretary of Energy, transmitting, pursuant to

law, the report on the U.S. uranium industry for calendar year 1994; to the Committee on Energy and Natural Resources.

EC-770. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Low Emissions Boiler Systems Program; to the Committee on Energy and Natural Resources.

EC-771. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Building Energy Efficiency Standards Activities; to the Committee on Energy and Natural Resources.

EC-772. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Powerplant and Industrial Fuel Use Act for calendar year 1994; to the Committee on Energy and Natural Resources.

EC-773. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the evaluation of utility early replacement programs; to the Committee on Energy and Natural Resources.

EC-774. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Integrated Resource Planning; to the Committee on Energy and Natural Resources.

EC-775. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC-776. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC-777. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC-778. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC-779. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC-780. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC-781. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of a construction prospectus; to the Committee on Environment and Public Works.

EC-782. A communication from the Administrator of the Environmental Protection Agency, transmitting drafts of proposed legislation entitled "The U.S.-Mexico Border Water Pollution Control Act" and "The U.S. Colonias Water Pollution Control Act"; to the Committee on Environment and Public Works.

EC-783. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, the report under the Comprehensive Environmental Response Compensation and Liability Act for calendar year 1994; to the Committee on Environment and Public Works.

EC-784. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the shipping study; to the Committee on Environment and Public Works.

EC-785. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the surface transportation research and development plan; to the Committee on Environment and Public Works.

EC-786. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the report on the Defense Environmental Restoration Program; to the Committee on Environment and Public Works.

EC-787. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on storm water discharges; to the Committee on Environment and Public Works.

EC-788. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report on the Salem River Deep Draft Navigation Project; to the Committee on Environment and Public Works.

EC-789. A communication from the Senior Vice President (Communications), Tennessee Valley Authority, transmitting, pursuant to law, the report on the statistical summaries for fiscal year 1994; to the Committee on Environment and Public Works.

EC-790. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Finance.

EC-791. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Bulletin for March 1995; to the Committee on Finance.

EC-792. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report on trade between the United States and China, the successor States to the Former Soviet Union and other Title IV countries during calendar year 1994; to the Committee on Finance.

EC-793. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Medicaid Drug Rebate Program; to the Committee on Finance.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Lawrence Harrington, of Tennessee, to be United States Alternate Executive Director of the Inter-American Development Bank.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 104-3 Extradition Treaty with Jordan (Exec. Rept. No. 104-2).

TEXT OF THE COMMITTEE-REPORTED RESOLUTION OF ADVICE AND CONSENT

*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan, signed at Washington on March 28, 1995.

## 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. DASCHLE:

S. 742. A bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 743. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 744. A bill to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards; to the Committee on Labor and Human Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 742. A bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers, and for other purposes; to the Committee on Energy and Natural Resources.

THE WILD AND SCENIC RIVERS ACT AMENDMENT ACT OF 1995

Mr. DASCHLE. Mr. President, in 1991 Congress designated a 39-mile stretch of the Missouri River from Fort Randall to Lewis and Clark Lake as a national recreational river. The purpose

of the recreational river designation is to protect the river and its environment, protect landowner rights, and provide for visitor use.

Recreational river designations preserve an important part of our Nation's natural heritage. This section, along with other segments of the Missouri River, provides critical native wildlife habitat, buffers against floods, and scenic waterways for recreation including fishing and hunting. For these reasons, South Dakotans feel strongly about the care and management of the river.

The National Park Service is currently evaluating alternative plans for managing this segment of the Missouri River. The selected plan will set goals and mechanisms for the care and public use of the river.

Numerous South Dakotans have commented officially on management alternatives proposed by the National Park Service. Some favor plans that emphasize the protection of wildlife habitat and provision of a primitive river experience. Others advocate a recreational emphasis with attention drawn to cultural and historical aspects of the river. Most agree on a balanced approach to river management.

However, many people who own land adjacent to the river have expressed concerns about the effectiveness of river protection efforts. They worry that recreational facilities developed on either side of the river will threaten the fragile river ecosystem. They are afraid that the Federal Government will take away portions of their land but will not do an adequate job of river protection.

I have always believed that ranchers and farmers are the original environmentalists. They make their living off the land and, therefore, know how the Earth and its rivers work. For farmers and ranchers, a healthy Earth makes for a healthy living.

The National Park Service has stated that, at this juncture, it does not believe that land condemnation will be necessary to accomplish the designation. While I appreciate the sensitivity of the Park Service to this issue, concerns persist among landowners over the potential for land condemnation when the final plan is announced. These fears, which have created a climate of mistrust, threaten to impede the designation process. For this process to move forward in a constructive and productive way, I believe it is important to clarify this issue and ensure that land condemnation is no longer an option in this process.

Therefore, today I am introducing a bill to amend the Wild and Scenic Rivers Act. The bill will limit acquisition of land on the 39-mile segment of the Missouri River designated as a recreational river to acquisition from willing sellers.

The bill seeks to ensure that the people who live with the river, who best know its seasonal ebbs and flows, will retain control of the management decisions that will affect them and the river. The bill guarantees that landowners with river property will not have their land condemned by the National Park Service for the purpose of this designation.

South Dakotans living along this stretch of the Missouri River are entitled to be the stewards of their own land. They are eager to protect this stretch of the river and to maintain its natural beauty.

In this time when States are clamoring for greater control over their natural environment and the laws that guide its use, it is my hope that Congress will provide the degree of control that Americans are asking for along this 39-mile stretch of river. Local landowners must take responsibility for the health and well-being of their natural environment. This bill, which applies only to the 39-mile stretch of the Missouri River from Fort Randall to Lewis and Clark Lake, will provide that opportunity in this case.

Mr. President, I ask unanimous consent that the full 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. 742

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION. 1. LIMITATION OF ACQUISITION OF LAND ON PORTION OF THE MISSOURI RIVER DESIGNATED AS A RECREATIONAL RIVER.**

Section 3(a)(22) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(22)) is amended in the ninth sentence by striking "owner:" and all that follows through the end of the sentence and inserting "owner."

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By Mrs. HUTCHISON:

S. 743. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Finance.

COMMERCIAL REVITALIZATION TAX CREDIT ACT

Mrs. HUTCHISON. Mr. President, the bill that I am introducing today is the Commercial Revitalization Tax Credit Act of 1995 [CRTC]. This legislation will encourage business investment in economically distressed areas. It will create jobs; expand economic activity; improve the physical appearance and increase property values in these areas. My bill would provide a targeted, limited tax credit to businesses to help defray their costs of construction, expansion, and renovation. Currently, such an incentive is lacking. This credit would fill a gap in the range of tools that States and localities need to make declining neighborhoods good places to do business, to work, and to reside. Martha Murphree, executive director of the Houston chapter of the American Institute of Architects said it very well: This legislation would "give small businesses leverage to expand and/or improve their facilities, thus adding value to their establishments and allowing them to hire more employees."

In fact, the American Institute of Architects is one of the prime reasons that this bill came to my attention and I applaud them for taking this initiative.

Mr. President, this tax credit will help businesses form a partnership with the Government to help revitalize areas of our country that have, in some cases, long suffered from neglect.

I firmly believe that we must reduce the size and scope of the Federal Government. I also firmly believe that there are compassionate ways to aid our cities without adding more Federal Government bureaucracy. Expanding tax incentives to enable the private sector to create real jobs in the economically depressed areas of our country is an excellent way to combat poverty, crime, despair, and the physical deterioration of our cities. This legislation encourages empowerment at the local level. It builds on the empowerment zone/enterprise community program that is now unfolding in 109 communities across the Nation. My own State of Texas has five of these specially designated areas in these cities: Houston, Dallas, El Paso, San Antonio, and Waco. The legislation could also benefit additional communities which have had previously approved and designated economic revitalization areas and which now receive Federal funds under the Community Development Block Grant Program.

I have always been a supporter of the pro-growth ideas that are at the foundation of the enterprise zone concept. But what was enacted in 1993 did not include the broad based incentives for capital formation that former Secretary of Housing and Urban Development Jack Kemp had envisioned. These specially designated zones primarily encourage wage-based tax credits to employers who hire an individual to work for a business within the zone. But there is no existing incentive for a business within the zone to expand so that larger numbers of people could be hired. Increasing and upgrading buildings and infrastructure is a necessary part of improving our cities and combating cycles of poverty and crime. This is the part of the equation that has been missing.

This is not intended to be a panacea. I do not anticipate that the tax credits will be the primary reason for going forward with such an expansion. However, I do think it can be an important, positive factor that would give the business man or woman the push needed to go forward with construction, renovation, or expansion. The credit

will mitigate the inherent risk in business decisions to locate in areas experiencing a variety of social and economic troubles. The credit will provide an incentive to invest in these areas, and the result will be new sources of tax revenues and new jobs.

We have seen how other targeted tax incentives can achieve such goals. Two excellent examples are the historic rehabilitation tax credit and the low-income housing tax credit. The historic rehabilitation tax credit provides a 20-percent credit to the owners of properties listed on the National Register of Historic Places to restore their properties for commercial purposes. According to the National Park Service, the credit has definitely created jobs. In fiscal year 1994, the credit produced almost 21,000 jobs, among 524 projects, and leveraged $483 million in private investment at a Federal cost of $97 million. Over the previous 4 fiscal years, $509 million in tax credits leveraged $2.5 billion in private investment. In the 17 years since Congress enacted the credit, it has generated almost $17 billion in private investment, in more than 25,000 projects. Moreover, this credit has preserved thousands of this Nation's most precious architectural treasures. It has also sparked tourism which in turn has generated millions of tax dollars.

The low-income housing tax credit is the residential housing construction and rehabilitation partner to the CRTC. It provides a tax credit of up to 9 percent per year for up to 10 years against the cost of developing or renovating housing affordable to low- and moderate-income people. Since its creation in 1986, it has financed 700,000 new and rehabilitated housing units. At an annual credit amounting to about $320 million, the low-income housing tax credit attracts about $975 million in private investment a year. According to the U.S. Department of Housing and Urban Development, for every 100,000 new housing starts, 170,000 jobs are created. Of these jobs, 40 percent are on-site and another 20 percent are in trade, transportation, and services that come primarily from local markets. The National Association of Homebuilders reported that, for fiscal year 1992, the 92,000 units built or rehabilitated spun off more that $1.6 billion in wages and taxes.

Clearly, Congress has found that targeted tax credits can serve a valuable public purpose. My proposal will do the same for economically depressed communities struggling to attract new business investment, just as the historic rehabilitation tax credit has done for historic properties and the low-income housing tax credit has done for affordable housing. According to the National Association for Counties' report on business development incentives, it is important to ensure that tax incentives are crafted to encourage new activity which might not otherwise occur. Also, the credit must be carefully targeted and used judiciously. There must be safeguards to ensure accountability. The tax credit must fit within a State or locality's overall economic development policy. It must also be designed to stimulate the local economy, and to promote job growth in economically depressed areas. My proposal meets all of those standards.

This tax credit will be a cost-efficient instrument of Federal policy. It will require a minimum of Federal bureaucracy. Most of the work will be done by the State, which will allocate the tax credits, and monitor projects to make sure that the proposed benefits are realized. It will engage the private sector in addressing the economic development needs of low-income communities. The Government cannot and should not do the job alone. Private sector involvement helps ensure success. Because their own funds will be at risk, private investors will rigorously assess the feasibility of ventures before undertaking them. This is not a charity or a Government give away program. The credit will attract additional private lending. Lenders want to see the kind of private equity investment generated by the CRTC before they will consider a loan, particularly in an economically distressed community. The CRTC is flexible. It will work for a wide range of retail, industrial, health care, and other facilities which are crucial to making their communities good places to live and to do business. The CRTC is based on the principal of paying for performance. Tax credits can be claimed only after the investment is made; the project completed; the assets remain in use; and income is generated. That ensures that the taxpayers will get what they are paying for.

The tax credit I propose has the following major features:

The credit may be applied to construction, amounting to at least 25-percent of the basis of the property, which takes place in specially designated revitalization areas, including enterprise communities, empowerment zones, and other areas specially designated according to Federal, State, or local law.

Qualified taxpayers could choose a one time 20-percent tax credit against the cost of new construction or rehabilitation. For instance, if the expansion of a supermarket in the El Paso enterprise community cost $150,000, the tax credit against income would be $30,000. Alternatively, the business owner could take a 5-percent credit each year over a 10-year period.

Annually, the credit would be allocated to each of the States, according to a formula that takes into account the number of localities where over half the people earn less than 60 percent of the area's median income.

Localities would determine their priority projects and forward them to the State for allocation of credits according to an evaluation system which the States establish.

The CRTC would provide $1.5 billion in tax credits over 5 years, in amounts as follows: $100 million in fiscal year 1996, $200 million for fiscal year 1997, and $400 million each year from fiscal years 1998 to 2000.

Mr. President, the legislation I offer today is designed to attract over $7 billion of private sector investment to the most troubled neighborhoods and communities of this Nation. It will create jobs, generate tax revenue, and improve the physical appearance of these specially designated revitalization areas. With a minimum of bureaucracy and through a proven tax mechanism, my initiative will make a difference to the people and the economies of hundreds of communities and thousands of neighborhoods across this country.

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. 743

*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 "Commercial Revitalization Tax Act of 1995".

**SEC. 2. COMMERCIAL REVITALIZATION TAX CREDIT.**

(a) ALLOWANCE OF CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the commercial revitalization credit."

(b) COMMERCIAL REVITALIZATION CREDIT.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following new section:

**"SEC. 48A. COMMERCIAL REVITALIZATION CREDIT.**

"(a) GENERAL RULE.—For purposes of section 46, except as provided in subsection (e), the commercial revitalization credit for any taxable year is an amount equal to the applicable percentage of the qualified revitalization expenditures with respect to any qualified revitalization building.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable percentage' means—

"(A) 20 percent, or

"(B) at the election of the taxpayer, 5 percent for each taxable year in the credit period.

The election under subparagraph (B), once made, shall be irrevocable.

"(2) CREDIT PERIOD.—

"(A) IN GENERAL.—The term 'credit period' means, with respect to any building, the period of 10 taxable years beginning with the taxable year in which the building is placed in service.

"(B) APPLICABLE RULES.—Rules similar to the rules under paragraphs (2) and (4) of section 42(f) shall apply.

"(c) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

"(A) such building is located in an eligible commercial revitalization area,

"(B) a commercial revitalization credit amount is allocated to the building under subsection (e), and

"(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to the building.

"(2) QUALIFIED REHABILITATION EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified rehabilitation expenditure' means any amount properly chargeable to capital account—

"(i) for property for which depreciation is allowable under section 168 and which is—

"(I) nonresidential real property, or

"(II) an addition or improvement to property described in subclause (I),

"(ii) in connection with the construction or substantial rehabilitation or reconstruction of a qualified revitalization building, and

"(iii) for the acquisition of land in connection with the qualified revitalization building.

"(B) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building for any taxable year shall not exceed $10,000,000, reduced by any such expenditures with respect to the building taken into account by the taxpayer or any predecessor in determining the amount of the credit under this section for all preceding taxable years.

"(C) CERTAIN EXPENDITURES NOT INCLUDED.—The term 'qualified revitalization expenditure' does not include—

"(i) STRAIGHT LINE DEPRECIATION MUST BE USED.—Any expenditure (other than with respect to land acquisitions) with respect to which the taxpayer does not use the straight line method over a recovery period determined under subsection (c) or (g) of section 168. The preceding sentence shall not apply to any expenditure to the extent the alternative depreciation system of section 168(g) applies to such expenditure by reason of subparagraph (B) or (C) of section 168(g)(1).

"(ii) ACQUISITION COSTS.—The costs of acquiring any building or interest therein and any land in connection with such building to the extent that such costs exceed 30 percent of the qualified revitalization expenditures determined without regard to this clause.

"(iii) OTHER CREDITS.—Any expenditure which the taxpayer may take into account in computing any other credit allowable under this part unless the taxpayer elects to take the expenditure into account only for purposes of this section.

"(3) ELIGIBLE COMMERCIAL REVITALIZATION AREA.—The term 'eligible commercial revitalization area' means—

"(A) an empowerment zone or enterprise community designated under subchapter U,

"(B) any area established pursuant to any consolidated planning process for the use of Federal housing and community development funds, and

"(C) any other specially designated commercial revitalization district established by any State or local government, which is a low-income census tract or low-income nonmetropolitan area (as defined in subsection (e)(2)(C)) and is not primarily a nonresidential central business district.

"(4) SUBSTANTIAL REHABILITATION OR RECONSTRUCTION.—For purposes of this subsection, a rehabilitation or reconstruction shall be treated as a substantial rehabilitation or reconstruction only if the qualified revitalization expenditures in connection with the rehabilitation or reconstruction exceed 25 percent of the fair market value of the building (and its structural components) immediately before the rehabilitation or reconstruction.

"(d) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—

"(1) IN GENERAL.—Qualified revitalization expenditures with respect to any qualified revitalization building shall be taken into account for the taxable year in which the qualified rehabilitated building is placed in service. For purposes of the preceding sentence, a substantial rehabilitation or reconstruction of a building shall be treated as a separate building.

"(2) PROGRESS EXPENDITURE PAYMENTS.—Rules similar to the rules of subsections (b)(2) and (d) of section 47 shall apply for purposes of this section.

"(e) LIMITATION ON AGGREGATE CREDITS ALLOWABLE WITH RESPECT TO BUILDINGS LOCATED IN A STATE.—

"(1) IN GENERAL.—The amount of the credit determined under this section for any taxable year with respect to any building shall not exceed the commercial revitalization credit amount (in the case of an amount determined under subsection (b)(1)(B), the present value of such amount as determined under the rules of section 42(b)(2)(C)) allocated to such building under this subsection by the commercial revitalization credit agency. Such allocation shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

"(2) COMMERCIAL REVITALIZATION CREDIT AMOUNT FOR AGENCIES.—

"(A) IN GENERAL.—The aggregate commercial revitalization credit amount which a commercial revitalization credit agency may allocate for any calendar year is the portion of the State commercial revitalization credit ceiling allocated under this paragraph for such calendar year for such agency.

"(B) STATE COMMERCIAL REVITALIZATION CREDIT CEILING.—

"(i) IN GENERAL.—The State commercial revitalization credit ceiling applicable to any State for any calendar year is an amount which bears the same ratio to the national ceiling for the calendar year as the population of low-income census tracts and low-income nonmetropolitan areas within the State bears to the population of such tracts and areas within all States.

"(ii) NATIONAL CEILING.—For purposes of clause (i), the national ceiling is $100,000,000 for 1996, $200,000,000 for 1997, and $400,000,000 for calendar years after 1997.

"(iii) OTHER SPECIAL RULES.—Rules similar to the rules of subparagraphs (D), (E), (F), and (G) of section 42(h)(3) shall apply for purposes of this subsection.

"(C) LOW-INCOME AREAS.—For purposes of subparagraph (B), the terms 'low-income census tract' and 'low-income non-metropolitan area' mean a tract or area in which, according to the most recent census data available, at least 50 percent of residents earned no more than 60 percent of the median household income for the applicable Metropolitan Standard Area, Consolidated Metropolitan Standard Area, or all nonmetropolitan areas in the State.

"(D) COMMERCIAL REVITALIZATION CREDIT AGENCY.—For purposes of this section, the term 'commercial revitalization credit agency' means any agency authorized by a State to carry out this section.

"(E) STATE.—For purposes of this section, the term 'State' includes a possession of the United States.

"(f) RESPONSIBILITIES OF COMMERCIAL REVITALIZATION CREDIT AGENCIES.—

"(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization credit dollar amount with respect to any building shall be zero unless—

"(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) of which such agency is a part, and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such project and provides such individual a reasonable opportunity to comment on the project.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

"(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization credit agency which are appropriate to local conditions,

"(B) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for an eligible commercial revitalization area through a citizen participation process,

"(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

"(iii) the active involvement of residents and nonprofit groups within the eligible commercial revitalization area, and

"(C) which provides a procedure that the agency (or its agent) will follow in monitoring for compliance with this section.

"(g) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2000."

(b) CONFORMING AMENDMENTS.—

(1) Section 39(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) NO CARRYBACK OF SECTION 48A CREDIT BEFORE ENACTMENT.—No portion of the unused business credit for any taxable year which is attributable to any commercial revitalization credit determined under section 48A may be carried back to a taxable year ending before the date of the enactment of section 48A."

(2) Subparagraph (B) of section 48(a)(2) of such Code is amended by inserting "or commercial revitalization" after "rehabilitation" each place it appears in the text and heading thereof.

(3) Subparagraph (C) of section 49(a)(1) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the basis of any qualified revitalization building attributable to qualified revitalization expenditures."

(4) Paragraph (2) of section 50(a) of such Code is amended by inserting "or 48A(d)(2)" after "section 47(d)" each place it appears.

(5) Subparagraph (B) of section 50(a)(2) of such Code is amended by adding at the end

the following new sentence: "A similar rule shall apply for purposes of section 48A."

(6) Paragraph (2) of section 50(b) of such Code is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) a qualified revitalization building to the extent of the portion of the basis which is attributable to qualified revitalization expenditures."

(7) Subparagraph (C) of section 50(b)(4) of such Code is amended by inserting "or commercial revitalization" after "rehabilitated" each place it appears in the text or heading thereof.

(8) Subparagraph (C) of section 469(i)(3) is amended—

(A) by inserting "or section 48A" after "section 42", and

(B) by striking "CREDIT" in the heading and inserting "AND COMMERCIAL REVITALIZATION CREDITS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1995.

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By Mr. CRAIG.

S. 744. A bill to authorize minors who are under the child labor provisions of the Fair Labor Standards Act of 1938 and who are under 18 years of age to load materials into balers and compactors that meet appropriate American National Standards Institute design safety standards; to the Committee on Labor and Human Resources.

THE BALERS AND COMPACTORS SAFETY STANDARDS MODERNIZATION ACT

Mr. CRAIG. Mr. President, I introduce the Balers and Compactors Safety Standards Modernization Act.

This bill would make long-overdue revisions to safety standards set by the Department of Labor's Hazardous Occupation Order Number 12 [HO 12].

HO 12 is a regulation issued by DOL in 1954 to protect employees who are under 18 years of age. In brief, it specifically prohibits minors from operating more than a dozen different types of equipment in the workplace. I certainly agree with the underlying purpose of HO 12, which is that younger workers should not be allowed to operate certain types of machinery when doing so would place them in harm's way.

Specifically, this Safety Standards Modernization Act would address problems caused by DOL's interpretation and enforcement of HO 12, with respect to cardboard balers and compactors that commonly are used in supermarkets, grocery stores, and other retail establishments, for preparing and bundling cardboard and paper materials for recycling purposes.

DOL's current interpretation of HO 12 goes so far as to prohibit minors from placing, tossing, or loading cardboard or paper materials into a baler or compactor. Such activities take place during a loading phase that is prior to, and separate from, the actual operation of the machine. While such a loading-phase prohibition may have made sense back in 1954, when HO 12 was originally issued, such is not the case today.

Technology has brought about significant safety advancements to balers and compactors. Much like a household microwave oven or trash compactor, the newest generation of balers now in use in grocery stores and other locations cannot be engaged and operated during the loading phase.

This important design feature is a result of safety standards issued by the American National Standards Institute [ANSI]. An employee is not at risk when placing cardboard materials into a baler that is in compliance with ANSI standards Z.245.5 1990, or putting paper materials into a compactor that is in compliance with ANSI standards Z245.2 1992.

Nonetheless, DOL treats all balers and compactors the same, and considers the placement of materials into these machines, if performed by a minor, to be a clear-cut violation of HO 12. Each violation can result in a fine of $10,000 against an employer.

If DOL could produce injury data showing that workers are at risk when loading materials into a machine that meets current ANSI standards, I might agree that the current interpretation and enforcement of HO 12 is warranted. However, DOL has acknowledged that it has no injury data for balers that meet the ANSI standard.

Despite the complete lack of evidence that workers are at risk in these situations, DOL has cited numerous supermarkets throughout the United States and has assessed several million dollars in fines against grocery owners in recent years.

It is difficult to understand the logic behind this kind of enforcement when, in fact, a review of 8,000 compensation cases involving injuries over the past 7 years by the Waste Equipment Technology Association failed to find a single injury attributable to a baler that meets current ANSI safety standards.

The present, rigid interpretation of HO 12 is bad regulatory policy and should not continue. It benefits no one, especially workers. Worker protection is not enhanced by issuing large fines against employers that use balers meeting current safety standards.

Such a policy also is clearly inconsistent with the goal of creating employment opportunities for young people. Because so many grocers have been fined by DOL for loading violations, the industry has become less inclined to hire younger workers.

Originally, DOL applied this interpretation of HO 12 to cardboard balers. As burdensome and objectionable as this policy has been, concerning cardboard balers, DOL more recently went a step farther and now is applying the same interpretation to compactors, a similar piece of equipment that retail establishments use to recycle paper materials.

Without the benefit of formal rulemaking and the opportunity for interested parties to file comments, DOL extended the jurisdiction of HO 12 to compactors at the beginning of 1994, and employers found themselves subjected to fines when it was documented that a minor had placed materials into a compactor.

This is one more example of the "speed trap" mentality of Federal agencies, and the Department of Labor, in particular. Balers and compactors are both governed by ANSI safety standards and cannot be engaged or operated during the loading phase. This means, to re-emphasize, that employees loading machines meeting ANSI standards are not at risk.

Clearly, DOL's position on HO 12, as it relates to cardboard balers and compactors, is not in step with the technology being used in the workplace. In view of the fact that this equipment can not be operated during the loading phase, there is no compelling reason to continue treating the placement of materials by minors a violation of HO 12.

The old joke goes that, when something is difficult to accomplish, you compare it to passing an Act of Congress. If there is one process more intractable, it must be modernizing Federal agency regulations.

HO 12 needs to be revised so that the placement of paper or cardboard materials into a baler or compactor that meets its respective ANSI safety standards by an employee under age 18 is no longer a violation of the regulation. The loading phase should be completely distinguished from the operating phase of the machine.

While DOL has solicited comments on its child labor regulations, in general, Congress does not need to, and should not, wait any longer for this one, simple revision to HO 12. Throughout at least two administrations, DOL has promised to reconsider the rule. Their latest offering is the goal of issuing a new, final regulation by February 1996, even through we have yet to see a proposed revision to the rule.

We don't need months of agency hearings and reams of paper. I've seen these grocery store balers operate. What's needed is a simple, commonsense change, and the bill I'm introducing today would make that change in a simple, straightforward way.

The many young people who will not have summer jobs this year under DOL's status quo interpretation of HO 12 should not have to wait another year or more for the glacier-like process of regulatory change to catch up with technology.

By promptly acting on the bill I'm introducing today, we can open up thousands of youth summer job opportunities without relying on government programs and grants.

The jobs are there. The young people are there. All we need to do is remove

one, unnecessary, regulatory wall between them.

This bill would provide a narrow amendment to the Fair Labor Standards Act that would overrule DOL's interpretation of HO 12 in the limited and appropriate way I've described. My bill would not change the critically important safety focus of the regulation. In fact, I agree that DOL should remain vigilant and enforce the regulation in case when the safety of young workers is compromised by use of equipment that does not meet current ANSI safety standards.

The bill would provide only that young workers would be allowed to operate balers and compactors that meet the current industry standards that ensure complete safety in their operation.

Mr. President, I ask unanimous consent to print the text of my bill in the RECORD.

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

S. 744

*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 "Compactors and Balers Safety Standard Modernization".

**SEC. 2. AUTHORITY FOR MINORS TO LOAD MATERIALS INTO BALERS AND COMPACTORS.**

In the administration of the child labor provisions of the Fair Labor Standards Act of 1938, minors under 18 years of age shall be permitted to—

(1) load materials into baling equipment that is in compliance with the American National Standards Institute safety standard ANSI Z245.5 1990, and

(2) load materials into a compacter that is in compliance with the American National Standards Institute safety standard ANSI Z245.2 1992.

## ADDITIONAL COSPONSORS

S. 191

At the request of Mrs. HUTCHISON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 191, a bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes.

S. 227

At the request of Mrs. FEINSTEIN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 227, a bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions and for other purposes.

S. 383

At the request of Mr. WARNER, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 383, a bill to provide for the establishment of policy on the deployment by the United States of an antiballistic missile system and of advanced theater missile defense systems.

S. 388

At the request of Ms. SNOWE, the names of the Senator from Montana [Mr. BURNS] the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Colorado [Mr. BROWN] 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. 511

At the request of Mr. DOMENICI, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 511, a bill to require the periodic review and automatic termination of Federal regulations.

S. 578

At the request of Mr. D'AMATO, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 578, a bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards.

S. 637

At the request of Mr. MCCAIN, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 637, a bill to remove barriers to interracial and interethnic adoptions, and for other purposes.

SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Alabama [Mr. SHELBY] 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.

## AMENDMENTS SUBMITTED

## THE COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995 COMMON SENSE PRODUCT LIABILITY REFORM ACT OF 1995

### DOLE (AND OTHERS) AMENDMENT NO. 617

Mr. DOLE (for himself, Mr. EXON, Mr. HATCH, Ms. SNOWE, Mr. MCCONNELL, Mr. ABRAHAM, Mr. KYL, Mr. THOMAS, Mrs. HUTCHISON, Mr. GRAMM) proposed an amendment to amendment No. 596 proposed by Mr. GORTON to the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes; as follows:

On page 19, strike line 12 through line 5 on page 21, and insert the following:

**SEC. 107. PUNITIVE DAMAGES IN CIVIL ACTIONS.**

(a) FINDINGS.—The Congress finds that—

(1) punitive damages are imposed pursuant to vague, subjective, and often retrospective standards of liability, and these standards vary from State to State;

(2) the magnitude and unpredictability of punitive damage awards in civil actions have increased dramatically over the last 40 years, unreasonably inflating the cost of settling litigation, and discouraging socially useful and productive activity;

(3) excessive, arbitrary, and unpredictable punitive damage awards impair and burden commerce, imposing unreasonable and unjustified costs on consumers, taxpayers, governmental entities, large and small businesses, volunteer organizations, and nonprofit entities;

(4) products and services originating in a State with reasonable punitive damage provisions are still subject to excessive punitive damage awards because claimants have an economic incentive to bring suit in States in which punitive damage awards are arbitrary and inadequately controlled;

(5) because of the national scope of the problems created by excessive, arbitrary, and unpredictable punitive damage awards, it is not possible for the several States to enact laws that fully and effectively respond to the national economic and constitutional problems created by punitive damages; and

(6) the Supreme Court of the United States has recognized that punitive damages can produce grossly excessive, wholly unreasonable, and often arbitrary punishment, and therefore raise serious constitutional due process concerns.

(b) GENERAL RULE.—Notwithstanding any other provision of this Act, in any civil action whose subject matter affects commerce brought in any Federal or State court on any theory, punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant only if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct by the defendant that was either—

(1) specifically intended to cause harm; or

(2) carried out with conscious, flagrant disregard to the rights or safety of others.

(c) PROPORTIONAL AWARDS.—The amount of punitive damages that may be awarded to a claimant in any civil action subject to this section shall not exceed 2 times the sum of—

(1) the amount awarded to the claimant for economic loss; and

(2) the amount awarded to the claimant for noneconomic loss.

This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

(d) BIFURCATION.—At the request of any party, the trier of fact shall consider in a separate proceeding whether punitive damages are to be awarded and the amount of such an award. If a separate proceeding is requested—

(1) evidence relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded; and

(2) evidence admissible in the punitive damages proceeding may include evidence of the defendant's profits, if any, from its alleged wrongdoing.

(e) APPLICABILITY.—Nothing in this section shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by the United States, or by any State, under any law;

(2) create any cause of action or any right to punitive damages;

(3) supersede or alter any Federal law;

(4) preempt, supersede, or alter any State law to the extent that such law would further limit the availability or amount of punitive damages;

(5) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(6) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(7) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(f) FEDERAL CAUSE OF ACTION PRECLUDED.—Nothing in this section shall confer jurisdiction on the Federal district courts of the United States under section 1331 or 1337 of title 28, United States Code, over any civil action covered under this section.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "claimant" means any person who brings a civil action and any person on whose behalf such an action is brought. If such action is brought through or on behalf of an estate, the term includes the decedent. If such action is brought through or on behalf of a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) The term "clear and convincing evidence" means that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard shall be more than that required under preponderance of the evidence, and less than that required for proof beyond a reasonable doubt.

(3) The term "commerce" means commerce between or among the several States, or with foreign nations.

(4)(A) The term "economic loss" means any objectively verifiable monetary losses resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, costs of repair or replacement, costs of replacement services in the home, including child care, transportation, food preparation, and household care, costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

(B) The term "economic loss" shall not include noneconomic loss.

(5) The term "harm" means any legally cognizable wrong or injury for which damages may be imposed.

(6)(A) The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(B) The term "noneconomic loss" shall not include economic loss or punitive damages.

(7) The term "punitive damages" means damages awarded against any person or entity to punish such person or entity or to deter such person or entity, or others, from engaging in similar behavior in the future.

(8) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, or any political subdivision of any of the foregoing.

(h) EFFECTIVE DATE.—This section shall apply to any civil action in which trial has not commenced before the date of enactment of this Act.

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## THOMPSON (AND OTHERS) AMENDMENT NO. 618

(Ordered to lie on the table.)

Mr. THOMPSON (for himself, Mr. COCHRAN, and Mr. SIMON) submitted an amendment intended to be proposed by them to amendment No. 596 proposed by Mr. GORTON to the bill H.R. 956, supra; as follows:

In section 102(a)(1), after "commenced" insert the following: "in a Federal court pursuant to section 1332 of title 28, United States Code, or removed to a Federal court pursuant to chapter 89 of such title".

In section 102(c)(6), strike "or" at the end.

In section 102(c)(7), strike the period at the end and insert "; or".

In section 102(c), add the following new paragraph:

(8) create a cause of action or provide for jurisdiction by a Federal Court under section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

• Mr. THOMPSON. Mr. President, I submit on behalf of myself and Senators COCHRAN and SIMON an amendment that would limit applicability of the product liability to cases in federal court.

As currently before the Senate, H.R. 956 would seriously jeopardize the balance between state and federal governments that the Founding Fathers established in the Constitution. States have had responsibility for developing their own rules of tort law—free of federal interference—for more than 200 years. In an unprecedented fashion, the product liability bill would displace state law governing an area always reserved to the states, even when the case is brought in state court. I am troubled by a Washington knows best approach to product liability.

Even worse, the displacement of state law is selective. H.R. 956 prevents states from providing less protection to defendants, but not from providing more. This one-size-fits-all bill overlooks both that individual Americans are unique and that states have their own right to determine the law that should apply to their special situations.

The bill raises federalism problems in a very practical sense. Because state law would still govern many aspects of product liability law under H.R. 956, there would be numerous questions to litigate concerning the relationship between the federal law and existing state laws. New, different, and inconsistent interpretations of the federal law and the state laws would result. Under the bill, resolution of these issues would be provided from a federal court of appeals. Those courts, not state courts, would ultimately determine the scope and meaning of state law as it interacts with this bill. Moreover, those appeals courts would be deluged with litigation at a time when years elapse before trial of a civil case in federal court, and when Americans rightly demand that federal courts apply swift and certain justice in criminal cases.

By contrast, my amendment recognizes that interstate commerce is the justification for a federal product liability bill. It is interstate commerce that justifies federal court jurisdiction in cases brought by citizens of one state against citizens of another. I believe that the rationale of the bill corresponds precisely with the reasons underlying federal diversity jurisdiction.

Despite the claims made, no one truly knows the effect of this bill on the ability of injured Americans to recover adequate compensation for injuries caused by defective products. Nor will anyone know whether competitiveness of American business will be enhanced or whether insurance premiums will fall if H.R. 956 is enacted. At the same time, the bill would displace 200 years of law based on actual experience. If the bill failed to achieve its objectives, there would be almost no means of unscrambling the federalized egg. By contrast, applying the bill only to federal court cases would provide an opportunity to experiment. If H.R. 956's ideas work, states can adopt these rules as their own. Potentially, a preemptive approach might then make sense. But if the bill created numerous practical problems, well-tested state law would remain undisturbed while Congress acted to fix the problems in the federal law.

The practical effect of my amendment would be that defendants sued out of state in many instances would be able to remove their cases to federal court and obtain the federal rule. Defendants sued in their home state would not be able to remove the case to

federal court. Thus, those defendants would be governed by their own state law as applied by their own state court. I believe this is to be a much more sensible approach than the one now before the Senate, and one consistent with the federal system the Constitution created.●

## DORGAN AMENDMENT NO. 619

Mr. DORGAN proposed an amendment to amendment No. 617 proposed by Mr. DOLE to amendment No. 596 proposed by Mr. GORTON to the bill, H.R. 956, supra; as follows:

On page 1, beginning with line 3, strike through line 2 on page 8 and insert the following:

**SEC. 107. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.**

"(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant in a product liability action that is subject to this title if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct that was carried out by the defendant with a conscious, flagrant indifference to the safety of others.

"(b) BIFURCATION AT REQUEST OF EITHER PARTY.—At the request of either party, the trier of fact in a product liability action that is subject to this title shall consider in a separate proceeding whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award."

## SNOWE AMENDMENT NO. 620

Mr. GORTON (for Ms. SNOWE) proposed an amendment to amendment No. 596 proposed by Mr. GORTON to the bill, H.R. 956, supra; as follows:

On page 19 strike line 22 through page 20 line 4 and insert the following new subsection:

(b) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—The amount of punitive damages that may be awarded to a claimant in a product liability action that is subject to this title shall not exceed 2 times the sum of—

(A) the amount awarded to the claimant for economic loss; and

(B) the amount awarded to the claimant for noneconomic loss.

(2) APPLICATION BY COURT.—This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

## SHELBY (AND HEFLIN) AMENDMENT NO. 621

Mr. SHELBY (for himself and Mr. HEFLIN) proposed an amendment to amendment No. 617 proposed by Mr. DOLE to amendment No. 596 proposed by Mr. GORTON to the bill, H.R. 956, supra; as follows:

At the appropriate place insert the following:

**SEC. . LIABILITY FOR CERTAIN CLAIMS RELATING TO DEATH.**

In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

## DEWINE (AND ABRAHAM) AMENDMENT NO. 622

Mr. DEWINE (for himself and Mr. ABRAHAM) proposed an amendment to amendment No. 617 proposed by Mr. DOLE to amendment No. 596 proposed by Mr. GORTON to the bill H.R. 956, supra; as follows:

On page 3 line 23, strike "loss: and insert in lieu thereof: "loss;

except that if the award is against an individual whose net worth does not exceed $500,000 or against an owner of an unincorporated business, or any partnership, corporation, association, unit of local government or organization which has fewer than twenty-five full-time employees, that amount shall not exceed $250,000."

## DEWINE AMENDMENT NO. 623

Mr. DEWINE proposed an amendment to amendment no. 617 proposed by Mr. DOLE to amendment no. 596 proposed by Mr. GORTON to the bill, H.R. 956, supra; as follows:

On page 4 line 11 strike the semicolon after the word "awarded" through line 15 and insert a period.

# AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, May 2, 1995, at 3 p.m. in open session, to consider the nominations of Gen. Dennis J. Reimer, USA to be Chief of Staff of the Army, and for reappointment to the grade of General; and Lt. Gen. Charles C. Krulak, USMC to be Commandant of the Marine Corps, and for appointment to the grade of General.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 2, 1995, immediately following the first Roll Call vote to hold a business meeting to vote on pending items.

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

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet at 10 a.m., during the session of the Senate on Tuesday, May 2, 1995 to hold hearings on the Navy T-AO-187 Kaiser Class Oiler Contract.

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

### COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 2, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the implementation of the Tribal Self-Governance Demonstration Project authorities by the Indian Health Service.

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

### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Nomination of Dr. Henry Foster, during the session of the Senate on Tuesday, May 2, 1995 at 9:30 a.m.

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

### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the courts, U.S. Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, May 2, 1995, at 9:00 a.m., in Senate Dirksen Room 226, on the costs of the legal system.

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

### SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. GORTON. Mr. President, I ask unanimous consent that Subcommittee on Financial Institutions and Regulatory Relief, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 2, 1995, to conduct a hearing on S. 650, The Economic Growth and Regulatory Paperwork Reduction Act.

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

### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, May 2, 1995 at 9:30 a.m. in open session to receive testimony on the space programs in review of the Defense authorization request for fiscal year 1996 and the future years defense program, and to review the Department of Defense's space management initiative.

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

# ADDITIONAL STATEMENTS

## JAMES D. HENRY, MISSOURI SMALL BUSINESS PERSON OF 1995

● Mr. BOND. Mr. President, it is with great pleasure that I recognize Jim Henry as Missouri's Small Business

Person of the Year for 1995. Jim Henry is the president and chief operating officer of the R.C. Wilson Co., located in St. Charles.

In years to come, we may refer back to 1995 as the year of small business owners. More attention is being given to the accomplishments of small business persons than at any time since I entered government service. Small businesses will create 66 percent of all new jobs this year. By contrast, large companies with over 5,000 employees will add only 6 percent of the new jobs. Small businesses are the engine that is fueling our economy, generating 52 percent of all sales and one-half of the gross domestic product. It is, therefore, very appropriate that the Small Business Administration has set aside this week to honor our Nation's men and women, like Jim Henry, who own and operate small businesses.

Jim Henry's business, the R.C. Wilson Co., is a collection agency. Most of us think of a collection business as one that is insensitive at best. However, since Mr. Henry purchased the company in 1985, he has worked hard to establish a level of excellence that is essential for success in today's competitive business environment. His business philosophy puts a special emphasis on the dignity of the consumer, and provides professional service and outstanding results while maintaining the fine image of the client.

Jim Henry has been an innovator. Over the past 10 years, he has expanded and enhanced the delinquent-account collection services by fully computerizing his agency. He added optical-disk storage and on-line capability with clients. He has recognized the tremendous changes in the work place by adding on-line connections for employees working from home. His business was the first of its kind in Missouri to add a computerized dialing system.

In 1985, the R.C. Wilson Co. employed 25 people with annual billings of $1.25 million. Today, Jim Henry has 114 employees and bills $4 million a year. His success rate is nearly 50 percent better than the industry average.

Jim Henry has succeeded by recognizing the needs of his customers and clients, by working hard and by being innovative. Equally significant, Jim Henry has never forgotten his employees, many have been with the company for over 20 years. He has shown us how to be an excellent businessman and employer, and I am proud to recognize Jim Henry as Missouri's 1995 Small Business Person of the Year.•

## TRIBUTE TO STEVE WITTMAN

• Mr. FEINGOLD. Mr. President, true pioneers are rare and special individuals. They inspire us with their vision, their energy, their skill and their ability to lead.

Today I am sad to report the passing of one such pioneer, the legendary aviator Sylvester Joseph Wittman. Mr. Wittman and his wife, Paula, died in an airplane crash on Sand Mountain, in northeastern Alabama last Thursday night. They were flying in an airplane that Mr. Wittman had designed and built from their winter home in Ocala, Florida to their home in Oshkosh, Wisconsin when the accident occurred.

Many successful people like to go by the book. Steve Wittman, as he preferred to be called, helped write the book. His life practically traced the history of aviation. He took wing in the spit-and-bailing-wire era and never stopped contributing to his beloved calling even as we began flying farther, higher, and faster in more complex machines.

He was born in the year after the first powered flight at Kitty Hawk. His flying career began in 1924, when he and a partner bought an airplane, and he taught himself to fly. His first pilot's license was signed by Orville Wright.

For 70 years, he designed, built, and flew airplanes as a barnstormer, a test pilot, and a racer, and he was one of the founders of the Experimental Aircraft Association, the Oshkosh-based organization that does so much to promote the love and the joy of flying.

The Winnebago County airport in Oshkosh, which Mr. Wittman managed from 1931 until 1969, is named Wittman Field in his honor.

Buster, a red single-engined midget racer Mr. Wittman built and flew is currently on display in the Golden Age of Flight Gallery in the west wing of the National Air and Space Museum. Buster, originally named Chief Oshkosh, raced successfully for 23 years, beginning in 1931.

He was a superb pilot, and stories about his skill are legion, even though he was reluctant to tell them himself. One of the more famous incidents occurred as he and a friend were flying over Tennessee. A trigger-happy rifleman had put a .22 caliber slug into Mr. Wittman's gas tank, and the fumes almost asphyxiated him. He managed to get his ship down safely, a bit of flying his partner barely completed though fully conscious.

He kept the slug as a souvenir.

Mr. Wittman set several speed records, and it would be hard to find a significant air racing event he had not entered. It wasn't unusual for him to fly home with the winner's trophy. He entered his last closed-course pylon race in 1989. At the age of 85, he won one heat, finished second in another and then came in third in the final race.

By the way, he did all this with vision in only one eye. He had lost the other in an accident when he was young.

In addition to his brilliant and storied racing career, he also contributed greatly to the common body of knowledge of the aviation community. Although he had no formal engineering training, he was often ahead of the curve in aviation design, and he never stopped looking for clues to better performance. He designed a landing gear that has been installed on over 100,000 airplanes.

One of his airplanes, the Wittman Tailwind, is a design that is still being flown by private pilots all over the world.

His self-developed talents were so impressive, he was made an honorary member of the elite Society of Experimental Test Pilots, a rare achievement.

He had his share of bumps and bruises in crashes along the way, but at 91, he was still flying.

He did all this with modesty and gentlemanly character, and he was a man who enjoyed life at a level most of us never approach.

As Tom Crouch, chairman of the aviation department at the Air and Space Museum put it, "If anybody in the history of aviation could be called a legend, it would sure be him."

Our condolences go out to Mr. Wittman's relatives, friends, fellow aviators, and to all those who were inspired by this true pioneer.•

## AID/U.N. POPULATION FUND

• Mr. REID. Mr. President, as my colleagues and I prepare to go to conference on the H.R. 1158/S. 617 Defense supplemental appropriations and rescissions bills, I wish to submit a statement of support for funding for the Agency for International Development [AID] and United Nations Population Fund [UNFPA] population assistance programs. I strongly commend the distinguished chairman of the Senate Appropriations Committee and the ranking member for their focus on retaining the option of continued funding for AID and UNFPA population assistance programs in S. 617. By allowing the administration to decide where to rescind AID dollars, rather than agreeing to proposals to specifically rescind UNFPA and other AID population assistance funds, the Senate Appropriations Committee has kept open an opportunity to support these programs at fiscal year 1995 levels. While AID administers many valuable and significant human assistance programs worldwide, its population assistance programs contribute greatly to improving opportunities for economic growth and political stability in many developing countries, and are crucial to the protection of our global environment. I strongly support the full funding of these programs and urge my colleagues in conference to commit to leaving the administration with the option to meet the United States 1995 population assistance commitments.•

## TRIBUTE TO RICHARD CLARKE

• Mr. FEINSTEIN. Mr. President, leadership grounded in common sense and compassion and elevated by imagination and vision is the hallmark of Richard Clarke's 30-year career at Pacific Gas & Electric Co. [PG&E], the last 8 as chairman of the board and chief executive officer.

As his retirement nears, I should like to salute him. Over the years, first as mayor of San Francisco and now as U.S. Senator, I have worked closely with Richard. Not only on questions involving utility service, but on a broad range of community issues, I have known Dick as a person who quickly gets to the heart of issues and directly speaks his mind.

Even further, he has been involved in a wide range of charitable and civic activities, and gives meaning and substance to the accolade "civic leader."

During his tenure as PG&E's CEO, Richard Clarke made environmental improvement a company priority and created programs that implemented policies to conserve energy. So effective were these innovations that PG&E received the President's Environment and Conservation Challenge Award in 1991, the Nation's highest recognition for corporate environmental excellence. In that same year, then President Bush named him to the President's Council of Sustainable Development.

At the same time, Richard, as chair of the Bay Area Council and the Committee on Jobs, worked to bring together other business leaders of San Francisco business and focus their collective knowledge and talents on ways to make government more efficient and the economy stronger.

Under Richard Clarke's guidance, PG&E has won national recognition for improving the workplace by establishing child day-care centers for employees and advancing opportunities for women and minorities.

His sense of community concern and compassion is reflected in his effort of such worthwhile efforts as Francisco Food Bank and Project Open Hand, which provides nourishing meals to people living with AIDS, to United Way and the San Francisco Symphony, where he serves as a board member. He personally developed and championed programs that encourage PG&E employees to become mentors to disadvantaged young people and to provide guidance to small, developing businesses in the inner city.

As he retires, Richard Clarke leaves behind a remarkable record of accomplishment—success in business and community affairs. He takes with him the admiration and respect of all those who have worked with him, and who wish him all the best in retirement.•

## THE 1995 WHITE HOUSE CONFERENCE ON AGING

• Mr. SARBANES. Mr. President, today begins what I anticipate will be a productive and useful week for the more than 2,200 delegates here in Washington for the fourth White House Conference on Aging. I commend President Clinton for convening the first White House Conference on Aging since 1981, and want to take this opportunity to welcome all of the participants in this important policy conference, especially those from my own State of Maryland.

In the spirit of the first White House Conference on Aging established by President Kennedy in 1961, this week's Conference will address common problems facing all generations of Americans and seek to increase public awareness of the interdependence of generations and the essential contributions of older people. It will also facilitate the development of public policy recommendations to maintain and improve the well-being of the aging. Mr. President, this is an important and full agenda and I applaud all who are participating in this timely Conference.

Senior citizens today comprise more than 12 percent of the country's population and by the year 2000, that number is expected to surpass 16 percent. Maryland seniors comprise 15.6 percent of the State's population, a figure expected to increase to just over 16.2 percent by the year 2000. This demographic transformation poses significant challenges and opportunities and the White House Conference on Aging provides an excellent framework through which the participants may address these issues.

The considerable participation and interest in the White House Conference on Aging clearly illustrates what I have always believed and experienced—older Americans want to contribute. They want to work, to volunteer, and to participate in improving their communities and their Nation. It is critical, in my view, that we recognize and utilize the valuable insight, experience and wisdom that senior citizens bring to all aspects of life.

Mr. President, I have always believed strongly in the potential of this significant and growing population to contribute to the development and implementation of policies that affect all Americans and I expect that the coming days will confirm my belief. I want to again commend all of the delegates from across the country and wish them well as they participate in the fourth White House Conference on Aging.•

## ORDERS FOR WEDNESDAY, MAY 3, 1995

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m., Wednesday, May 3, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak for up to 5 minutes each, except for the following: Senator THOMAS, 12 minutes; Senator BURNS, 10 minutes; Senator DORGAN, 12 minutes; Senator MOSELEY-BRAUN, 10 minutes; and Senator PRESSLER, 30 minutes; I further ask unanimous consent that at the hour of 10:15, the Senate resume consideration of H.R. 956, the product liability bill.

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

Mr. GORTON. Mr. President, for the information of all Senators, there will be a series of stacked votes beginning at 11:15 tomorrow morning on or in relation to any second-degree amendments to the Dole amendment No. 617.

Members should be on notice that two cloture motions were just filed tonight on the underlying Gorton substitute. Therefore, two cloture votes will occur during Thursday's session of the Senate at a time to be determined by the two leaders.

## RECESS UNTIL 9 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:08 p.m., recessed until Wednesday, May 3, 1995, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 2, 1995:

### POSTAL RATE COMMISSION

WILLIAM H. LEBLANC III, OF LOUISIANA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2000. (REAPPOINTMENT.)

### EXECUTIVE OFFICE OF THE PRESIDENT

JACOB JOSEPH LEW, OF NEW YORK, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE ALICE RIVLIN.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RICHARD J. STERN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000, VICE CATHERINE YI-YU CHO WOO, TERM EXPIRED.

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER 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*

LT. GEN. MALCOLM B. ARMSTRONG [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

LT. GEN. CHARLES T. ROBERTSON, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT 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*

LT. GEN. EDWIN E. TENOSO xxx-xx-x...

THE FOLLOWING-NAMED AIR NATIONAL GUARD OFFICERS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 12203 AND 12212, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED.

MEDICAL CORPS

*To be lieutenant colonel*

DAVID R. ANDREWS xxx-xx-x...

JUDGE ADVOCATE GENERALS DEPARTMENT

*To be lieutenant colonel*

BENJAMIN F. LUCUS I xxx-xx-x...

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT SECOND LIEUTENANTS IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATES

*To be second lieutenants*

ACOSTA, STEPHEN J xxx-xx-x...
ADAMS, AARON W. xxx-xx-x...
ANDERSEN, DAVID E xxx-xx-x...
APPLETON, ROBERT W., II xxx-xx-x...
ASTLE, JAY C xxx-xx-x...
BAILEY, MARCIA L xxx-xx-x...
BAILEY, ROBERT O. xxx-xx-x...
BASHAM, CHARLES J xxx-xx-x...
BATES, JAMES A., JR xxx-xx-x...
BEAUMAN, AMY G. xxx-xx-x...
BOBO, JOHN P. xxx-xx-x...
BRIDGEFORTH, LINWOOD J xxx-xx-x...
BRILEY, CARL S xxx-xx-x...
BROWN, ERIC C xxx-xx-x...
BROWN, LEE E xxx-xx-x...
BURGESS, BRIAN P xxx-xx-x...
BURKE, JAMES B xxx-xx-x...
CARY, ANGELIQUE L xxx-xx-x...
CHAPMAN, ANDREW G xxx-xx-x...
CHOI, KYUJIN J xxx-xx-x...
CLEMANS, CRAIG C xxx-xx-x...
COCKERHAM, SCOTT J xxx-xx-x...
CONNELLEY, CARROLL J xxx-xx-x...
CONNER, WILLIAM J xxx-xx-x...
COTTRELL, MIMI xxx-xx-x...
DAY, WILLIAM D xxx-xx-x...
DEAN, CHAD E xxx-xx-x...
DELGADO, FRANKIE P xxx-xx-x...
DONLEY, JAMES P xxx-xx-x...
DUNNE, JUSTIN S. xxx-xx-x...
EHLER, BRETT A xxx-xx-x...
EICH, GEOFFREY S xxx-xx-x...
ELFERS, MARK W xxx-xx-x...
FITE, JAY R., JR xxx-xx-x...
FORBES, ANGUS P xxx-xx-x...
FRAME, BRUCE C xxx-xx-x...
GADZIK, JOSEPH S xxx-xx-x...
GAINES, RONALD E xxx-xx-x...
GARDNER, HARRY L xxx-xx-x...
GONZALEZ, MICHAEL D. xxx-xx-x...
GRANT, ANDREW F xxx-xx-x...
HAINES, JASON W. xxx-xx-x...
HAMSTRA, ERIC J xxx-xx-x...
HANRAHAN, KELLY M xxx-xx-x...
HARPER, MARK T., JR xxx-xx-x...
HARRIS, EMILY E xxx-xx-x...
HART, CHRISTOPHER A xxx-xx-x...
HAYNES, JONATHAN A xxx-xx-x...
HERNANDEZ, RAY C xxx-xx-x...
HERRERA, ROBERTO xxx-xx-x...
HICKS, JOSEPH D xxx-xx-x...
HOWARD, MICHAEL J xxx-xx-x...
JAKUBOWSKI, ERIC S xxx-xx-x...
JILSON, ERIK W xxx-xx-x...
JONES, CHRISTOPHER H xxx-xx-x...
KAPITULIK, ERIC L xxx-xx-x...
KEMP, JESSE A xxx-xx-x...
KIEFER, ARNOLD M. xxx-xx-x...
KNIGHT, SONJA S xxx-xx-x...
KOLOSKI, THOMAS H xxx-xx-x...
LAMBERT, MICHAEL T., IV xxx-xx-x...
LAW, DAVID A xxx-xx-x...
LAWSON, RICHARD B xxx-xx-x...
LEBLANC, ELRIDGE C xxx-xx-x...
LEDFORD, ANDREW K xxx-xx-x...
LEMOTT, DOUGLAS, JR xxx-xx-x...
LEONARD, JOHN J xxx-xx-x...
LIMBERT, MATTHEW E xxx-xx-x...
LIPPERT, FREDERICK S xxx-xx-x...
LIPSKY, RAYMOND B., JR xxx-xx-x...
MANSFIELD, LESLIE B xxx-xx-x...
MARTIN, GREGORY W xxx-xx-x...
MARTINEZ, ROBERTO J xxx-xx-x...
MARTINO, VINCENT xxx-xx-x...
MCCLUNG, MEGAN M. xxx-xx-x...
MCINNIS, BRADLEY J xxx-xx-x...
MILLER, JASON F xxx-xx-x...
MILLER, TORRENS C xxx-xx-x...
MITCHELL, WIL E. xxx-xx-x...
MOCKENHAUPT, DONALD A xxx-xx-x...
MOORE, DAVID A xxx-xx-x...
MOORMAN, JAY E xxx-xx-x...
MOXEY, TYREL W xxx-xx-x...
MULLIN, EDWARD P xxx-xx-x...
MURRAY, KEVIN F xxx-xx-x...
MURRAY, KYLE D xxx-xx-x...
OGDEN, TIMOTHY D xxx-xx-x...
OLSON, NANCY L xxx-xx-x...
ORLANDONI, DONALD M xxx-xx-x...
PAGE, THOMAS S., JR xxx-xx-x...
PARK, SIDNEY R. xxx-xx-x...
PAULSON, PARKE A xxx-xx-x...
PICKETT, ROY L xxx-xx-x...
PRESECAN, THOMAS H xxx-xx-x...
PRICE, JONATHAN D xxx-xx-x...
PRIDDY, ANDREW T xxx-xx-x...
REMBOLD, JONATHAN P xxx-xx-x...
RIGHTER, JAMES A xxx-xx-x...
ROBBINS, MATTHEW B xxx-xx-x...
ROTHENBACH, WILLIAM C xxx-xx-x...
RUSSELL, MATTHEW E xxx-xx-x...
SAMPLE, CHRISTOPHER J xxx-xx-x...
SANTANA, FRANK xxx-xx-x...
SCHUTZ, WILLIAM A., I xxx-xx-x...
SENN, MATTHEW A xxx-xx-x...
SHERWOOD, ROBERT W xxx-xx-x...
SHONE, FRANK R., JR xxx-xx-x...
SHORT, ERIK S xxx-xx-x...
SMITH, JOHN E xxx-xx-x...
SPAMAN, JAMES G xxx-xx-x...
STOUT, PAUL K xxx-xx-x...
SULLIVAN, ERIN J xxx-xx-x...
SUND, CHAD M. xxx-xx-x...
TIRONE, MICHAEL G xxx-xx-x...
TURNER, WILLIAM T xxx-xx-x...
VEGGEBERG, VERNON T xxx-xx-x...
WAGNER, ERICH H. xxx-xx-x...
WAHLGREN, KIPP A xxx-xx-x...
WEINSTEIN, DAVID A xxx-xx-x...
WYSSBROD, ROBERT L xxx-xx-x...
YOUNG, HAROLD C xxx-xx-x...
YOUNG, TODD C. xxx-xx-x...
ZAMARRIPA, LUIS R xxx-xx-x...
ZEMBIEC, DOUGLAS A xxx-xx-x...
ZIMA, GREGORY N. xxx-xx-x...

IN THE MARINE CORPS

THE FOLLOWING-NAMED TEMPORARY LIMITED DUTY OFFICERS OF THE U.S. MARINE CORPS TO RECEIVE ORIGINAL REGULAR APPOINTMENTS AS PERMANENT LIMITED DUTY OFFICERS UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5589:

*To be captain*

JAMES C. ADDINGTON xxx-xx-x...
DENNIS J. ALLSTON xxx-xx-x...
WILLARD D. ANDREWS, JR xxx-xx-x...
WILLIAM D. ARNDT xxx-xx-x...
STANLEY A. BALDWIN, JR xxx-xx-x...
ERNEST D. BANKS xxx-xx-x...
THOMAS O. BARCUS, JR xxx-xx-x...
THOMAS P. BARZDITIS xxx-xx-x...
JAMIE R. BATES, JR xxx-xx-x...
THOMAS E. BECKER, JR xxx-xx-x...
BRAD W. BERGMAN xxx-xx-x...
RUBEN BERNAL xxx-xx-x...
WILLIAM BEROTTE, JR xxx-xx-x...
ROY L. BIBBINS xxx-xx-x...
MICHAEL J. BISSONNETTE xxx-xx-x...
JOSEPH S. BLOCHOWICZ, JR xxx-xx-x...
MICHAEL A. BOGACZYK xxx-xx-x...
CARMINE J. BORRELLI xxx-xx-x...
JAMES E. BRITT, JR xxx-xx-x...
CLARENCE J. BROOKER xxx-xx-x...
GEORGE L. BROUNTY xxx-xx-x...
JOHN T. BROWER xxx-xx-x...
EVERETTE G. BROWN xxx-xx-x...
GARY L. BROWN xxx-xx-x...
JOYCE A. BROWN xxx-xx-x...
ROGER G. BROWN xxx-xx-x...
DAVID R. BURCH xxx-xx-x...
GUILLERMO E. BURGESS xxx-xx-x...
JACK V. BUTLER, JR xxx-xx-x...
MARK E. BUTLER xxx-xx-x...
GREGORY D. BUTLER xxx-xx-x...
RICHARD W. BYNO, JR xxx-xx-x...
JOSE CABRERA xxx-xx-x...
CATHERINE A. CABRERA xxx-xx-x...
RICHARD B. CALDWELL, JR xxx-xx-x...
FRED M. CALLIES xxx-xx-x...
JOHN J. CAMPBELL xxx-xx-x...
WILLIAM T. CHAPMAN xxx-xx-x...
DONALD C. CHAPMAN xxx-xx-x...
PAUL W. CHAPMAN xxx-xx-x...
DON M. CHASTEEN xxx-xx-x...
DAVID N. CHERRIX, JR xxx-xx-x...
DANNY A. CHRISTMANN xxx-xx-x...
DALE R. CLARK xxx-xx-x...
MARK A. CLESTER xxx-xx-x...
ARTHUR P. COCHRAN xxx-xx-x...
SAMUEL L. COLEMAN xxx-xx-x...
PHILIP J. COLE xxx-xx-x...
GORDON L. COLSTON, JR xxx-xx-x...
RONALD W. CONARDY xxx-xx-x...
ROBERT N. CONQUEST xxx-xx-x...
RONALD C. CONSTANCE xxx-xx-x...
MARTHA E. CONWAY xxx-xx-x...
III WILLIAM J. COOK xxx-xx-x...
JOSEPH A. COPPOLA xxx-xx-x...
STEPHEN J. CORBITT xxx-xx-x...
JEROME CORE xxx-xx-x...
DAVID L. CORKERN xxx-xx-x...
JEFFERY A. CRAFTON xxx-xx-x...
RICHARD H. CRANE xxx-xx-x...
BRAXTER E. CRISLER, JR xxx-xx-x...
JAMES A. CROFFIE xxx-xx-x...
DAVID K. CROSSLEY xxx-xx-x...
ROGER N. CROSS xxx-xx-x...
NELLO E. DACHMAN xxx-xx-x...
MICHAEL W. DAHLKAMPER xxx-xx-x...
WILLIAM J. DAVIS, JR xxx-xx-x...
GEORGE A. DAVIS xxx-xx-x...
KENNETH M. DAVIS xxx-xx-x...
SCOTT E. DAVIS xxx-xx-x...
DONALD R. DINKEL xxx-xx-x...
BRADLEY I. DODD xxx-xx-x...
MICHAEL W. DONHAM xxx-xx-x...
MARLIN L. DOODY xxx-xx-x...
GERARD F. DORRE xxx-xx-x...
RONALD R. DUGAS, II xxx-xx-x...
PHILLIP D. DURBIN xxx-xx-x...
BRIAN R. DUVAL xxx-xx-x...
ADAM D. DZIEKONSKI xxx-xx-x...
LESTER C. EALEY, JR xxx-xx-x...
ROURK A. ELLQUIST xxx-xx-x...
DONALD L. ERICKSON xxx-xx-x...
LESTER H. EVANS, JR xxx-xx-x...
DAVID C. FADDEN xxx-xx-x...
JOHN J. FAHEY xxx-xx-x...
GARY R. FALTINOWSKI xxx-xx-x...
DOUGLAS M. FARLEY xxx-xx-x...
JOHN J. FARLEY xxx-xx-x...
RICHARD H. FESCOE xxx-xx-x...
RUSSELL D. FICKES xxx-xx-x...
DAVID W. FISHER xxx-xx-x...
VERNON R. FREDERICK, JR xxx-xx-x...
DAVID W. FREY xxx-xx-x...
LARRY W. FRYE xxx-xx-x...
STANLEY S. FRYE xxx-xx-x...
DARYLL E. FULFORD xxx-xx-x...
LOUIS M. GACS xxx-xx-x...
THOMAS M. GALITELLO xxx-xx-x...
MICHAEL J. GALLAGHER xxx-xx-x...
MICHAEL H. GAMBLE xxx-xx-x...
GERARDO D. GARCIA xxx-xx-x...
JOSEPH R. GAUTREAU xxx-xx-x...
JAMES R. GEHRIS, JR xxx-xx-x...
TIBURTIUS GERHART, JR xxx-xx-x...
JOHN T. GERMAIN xxx-xx-x...
RANDY L. GIEDT xxx-xx-x...
CHARLES E. GIRARD xxx-xx-x...
ROBERT G. GOODWIN xxx-xx-x...
LOWELL B. GOUTREMOUT, JR xxx-xx-x...
JEFFREY W. GRAVES xxx-xx-x...
RUSSELL L. GRIMSLEY xxx-xx-x...
LONNY R. HADDOX xxx-xx-x...
LEONARD HALIK III xxx-xx-x...
GLENN J. HALL xxx-xx-x...
KATHY E. HAMMAN xxx-xx-x...
PAUL P. HARRIS xxx-xx-x...
GARY L. HARTLESS xxx-xx-x...
STEPHEN W. HASTINGS xxx-xx-x...
TIMOTHY M. HATHAWAY xxx-xx-x...
MARSHA K. HAYDEN xxx-xx-x...
HAROLD G. HAYES xxx-xx-x...
KENNETH J. HEALEY xxx-xx-x...
CHARLES A. HENRY xxx-xx-x...
JAMES G. HERRING xxx-xx-x...
DOUGLAS J. HIBBARD xxx-xx-x...
ERNEST R. HINES xxx-xx-x...
LEONARD L. HOFFMAN xxx-xx-x...
JERALD D. HOLM xxx-xx-x...
ROBERT C. JAROUSSE xxx-xx-x...
ISAIAH JOHNSON xxx-xx-x...
JOEL F. JONES xxx-xx-x...
MARTIN L. KALINA xxx-xx-x...
RAYMOND L. KESSLER xxx-xx-x...
DANNY W. KETTLE xxx-xx-x...
A. D. KING, JR xxx-xx-x...
STEVEN F. KLUGE xxx-xx-x...
MARK A. KNOWLES xxx-xx-x...
RICHARD D. KOSS xxx-xx-x...
BRAD D. LANDON xxx-xx-x...
MICHAEL P. LANDRY xxx-xx-x...
DEBORAH E. LANDRY xxx-xx-x...
MICHAEL E. LARSON xxx-xx-x...
SCOTT B. LATIOLAIS xxx-xx-x...
PETER M. LAWSON xxx-xx-x...
JOHNATHAN D. LAWSON xxx-xx-x...
THADDEUS T. LEWIS III xxx-xx-x...
MICHAEL F. LEWIS xxx-xx-x...
MICHAEL J. LEWIS xxx-xx-x...
JOHN C. LEX xxx-xx-x...
FREDERICK R. LIGHTY, JR xxx-xx-x...
MICHAEL T. LIEFER xxx-xx-x...
JAY H. LIETZOW xxx-xx-x...
CLIFTON R. LLOYD xxx-xx-x...
ROY E. LOGAN xxx-xx-x...
JAMES R. LOGAN xxx-xx-x...
DARIS W. LONG xxx-xx-x...
MICHAEL S. LONG xxx-xx-x...
TIMOTHY S. LOVE xxx-xx-x...
ROBERT J. MAGERS xxx-xx-x...
ARTHUR D. MARTIN xxx-xx-x...
KEVIN F. MASON xxx-xx-x...
THOMAS P. MCCABE xxx-xx-x...
JAMES C. MCCONNELL xxx-xx-x...
MICHAEL K. MCDANIEL xxx-xx-x...
MICHAEL T. MCGLYNN xxx-xx-x...
GEORGE C. MCLAIN xxx-xx-x...
DANIEL J. MCLEAN xxx-xx-x...
GREGORY A. MCNEAL xxx-xx-x...
WAYNE D. MEDEIROS xxx-xx-x...
JEFFREY F. MENDENHALL xxx-xx-x...

EUGENE C. MENDIOLA xxx-xx-x...
WILLIAM A. MEZNARICH, JR xxx-xx-x...
RICKY R. MILLARD xxx-xx-x...
RUSSELL E. MILLER, JR xxx-xx-xx...
PAUL J. MINER xxx-xx-x...
WILLIE J. MOORE xxx-xx-x...
JOSEPH F. MORAVEC xxx-xx-x...
TIMOTHY C. MOREHEAD xxx-xx-x...
LARRY D. MORGAN xxx-xx-x...
TERRANCE W. MORROW xxx-xx-x...
JOHN C. MOTT xxx-xx-x...
THEODORE W. MUELLER xxx-xx-x...
MICHAEL T. MULQUEENY xxx-xx-x...
CLENNON W. MURRAY xxx-xx-x...
PATRICK A. NEWSOME xxx-xx-x...
MICHAEL S. NISLEY xxx-xx-x...
JOHN R. NOLAN xxx-xx-x...
STEVEN W. OCHS xxx-xx-x...
KEVIN C. OHERAN xxx-xx-x...
RICKE S. OLGUIN xxx-xx-x...
ROBERT J. OSBORN II xxx-xx-x...
JOSE G. PANIAGUA xxx-xx-x...
KERRY D. PATTERSON xxx-xx-x...
CHARLES G. PELOQUIN xxx-xx-x...
ROBERT G. PENNOCK xxx-xx-x...
GREGORY A. PERSINGER xxx-xx-x...
DANIEL J. PETERLICK xxx-xx-x...
EDWARD J. PETERNEL xxx-xx-x...
SANFORD P. PIKE xxx-xx-x...
TOMMY PIQUES, JR xxx-xx-x...
MICHAEL D. PUCKETT xxx-xx-x...
ARTHUR F. PURCELL xxx-xx-x...
MARVIN L. RAHMAN xxx-xx-x...
RICHARD A. RATLIFF xxx-xx-x...
MICHAEL D. REAVES xxx-xx-x...
DAVID P. REECE xxx-xx-x...
ROCKEY J. REEL xxx-xx-x...
TIMOTHY S. REEL xxx-xx-x...
ROBERT M. REILLY xxx-xx-x...
ROGER N. RENNER xxx-xx-x...
THOMAS R. RICE xxx-xx-x...
TIMOTHY S. RICKER xxx-xx-x...
MICHAEL R. RIDDELL xxx-xx-x...
STEVEN P. RISIGARIGA xxx-xx-x...
JOHN A. RITTER xxx-xx-x...
GUILLERMO R. RIVERO xxx-xx-x...
ROY R. ROSAL xxx-xx-x...
LIGE ROSS, JR xxx-xx-x...
JAY A. ROTHMEYER xxx-xx-x...
CARLOS L. SANDERS xxx-xx-x...
CARL J. SCHEIDT xxx-xx-x...
EDWIN G. SCHROEDER xxx-xx-x...
JONATHAN F. SCHWARZ xxx-xx-x...
DONALD C. SCOTT xxx-xx-x...
SHANE D. SELLERS xxx-xx-x...
ROBERT E. SEVERSON xxx-xx-x...
BRITTON C. SHAFFER xxx-xx-x...
JOHN F. SISSON, JR xxx-xx-x...
DONALD E. SMITH xxx-xx-x...
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GEORGE M. WYGANT xxx-xx-x...
BILLY Q. YODER xxx-xx-x...
DENNIS G. ZARNESKE xxx-xx-x...
JOHN E. ZEGER, JR xxx-xx-x...

*To be major*

DENNIS G. ADAMS xxx-xx-x...
JOSE L. AGUIRRE xxx-xx-x...
MICHAEL D. ANDERSON xxx-xx-x...
MICHAEL L. ANDREWS xxx-xx-x...
CHARLES P. ARTHUR xxx-xx-x...
DEMETRICE M. BABB xxx-xx-x...
CLACY E. BAKER xxx-xx-x...
KENNETH W. BARRY xxx-xx-x...
ROBERT A. BATH xxx-xx-x...
PHILIP S. BECKER xxx-xx-x...
JOHN R. BETTS, JR xxx-xx-x...
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RICHARD G. COX xxx-xx-x...
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DALE A. CRABTREE, JR xxx-xx-x...
EARL E. CRUSE, JR xxx-xx-x...
ROY V. DANIELS xxx-xx-x...
RICHARD A. DORN xxx-xx-x...
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ERNIE L. ELLIS xxx-xx-x...
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CALVIN H. IONA xxx-xx-x...
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ALLEN M. JACOBS xxx-xx-x...
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THOMAS J. LANGLOIS xxx-xx-x...
THOMAS R. LASHBROOK xxx-xx-x...
GEORGE H. LAUVE, JR xxx-xx-x...
PAUL F. LEASE xxx-xx-x...
JIMMY P. LEDBETTER xxx-xx-x...
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DANIEL P. LYBERT xxx-xx-x...
AUGUST F. MALSON II xxx-xx-x...
HECTOR L. MELENDEZ xxx-xx-x...
LARRY T. MESSNER xxx-xx-x...
JOSEPH A. MILLER xxx-xx-x...
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LESLIE N. MINIHAN xxx-xx-x...
SCOTTY W. MONTAGUE xxx-xx-x...
MICHAEL C. MONTCRIEFF xxx-xx-x...
BRUCE G. MONTGOMERY xxx-xx-x...
NATHANIEL MOON xxx-xx-x...
BOBBY L. MOORE, JR xxx-xx-x...
STEVEN M. MORELAND xxx-xx-x...
DAVID M. MOSER xxx-xx-x...
STEPHEN H. NEGAHNQUET xxx-xx-x...
ALAN J. NELSON xxx-xx-x...
CHARLIE P. NEUMANN xxx-xx-x...
MICHAEL E. NICKNADARVICH xxx-xx-x...
MATTHEW J. O'DONNELL xxx-xx-x...
LEE P. O'DONOVAN xxx-xx-x...
MARVIN D. PARKER xxx-xx-x...
HUGHES V. PATTERSON xxx-xx-x...
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RONALD W. REDFERN xxx-xx-x...
JOHN H. REGAN xxx-xx-x...
WILLIAM J. RESAVY, JR xxx-xx-x...
CHARLES S. REYNOLDS, JR xxx-xx-x...
PABLO F. RIBADENEIRA xxx-xx-x...
CHARLES E. RIPLEY xxx-xx-x...
RANDY R. RISHELL xxx-xx-x...
GARY S. ROBERTS xxx-xx-x...
TIMOTHY R. ROLLINS xxx-xx-x...
RAYMOND T. ROWLAND xxx-xx-x...
VINCENT T. SABLAN xxx-xx-x...
STEVEN R. SCHRIER xxx-xx-x...
FRANK L. SCOTT, JR xxx-xx-x...
WILLIE F. SCOTT xxx-xx-x...
JAMES B. SCRUGGS, JR xxx-xx-x...
THOMAS P. SEVERIT xxx-xx-x...
DANIEL P. SHEA xxx-xx-x...
DAVID S. SIMKO xxx-xx-x...
BILLY T. SKAGGS xxx-xx-x...
JOHN W. SPENCER xxx-xx-x...
FLOYD B. STARKS xxx-xx-x...
EDWARD H. STEINHAUSER xxx-xx-x...
ROGER STEPHENS xxx-xx-x...
DAVID T. STEWART xxx-xx-x...
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MARK L. TORNAI xxx-xx-x...
VERL J. TRICKETT xxx-xx-x...
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CARL A. VANDIEST xxx-xx-x...
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DENNIS A. WHEELER xxx-xx-x...
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LAWRENCE N. YEE xxx-xx-x...
PAUL A. ZAPPALA xxx-xx-x...
WILLIAM E. ZIMMERLY xxx-xx-x...
WAYNE J. ZIMMERMAN xxx-xx-x...
ROBERT A. ZINK xxx-xx-x...

*To be lieutenant colonel*

ROBERT C. BENBOW, JR xxx-xx-x...
VERNON E. BROWNING xxx-xx-x...
RAYMOND C. BROWN xxx-xx-x...
DANDRIDGE S. CARTER xxx-xx-x...
WILLIAM J. CAVANAUGH xxx-xx-x...
TOMMY L. CHANDLER xxx-xx-xxxx
MERRITT L. COGSWELL xxx-xx-x...
CHARLES E. CONE xxx-xx-x...
DONALD P. CONE xxx-xx-x...
MICHAEL J. COOPER xxx-xx-x...
LARRY A. COWART xxx-xx-x...
DENNY L. COX xxx-xx-x...
PAUL D. CYR xxx-xx-x...
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STEVEN S. DEMERS xxx-xx-x...
LYLE A. FERRARA xxx-xx-x...
SAMUEL L. FLORES, JR xxx-xx-x...
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LONNIE D. SMITH xxx-xx-x...
DALE W. STONE xxx-xx-x...
JERREL R. TOWNSEND xxx-xx-x...
JERRY M. VICKERS xxx-xx-x...
JAMES W. WASHINGTON xxx-xx-x...

# EXTENSIONS OF REMARKS

## PARTY SMART

### HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BUNNING of Kentucky. Mr. Speaker, I would like to take a moment to recognize the significant contribution of a major national alcohol education and awareness program called Party Smart. This program is a visible, effective commitment by the nonprofit organization Beer Drinkers of America to promote responsible alcohol consumption.

The message of Party Smart is simple yet vital: if you make the adult decision to drink alcohol, do it responsibly and in moderation. By implementing education programs in cooperation with major spring break cities, promoting the use of designated drivers, and sponsoring enjoyable nonalcoholic events, Party Smart consistently has shown, since its inception in 1988 that quality, objective, and positive alcohol education not only enhances people's lives, but helps save lives in the process.

One Party Smart program in particular has enjoyed a special relationship with my State of Kentucky. For the past 6 years, The Party Smart Designated Driver Program has been an integral part of the Kentucky Oaks and Derby at Churchill Downs. The Party Smart Designated Driver booths are highly visible from all areas of Churchill Downs, with two booths located at the inside track and two more at trackside.

Why is the Party Smart Designated Driver Program adopted by the management and concessionaires of the Kentucky Oaks and Derby, and endorsed by Churchill Downs?

The answer is simple. Because it works.

More than 2,000 Derby-goers sign up each year to be designated drivers and provide safe rides home for their friends. In exchange for their pledge not to drink alcohol, designated drivers receive free nonalcoholic beer and soft drinks.

The Kentucky Derby isn't the only place, by the way, where you'll find Party Smart. The Party Smart Fan Alcohol Awareness Program has been an integral part of many major sporting events, including Super Bowl XXIX in January 1995. Championship teams such as the New York Rangers and San Francisco 49ers endorse and participate in the program. It is only natural that this program of champions includes The Kentucky Oaks and Derby.

Every year, Party Smart continues doing what it does best—providing quality, privately-funded alcohol awareness information to those who decide not to drink. Beer Drinkers of America with more than 750,000 members in all 50 States, is working through Party Smart to make this year's Kentucky Oaks and Derby memorable, enjoyable, and, above all, safe.

I, for one, commend the Beer Drinkers of America, Churchill Downs and the local business community for encouraging personal responsibility and moderation and for doing their part to make the Kentucky Derby—the greatest 2 minutes in the sporting universe—even better.

## TRIBUTE TO RICHARD OLIVER WARD

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I want to commend Richard Oliver Ward for his vast contributions to the community. Richard was born in Kingston, Jamaica, on February 24 to Evaney and Joseph. His family consists of five sisters and three brothers. When Richard was 12 years old, the family moved to Brooklyn, NY.

Richard is a product of the New York City public school system. After arriving in Brooklyn, he attended P.S. 94 and later graduated from Charles E. Hughes High School. After high school, Richard enrolled in the Cooking Food of Marathon School.

But Richard's first love was always music. He started by playing drums in the church choir, but soon put them aside and began spinning records as a disc jockey. Richard worked at clubs throughout Brooklyn, single-handedly moving his equipment from engagement to engagement. Word quickly spread that this young man from Jamaica possessed an unusual talent for spinning records. From salsa to calypso to the electric slide Richie Rich mixed it all effortlessly.

Richard has been employed since 1983 with the Police Athletic League [PAL]. He enjoys all sports and is an amateur body builder. He especially loves working with children.

Richard resides in the East Flatbush edition of Brooklyn and is the proud father of two children; Amanda, who is 12 years old, and Richard, Jr., who is 1 year old.

## IN HONOR OF MAYOR DENNIS P. COLLINS, A DEDICATED PUBLIC SERVANT AND COMMUNITY LEADER

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute and honor to an outstanding individual, Dennis P. Collins, former mayor of the city of Bayonne. On May 3, 1995, the Bayonne Zionist District, Zionist Organization of America will hold their 63d annual American Zionist Fund Dinner. At the celebration, being held at the Bayonne Jewish Community Center, Mayor Dennis Collins will be honored by the organization.

Mayor Collins has always been an outstanding citizen of the Bayonne community and of the United States. He was born in Bayonne where he was raised with 12 other siblings. After graduating from high school, he decided to enlist in the Armed Forces of the United States. He proudly and courageously served in the Army for a 3-year tour during World War II. Upon the completion of his tour, he returned to attend St. Peter's College and Rutgers University. He later received his real estate and insurance broker's license.

In 1962, Mayor Collins decided to run for public office. He was elected first ward councilman and 4 years later in 1966 he was elected councilman-at-large. Thus began an illustrious career in politics that would eventually lead him to the mayor's office in the city of Bayonne. His great leadership qualities and outstanding dedication to the community were evident to the residents of Bayonne and elected him mayor of Bayonne in 1974. He went on to serve three consecutive terms in office, more than any other mayor in the history of the city of Bayonne.

As mayor, Dennis Collins helped to turn Bayonne into a flourishing and prosperous city. He improved and expanded the public services and facilities. Mayor Collins was able to maintain the city's economic vitality in spite of a national recession.

Mayor Collins played a dual role in the city of Bayonne. He not only was a leader of the community but he was also an active participant in various community organizations. He was a standard bearer of the New Frontier Democrats and was also a member of the Knights of Columbus. He has participated in many veterans groups and has been a faithful parishioner of Our Lady Star of the Sea Parish. He has also been a member of various other organizations that are too numerous to mention here.

There are no words to describe Mayor Dennis P. Collins, a dedicated leader, courageous countryman, outstanding citizen, devoted husband and father, and a friend to the people. Please join me in honoring Mayor Collins—one of the finest public servants in the history of Hudson County and excellent congressional staffer. I am proud to have him as a congressional staff member. He is a man of great respect and honor. I know he will continue to fight for the betterment, security, and prosperity of his community.

## UNITED STATES POLICY ON ALGERIA

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. HAMILTON. Mr. Speaker, the terrible civil violence in Algeria has claimed perhaps 30,000 lives in the past 3 years. Both the Algerian Government and the underground Islamist opposition reject a dialog and appear determined to resolve their differences by force. In the process, thousands of innocent civilians have been killed. The United States has important commercial interests in Algeria's petroleum and natural gas industries, as well as strategic interests in the stability of North Africa and the southern coast of the Mediterranean.

I wrote to the State Department on February 24, 1995, to raise a number of questions about United States policy toward Algeria. I received a detailed response to my questions on March 29, 1995. The text of the correspondence follows:

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
*Washington, DC, February 24, 1995.*

Hon. WARREN CHRISTOPHER,
*Secretary of State, Department of State, Washington, DC.*

DEAR MR. SECRETARY: I am concerned about the deteriorating situation in Algeria. The death toll in the Algerian civil war has now reached a weekly casualty rate greater than that experienced at the height of the Algerian war of independence.

I would like to ask a number of questions:

1. What is U.S. policy toward Algeria today? In current circumstances, what purposes does an American Embassy in Algeria serve? Do you think that this conflict can be resolved militarily or is a political solution the only effective course? What do you see as the outlines of a plausible political solution?

2. Can outside actors, including the United States, play a helpful and important role in promoting a peaceful resolution of the Algerian political crisis? Does the U.S. favor or oppose an international conference on Algeria in which all major parties to the conflict participate? If you favor such a conference, how can you convince the Algerian government to participate?

3. What is U.S. policy on contacts with the various Islamic groups in Algeria? Are there organizations with which we can have a constructive dialogue? Do you support or oppose a dialogue with the Armed Islamic Group (AIG)? What is your understanding of the relationship between the Islamic Salvation Front (FIS) and the AIG? What is your view of the French government's allegation that the FIS representative in the U.S. is a senior member of the Islamic Salvation Group?

4. What is U.S. policy concerning upcoming IMF and Paris Club talks with Algeria? Is there a role for an important U.S. and G-7 political message to Algeria in those talks, and what should that message be?

5. What do you see as the impact of developments in Algeria on some of its neighbors in the region: Morocco, Tunisia, and Egypt? France and Spain?

I appreciate your consideration of these questions and look forward to an early reply.

With best regards,

Sincerely,

LEE H. HAMILTON,
*Ranking Democratic Member.*

U.S. DEPARTMENT OF STATE,
*Washington, DC, March 29, 1995.*

Hon. LEE H. HAMILTON,
*House of Representatives.*

DEAR MR. HAMILTON: Thank you for your recent letter to Secretary Christopher concerning the situation in Algeria. We welcome the opportunity to address your specific questions and to share our perspective on the worsening crisis in that country. Because of the nature of your questions, we have attached, in question and answer format, our response.

We hope you find this information helpful. If you would like to discuss these issues at greater length, we would be happy to arrange for appropriate officials to meet with you at your convenience. Please do not hesitate to contact me if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
*Assistant Secretary*
*Legislative Affairs.*

Enclosure.

What is U.S. policy toward Algeria today?

The United States Government seeks to encourage an Algerian solution which will provide stability for the country and assure that the crisis does not spill over into Algeria's neighbors. We remain concerned over the steady increase in violence both from government security forces and from the armed Islamist groups trying to topple the regime. For the past three years, in numerous contacts both in Algiers and in Washington, we have actively worked to promote a dialogue between the government and the major opposition parties, which we believe offers the best chance for a non-violent solution.

While we continue to engage the regime in discussions on political strategies which might reverse the downward spiral, the U.S. gives no direct economic assistance or military support to Algeria.

We have made clear that the U.S. deplores violence from any quarter and have urged strict respect for human rights by all groups in Algeria.

In current circumstances, what purposes does an American Embassy in Algeria serve?

Our diplomatic mission in Algiers accomplishes a number of essential functions, including: Preserving access to Algerian Government officials at all levels, unobtainable elsewhere, to seek GOA views and deliver U.S. policy messages; maintaining a U.S. presence to show continuing concern over the Algerian crisis and to demonstrate both to Algerians and to other foreign governments which keep embassies in Algiers that we do not believe a collapse of the state is imminent; serving as the U.S. Government's "eyes and ears", producing irreplaceable reporting and intelligence which guides U.S. policy towards the crisis; enabling U.S. companies to continue their involvement in Algeria's oil and gas industry through projects which total billions and will play a major role in any economic recovery—much of their involvement would end if the Embassy closed; providing services and representation for the 500-600 American citizens in Algeria.

Do you think that this conflict can be resolved militarily, or is a political solution the only effective course?

We are convinced that attempts to suppress the insurgency through military means alone will fail. On the contrary, this approach will only intensify the cycle of violence and spur further radicalization of the Islamist movement. This is the lesson of the past three years, during which time the regime's campaign to eradicate the opposition through repression has led to an exponential growth in insurgent operations. At the same time, we do not believe an Islamist military victory is likely in the near term.

In our view, a strategy which gives the main opposition groups—including Islamist leaders willing to seek a non-violent solution—a voice in a political process which prepares an eventual return to elections is essential to broaden the extremely narrow base upon which the Algerian regime rests. Such a strategy offers the best chance to reinforce pragmatic tendencies within the Islamist movement and to marginalize the most violent extremists.

What do you see as the outlines of a plausible political solution?

The Algerian parties themselves must determine, through negotiation, the outlines of a political process. It would be inappropriate for the U.S. Government to put forward a preconceived notion of the form which such an accord might take.

In general, we share with the main Algerian parties the conviction that a political solution must be designed to prevent the most radical outcome of the conflict. We believe that a viable solution must prepare Algeria for an eventual return to elections while providing concrete guarantees that no party can abuse the democratic process or impose a dictatorship in the future. We recognize that there is a need to rally non-extremist forces around a process which allows for the expression of different political views and enables the parties to work out their differences in a non-violent context. We were encouraged by the platform which the principal opposition parties signed after meeting in Rome in January, which was meant to serve as a starting point for talks with the regime.

Can outside actors, including the United States, play a helpful and important role in promoting a peaceful resolution of the Algerian political crisis? Does the U.S. favor or oppose an international conference on Algeria in which all major parties to the conflict participate? If you favor such a conference, how can you convince the Algerian government to participate?

We are already making every effort to press all sides to engage in dialogue aimed at opening up a political process. It is important, however, to understand the limits of outside influence on what is essentially an internal conflict among Algerians. Neither the regime's leaders nor opposition groups would welcome an attempt by the U.S. or European governments to mediate between them, and it might be unwise for the U.S. to try to insert itself more aggressively into this situation.

What is U.S. policy on contacts with the various Islamic groups in Algeria? Are there organizations with which we can have a constructive dialogue?

We have long maintained working-level contacts with a broad spectrum of Algerian public opinion, including with elements of the political opposition not linked to terrorism. The President affirmed publicly last year that the U.S. has had such contact with representatives of the Islamic Salvation Front (FIS).

Do you support or oppose a dialogue with the Armed Islamic Group?

Unlike the FIS, the Armed Islamic Group rejects compromise and embraces the use of indiscriminate terrorism to advance its extremist agenda. We do not maintain a dialogue with the GIA.

What is your understanding of the relationship between the Islamic Salvation Front and the GIA?

Prior to being banned in 1992, the FIS actively participated in the democratic process, winning a plurality of seats in the first round of legislative elections in December 1991. Since the suspension of the electoral process, the FIS has continued to advocate dialogue and a return to elections. By contrast, the GIA opposes dialogue and has openly claimed responsibility for terrorism against foreigners and Algerian civilians since the summer of 1993. We have no evidence that FIS leaders exercise control over the GIA. On the contrary, it appears that the FIS and GIA are rivals for control of the Islamic fundamentalist movement in Algeria.

What is your view of the French allegation that the FIS representative in the U.S. is a senior member of the Armed Islamic Group?

An individual who calls himself the FIS representative in the U.S.—but who has no legal status as such—has made statements on several occasions implying sympathy for some of the actions of the GIA. At other times, however, he has categorically condemned violent acts attributed to the GIA. We have no evidence—and neither the French nor any other government has provided any—that this individual is a "senior member" of the GIA. In fact, he served as the official FIS representative at the two recent conferences of Algerian political parties in Rome.

What is U.S. policy concerning upcoming IMF and Paris Club talks with Algeria? Is there a role for an important U.S. and G-7 political message to Algeria in those talks, and what should that message be?

Recognizing that economic reform is essential for the long-term well-being of the Algerian people, we have pressed for Algeria to move towards a market system which could provide adequate housing, food, and employment for all Algerians, thereby weakening the appeal for extremism. The U.S. has therefore welcomed the GOA's implementation of economic reforms and has supported IMF and World Bank agreements and Paris Club debt rescheduling, which create a positive macroeconomic environment and lay the groundwork for fundamental reform and growth.

Our "political message" to Algerian leaders has been clear. We have repeatedly stressed that political progress and an improvement in the security situation are essential prerequisites to sustainable economic recovery. Any attempt to use the IMF, World Bank, or Paris Club to increase pressure on the Algerian regime would require close coordination with our European allies on an issue of vital importance to them.

What do you see as the impact of developments in Algeria on some of its neighbors in the region—Morocco, Tunisia, Egypt, France, Spain?

The Algerian crisis has provoked concern in neighboring countries and raised the obvious question of whether events in Algeria threaten stability elsewhere in the region. We take seriously such concerns. This is one reason why we would oppose the imposition of any kind of extremist regime in Algeria. These regional concerns, however, do not alter our analysis that Algeria's predicament is driven by conditions indigenous to Algeria, which has had a very different history from its neighbors. The appeal of fundamentalism in Algeria is rooted in frustration arising from three decades of political exclusion, social injustice, and economic misery. Morocco, Tunisia, and Egypt each have significant strengths that are not shared by Algeria. King Hassan II of Morocco has stated publicly that he shares this analysis. Successes by Algerian Islamists undoubtedly embolden Islamist opponents in other countries, but there is no reason to assume a "domino" effect.

France and Spain fear that worsening instability in Algeria could lead to a flood of refugees across the Mediterranean. Moreover, the French fear repercussions within France's large Muslim community, which is mostly of Algerian origin. Nonetheless, both Paris and Madrid, with which we consult closely on this issue, have joined the U.S. in calling for political solution based on dialogue and a return to the electoral process.

## TRIBUTE TO JULIE A. BALDUF

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my District who has recently accepted her appointment as a member of the class of 1999 at the U.S. Air Force Academy.

Julie A. Balduf will soon graduate Port Clinton High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Julie has distinguished herself as a leader among her peers. She is an outstanding student and patriot.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Julie Balduf has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the best of luck as she begins her career in service to our country.

## THE VARIETY BOYS AND GIRLS CLUB OF QUEENS' 40TH ANNIVERSARY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to an outstanding organization in my New York City district that has been committed to improving the lives of children for 40 years. The Variety Boys and Girls Club of Queens has worked with generations of young people in that special borough to realize their dreams and grow into upstanding members of the community.

The Variety Boys and Girls Club of Queens was established as the number of youth gangs around the country had risen dramatically during the late 1940's and early 1950's. In response to the growing number of gangs, Meyer "Moe" Baranco and attorney Charles J. Vallone, both of Queens, decided to establish a place for local youth to spend their time off the streets in a wholesome atmosphere.

In 1949, the club got its start when a fundraising testimonial was held to assist Charles Vallone's family take a trip to Italy. Instead of paying for the family trip, the $1,500 raised at the testimonial became the first major contribution toward the founding of the Boys Club. In the years since, the club has been extremely fortunate in attracting leading members of the community from every profession, all of whom have made valuable contributions to the club's growth and success.

When it first opened in 1955, the club acted as a home away from home to hundreds of boys. These boys would come from all over the Queens community to watch movies, play games, and participate in sporting events. Recognizing the need to serve all future citizens, in 1981 the board of directors decided to offer services to young women in the community. Redoubling its commitment to the area's girls, in 1985, the club resolved to expand all of its services to girls. Money was raised for an auxiliary gymnasium, and for additional recreational and support services to girls between 6 to 17 years of age. Soon, the Boys Club became the Boys and Girls Club of Queens.

Mr. Speaker, the basic problems that existed among this Nation's young people in the 1940's are still the same ones that we grapple with today: Too many youth who have too few role models. The Variety Boys and Girls Club of Queens provides an outstanding example of what can be done to address these problems if we put our minds to it. They say it takes a village to raise a child, and the Boys and Girls Club of Queens shows just how successful a village can be in shaping the lives of young people. Therefore, I would ask that my colleagues join me in marking the club's 40th anniversary, and help wish them another successful 40 years of exemplary service.

## TRIBUTE TO MARILYN D. MOSLEY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I am fortunate to have constituents within my district who are committed to their community and passionate about their participation in the political process. Marilyn Mosley exemplifies the previously listed qualities. She serves as the assistant to the Brooklyn Borough president. In her capacity she is responsible for maintaining relations between that office and various community boards in the borough.

Born in Brooklyn, Marilyn is a product of the New York City Public School system. Marilyn was a member of the Girls High School class of 1959, and was voted "most likely to succeed" by her classmates. She later earned a bachelor of science degree from Morgan State University, where she majored in mathematics.

Marilyn began her professional career at P.S. 29, the same school from which she graduated. Teaching sixth grade at P.S. 29 was particularly rewarding for her because she was able to serve alongside her former teacher and mentor, the late Clara Cardwell.

Marilyn has served the school system in several teaching, supervisory, and administrative capacities. While teaching, Marilyn attended graduate school, graduating from City College summa cum laude with a master's degree in science and mathematics education. She earned a second master's degree in educational administration and supervision. Marilyn was inducted into Phi Delta Kappa, an honorary fraternity for students maintaining summa cum laude status at the graduate level.

Marilyn's achievements have been recognized by a host of groups and organizations. She has received numerous awards such as the PTA award for Excellence in Teaching, Educator of the Year, Woman of the Year, and citations from the New York City Council and the New York State Legislature. Marilyn's accomplishments are a testament to her interest, effort, and commitment to improving the quality of life for Brooklyn residents who consistently cite her for work well done.

## IN HONOR OF REVEREND MONSIGNOR JOSEPH A. MARJANCZYK CELEBRATING HIS 50TH ANNIVERSARY OF ORDINATION

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Reverend Monsignor Joseph A. Marjanczyk on the 50th anniversary of his ordination. The parishioners of Our Lady of Mount Carmel will hold a dinner-dance in Father Marjanczyk's honor on May 6, 1995.

Father Joseph Marjanczyk was ordained by Archbishop Thomas A. Walsh of Newark on May 5, 1945. Prior to his ordination, Father Marjanczjk was a seminarian at the Immaculate Conception Seminary. While at the seminary, he compiled and edited four volumes of Sacred Scripture handbooks and authored a comprehensive history of "Christianity in Poland."

Father Joseph Marjanczyk was first assigned to the Polish parish of St. Valentine in Bloomfield, NJ. He served as chaplain to the Bloomfield Police Department and was Faithful Friar of Fr. Isaac Jogues Fourth Degree Assembly of Knights of Columbus Council 1178. Father Marjanczyk was on the archdiocesan Continuing Education of Priests Committee and also served for 12 years as an adjunct professor of Polish language at Seton Hall University.

He was later named to the Board of Trustees Seton Hall and at the Immaculate Conception Seminary.

Pope John Paul II named Father Marjanczyk a Prelate of Honor to His Holiness and bestowed upon him the title of Monsignor on May 29, 1979. Despite all his responsibilities Father Marjanczyk found time to serve outside of his jurisdiction as trustee of the City of Elizabeth Board of Education. On May 19, 1988, Pope John Paul II proclaimed Monsignor Marjanczyk a Protonotary Apostolic, and in January, 1991 Archbishop McCarrick of Newark appointed him as Vicar Episcopal of South Hudson County.

Father Joseph Marjanczyk was vested with the Knight of the Order of Polonia Restituta by the Polish Government-in-Exile, London, England. He was decorated with the Gold Insignia of the Order of Merit by the Republic of Poland. The Paderewski Memorial Committee Bayonne Chapter honored him with the Paderewski Memorial Silver medal on his name day, March 19, 1994.

Father Marjanczk is a man dedicated to helping and serving the people. He has devoted his life to serving God and to helping all those that are in need. Again, I congratulate Father Marjanczyk on the 50th anniversary of his ordination. May all his kindness and generosity be rewarded in the years to come.

## TRIBUTE TO WILLIAM AND FUNG HSIEH

### HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BAKER of California. Mr. Speaker, today it is my pleasure to recognize two remarkable people from my District, William and Fung Hsieh. Recently, reporter Ben Fox wrote in one of the leading papers in my District, the Tri-Valley Herald, that the Hsiehs are "an advertisement for graceful aging." Their remarkable lives and their 78 years of marriage—yes, 78—have been a testimony to what William rightly calls three of the great essentials of marriage: love, mutual trust, and reasonableness.

William, then called Wen-Lung, and Fung were married in 1917 in China. In the early 1920's, William traveled to the United States, where over the course of 5 years he obtained a doctorate in transportation and economics from the University of Pennsylvania. He returned to China to become a civil engineer, and was awarded the Medal of Freedom from the American Government in 1946 for his work in assisting the U.S. Army transport military supplies during the Second World War.

After fleeing China in the wake of the Communist takeover in 1949, the Fungs were separated again as William remained in Hong Kong and Fung lived in the United States pursuing the citizenship she had lost as a result of marrying a foreign national. Eventually, the Hsiehs and their eight children arrived in the United States, and William became a naturalized citizen in 1986.

Currently, the Hsiehs live in Livermore, which is a lovely city in the East Bay region of the San Francisco area, where they are near their son, Ed, and his wife, Cynthia.

The Hsiehs have much to teach about love, loyalty, and long-term commitment. They have weathered many storms in their lives, and yet their marriage has endured. In our era of family breakdown, the Hsiehs are a welcome reminder of the importance of the traditional values on which our country is based. It is a pleasure for me to honor the Hsiehs today, and to thank Mr. Fox for his touching piece about this wonderful couple.

## THE PRICE OF AMERICAN LEADERSHIP

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a speech delivered last week by Anthony Lake, the President's National Security Adviser.

Mr. Lake states well the importance of American leadership and the necessity of the President to have the tools and the resources to be able to protect and promote our national interests.

The upcoming debate over resources for the 150 international affairs budget account will help determine whether the United States can sustain its world leadership. This account must take its fair share of cuts, but those cuts must be carried out with care and with bipartisan agreement so that the national interest of the United States will not be harmed.

I urge my colleagues to reflect on Mr. Lake's remarks before the National Press Club April 27, 1995. His speech follows:

THE PRICE OF LEADERSHIP

Let me begin with a simple but alarming fact: The United States could be on the brink of unilateral disarmament.

Did that get your attention? I hope so, because it is true.

No, we are not about to junk our jets or scuttle our ships. Our military is strong and ready—and there is a strong bipartisan consensus to keep it so. But we are on the verge of throwing away—or at least damaging—many of the other tools America has used for 50 years to maintain our leadership in the world. Aid to emerging markets, economic support for peace, international peacekeeping, programs to fight terrorism and drug trafficking, foreign assistance: Together with a strong military, these have been key instruments of our foreign policy.

Presidents since Harry Truman have used these tools to promote American interests—to preserve our security, to expand our prosperity and to advance democracy. Their efforts were supported by Democrats and Republicans—and the broad majority of the American people. Congress consistently provided the needed resources for these tasks. Because of this resolve, coupled with our military might, we prevailed over the long haul in the Cold War, strengthened our security and won unparalleled prosperity for our people.

Now, I deeply believe our success is in danger. It is under attack by new isolationists from both left and right who would deny our nation those resources. Our policy of engagement in world affairs is under siege—and American leadership is in peril.

A few of the new isolationists act out of conviction. They argue that the end of the Soviet menace means the serious threats are gone—that we should withdraw behind our borders and stick to concerns at home. Fortress America, they say, can shut out new dangers even though some of the new threats facing us—like nuclear proliferation, terrorism, rapid population growth and environmental degradation—know no boundaries.

But most of the new isolationists do not argue such a position or even answer to the name isolationist. They say they are part of the postwar bipartisan consensus that their

goals are its goals—democracy, security, peace and prosperity. But they won't back up their words with deeds.

These self-proclaimed devotees of democracy would deny aid to struggling democracies. They laud American leadership, but oppose American leadership of coalitions, advocating only unilateral action instead.

Yes, they praise peace. But then they cut our help to those who take risks for peace. They demand greater prosperity. But they shy away from the hard work of opening markets for American workers and businesses. Under the cover of budget-cutting, they threaten to cut the legs out from under America's leadership.

These are the back-door isolationists—and they are much more numerous and influential than those who argue openly for American retreat. They can read the polls, and they know that the American people want the U.S. to be engaged in the world. Support for American leadership in the world is about as strong as ever—a Chicago Council on Foreign Relations survey shows two-thirds or more want us to remain deeply engaged. So these back-door isolationists and unilateralists cast themselves as the true guardians of American power. But through their actions, they could become the agents of a America's retreat. They champion American leadership, but they want it the one way you can't have it: and that is on the cheap.

They want America to turn its back on 50 years of success. They are working—whether they know it or not—to destroy part of the foundation for our peace and prosperity, the great legacy of our postwar leaders. Vandenberg, Truman, Marshall, Acheson. These men faced their own challenge from isolationists. But they saw the cost of our earlier withdrawal after Versailles was terribly, terribly damaging—saw it in the wreckage of Europe and Asia after World War II and the casualties America suffered liberating those continents. And they understood that investing in a vigorous foreign policy was the only way to prevent another catastrophe.

They knew the price of leadership. They spent what was necessary to maintain America's security. And they went further, creating the United Nations and the Bretton Woods institutions and covering those bills, pouring Marshall aid into Western Europe to save it from despair and communism and they and their successors in later Administrations developed the new tool of technical assistance—so that democracy and prosperity got a better chance around the world.

Look at the results: the map is almost covered with democracies, many of them strong allies. Markets that fulfill needs and dreams are expanding. A global economy supports American jobs and prosperity. These are the returns on 50 years of American political and economic investment abroad—the benefits of 50 years of bipartisan engagement.

But these achievements are not cut in stone. We will not go on reaping these benefits automatically. Back-door isolationism threatens to propel us in the wrong direction at a real moment of hope—when our engagement can still make a dramatic difference, by securing rather than frittering away our victory in the Cold War.

We could forfeit that victory because in many places, democracy still needs nurturing. Some market economies have not sunk deep roots. and the post-Cold War world has brought into new focus real and powerful dangers that threaten what we have worked for: aggression by rogue states, international terrorism, economic dislocation. These are new forms of an old conflict—the conflict between freedom and oppression, the conflict between the defenders of the open society and its enemies.

There is no expiration date on these lessons from five decades: Defeating these threats requires persistent engagement and hands-on policies. Defeating them demands resources. Throwing money at problems won't make them go away—but we also cannot solve problems without money. The measure of American leadership is not only the strength and attraction of our values, but what we bring to the table to solve the hard issues before us. That is why President Clinton has said that he will not let the new isolationism prevail.

Make no mistake: The American people want their nation to lead. Americans know the world is growing closer; they know our security and prosperity depend on our involvement abroad. And they agree with the President, who has said before and since he took office: "For America to be strong at home, it must be strong abroad."

Plenty of Americans also say they want us to spend less abroad—until they know the real numbers. Most think that we spend 15 percent or more of the federal budget on foreign aid. They think 5 percent would be about right.

They would be shocked to know that little more than 1 percent—$21 billion out of a $1.6 trillion dollar budget—goes to foreign policy spending, and less than $16 billion to foreign assistance. That's a lot of money, but not the budget-buster that neo-isolationists pretend. And that is 21 percent less in real terms than spent in FY 1986. They would also be surprised to learn that others recognize the reality of necessary resources far better than we. The richest, most powerful nation on Earth—the United States—ranks dead last among 25 industrialized nations in the percentage of GNP devoted to aid.

These are facts that should be better known. And more of our citizens should know that our foreign policy resources are devoted toward goals that the American people support.

$6.6 billion a year promotes peace—including our efforts in the Middle East, the help we give U.S. allies to defend themselves, and our contribution to UN peacekeeping missions around the world, such as those on the Golan Heights, the Iraq-Kuwait border and in Cambodia.

$2.4 billion builds democracy and promotes prosperity—helping South Africa, for example, hold free elections and transform itself peacefully.

$5 billion promotes development—that includes jobs programs in Haiti to increase employment, improve infrastructure and help that nation get back on its feet.

$1.7 billion provides humanitarian assistance—like caring for refugee children in the former Yugoslavia—because Americans have always wanted their country to alleviate suffering in areas of the most compelling need.

And the remainder is for the State Department and other agencies that work every day to advance America's interests abroad.

This is the price of American leadership—and the backdoor isolationists don't want us to pay it. But imagine how the world would look if we did not. Take what I call the George Bailey Test. You remember George—he is the character played by Jimmy Stewart in the Christmas classic "It's a Wonderful Life." In that film, the angel Clarence shows George how Bedford Falls would have fallen apart without him.

Allow me to play Clarence briefly and take you through a world without American leadership. Imagine:

If Ukraine, Belarus and Kazakhstan joined the club of declared nuclear weapons states because we couldn't do the deals to denuclearize them.

If Russian missiles were still pointed at our cities, because we couldn't push to detarget them.

If thousands of migrants were still trying to sail to our borders, because we had not helped restore democracy in Haiti.

If nearly 1 million American jobs had not been created over the last three years alone—because we had not promoted U.S. exports.

If we had to fight a war on the Korean peninsula—the implication of what some critics urged—because we did not confront the threat of a North Korea with nuclear weapons.

If another quarter of a million people had died in Rwanda because we had not deployed our military and they had not done such a fine job in the refugee camps.

Or, if we had paid tens of billions of dollars more and suffered more casualties because we insisted on fighting Operation Desert Storm against Iraq by ourselves.

Imagine that. Each of these efforts cost money and the hard work of building international coalitions. But you and I are safer, better off and enjoy more freedom because America made these investments. If the backdoor isolationists have their way, much of what we have worked for over two generations could be undone.

Speaker Gingrich recently described what the world might look like if America retreats. He described "a dark and bloody planet * * * in our absence you end up in Bosnia and Rwanda and Chechnya." He added, "They are the harbingers of a much worse 21st century than anything we've seen in the half century of American leadership."

It does not have to be that way. If we continue to invest in democracy, in arms control, in stability in the developing world, in the new markets that bring prosperity, we can assure another half century of American leadership.

But already, because of decisions in the last few years, we sometimes cannot make even modest contributions to efforts that deserve our support. America is a great nation—but we cannot now find the small sum needed to help support peacekeepers in Liberia, where a million people are at risk from renewed civil war. Or the money to fund adequately UN human rights monitors in Rwanda. We can barely meet our obligations in maintaining sanctions on Serbia. This is no way to follow the heroic achievements of the Cold War. And I can't imagine that this fits any American's vision of world leadership. It doesn't fit mine.

Nickel and dime policies cost more in the end. Prevention is cheap—and doesn't attract cameras. When the all-seeing eye of television finds real suffering abroad, Americans will want their government to act—and rightly so. Funding a large humanitarian effort after a tragedy or sending in our forces abroad to assist will cost many times the investment in prevention.

Some costs of short-sighted policies must be paid in our neighborhoods: In 1993, Congress cut by almost one-third our very lean request for funding to combat the flow of narcotics into our country—and that funding has been declining in real terms ever since. As a result, we are scaling back programs to wipe out production of drugs and block their importation, as well as training programs for police, prosecutors and judges in foreign countries. America pays a far higher cost in crime and ruined lives.

These are some of the constraints we have lived with in the past few years. And now, however, American leadership faces a still more clear and present danger. Budget legislation being prepared in Congress could reduce foreign affairs spending by nearly a quarter—or $4.6 billion. That would mean drastic cuts or the elimination of aid to some states of the former Soviet Union, and into the security assistance programs that help U.S. allies and friends provide for their own defense. It would sharply reduce or eliminate our contributions to international peace operations. It would lame the agencies—like OPIC and the Ex-Im Bank—that have played a key role in expanding U.S. exports. It would threaten our non-proliferation efforts and the Arms Control and Disarmament Agency. It would eliminate assistance for some programs that save children's lives.

These cuts would cripple our legacy of leadership. The strength to lead does not fall from heaven. It demands effort. It demands resources.

A neo-isolationist budget could undercut our strategic interest in democracy in Russia and the former Warsaw Pact. And it would directly affect America's security: We must continue to fund the farsighted programs begun by Senators Nunn and Lugar to reduce nuclear arsenals in the former Soviet Union. The $350 million in Nunn-Lugar funds made it possible for Ukraine to dismantle its arsenal and accede to the Non-Proliferation Treaty. That made it easier for us to pull back from the Cold War nuclear precipice—and save some $20 billion a year on strategic nuclear forces. That is just one of the more dramatic examples of how our foreign spending literally pays off.

A neo-isolationist budget could harm our efforts to prevent rogue states and terrorists from building nuclear weapons. We are spending $35 million over three years to employ thousands of weapons scientists in the former Soviet Union on civilian research projects. That helps keep them off the nuclear labor market—and from selling their skills to an Iraq or Iran.

A neo-isolationist budget could nearly end our involvement in UN peace operations around the world—operations that serve our interests. Presidents since Harry Truman have supported them as a matter of common sense. President Bush in particular saw their value: last year nearly 60 percent of our UN peacekeeping bill went to operations begun with his Administration's support. His Secretary of State, James Baker, made a strong defense for these operations when he remarked that "We spent trillions to win the Cold War and we should be willing to spend millions of dollars to secure the peace."

This is burdensharing at its best. UN peace operations.

Save us from deploying U.S. troops in areas of great importance—for example, Cyprus or the Indian sub-continent.

They help pick up where our troops left off—for example, along the border of Iraq and Kuwait. In Haiti, UN troops are saving us resources by replacing most of our own withdrawing troops.

They are building democracy in Namibia, Mozambique and Cambodia—all missions we helped design. In Cambodia, the UN negotiated the withdrawal of Vietnamese forces and then held the country's first democratic election. After the years of the Killing Fields, 90 percent of the electorate turned out to vote—while UN peacekeepers protected them for the Khmer Rouge.

We would pay much more if we performed even a small number of these missions unilaterally. Instead, the price we pay now in manpower and money is reasonable: Of the 61,000 UN peacekeepers deployed around the world, only some 3,300 are American. We pay the equivalent of half of one percent of our total defense spending for UN peace operations—less than a third of the total UN cost and less than the Europeans pay in proportion to their defense spending. We participate in these operations only after careful consideration of the command arrangements and costs—but we gain immense influence through our ability to lead multinational efforts.

And a neo-isolationist budget could severely undercut our work for peace. The President has said that "America stands by those who take risks for peace." That is true in Northern Ireland, in South Africa, the Middle East and around the world.

For the Middle East peace process to continue—and for negotiations in other regions to succeed—we must have the resources to support the risk-takers. We cannot convince the holdouts from the peace process that will stand behind a just and lasting settlement if we back away from our current commitments. That means maintaining aid to Israel, Egypt and the Palestinians and fulfilling our pledge of debt relief to Jordan. In the Middle East our vital security and economic interests are on the line. We must not fold our hands—and leave the game to the opponents of peace—just when we are so close to the verge of winning.

A neo-isolationist budget could throw away decades of investment in democracy. In the last 15 years, the number of democracies in the world has almost doubled—and USAID provided assistance to most of the newcomers. For example, in Mozambique, a nation emerging from years of strife, AID assistance helped register 6 million out of a possible 8 million voters and turn the polling there into a success. Now, when these societies are most fragile, is not the time to cut this lifeline for democracy.

And a neo-isolationist budget would directly damage our own livelihoods. Our economy depends on new markets for U.S. goods and high-paying jobs for American workers. That is why President Clinton led efforts to expand free trade with the landmark GATT agreement, NAFTA, and the free trade agreements in the Asia-Pacific region and in the Americas. And this Administration has worked harder, I believe, than any other to promote American exports. Imagine, for example, where we would be without the Commerce Department's efforts on this score. Secretary Brown's staff worked with other agencies last year on export deals worth $46 billion for American businesses—deals that support 300,000 U.S. jobs.

In many cases, we were in a position to close deals because America had been engaged in those countries for years. Consider two statistics. AID programs in some countries have helped increase life expectancy by a decade. And every year, AID's immunization program saves 3 million lives. These are statistics not only of humanitarian hope. They are part of efforts to help create stable societies of consumers who want to buy our goods—not masses of victims in need of relief.

In addition, our support of the multilateral development banks also helps nations grow and their economics prosper. We contribute $1.8 billion while other nations contribute $7 billion—and that capital leverages more than $40 billion in lending. If we stopped our contributions, we would lose our influence. And others might also follow our lead, and that would cripple these important institutions.

The backdoor isolationists who claim they are saving America's money cannot see beyond the green eyeshades. Our assistance has repaid itself hundreds and hundreds of times over. That was true when Marshall aid resuscitated European markets after the war. And in South Korea, which now imports annually U.S. goods worth three times as much as the assistance we provided in nearly 30 years.

And while we preserve our tradition of assistance, we are reforming its practice. AID has become a laboratory for Vice President Gore's efforts to reinvent government—it is eliminating 27 overseas missions and cut its workforce by 1200.

Now, with the "New Partnership Initiative," we will improve our assistance programs even more—by focusing on the local level. This will enhance the efforts of nongovernmental organizations and raise the percentage of our aid that is channeled to them to 40 percent—because these organizations are on the ground and more responsive than distant national governments. This puts our resources to better use, helping nations so they can become self-sufficient.

Every one of us in this room knows that winning support for an activist foreign policy has never been easy in America.

Throughout the history of our Republic, we have never lived in literal isolation. In a world of instant communication and capital flows, we cannot do so now. That is not the issue. Literal isolationism is not an option.

What is at issue is whether we will have the policies and resources that can shape and support our involvement in ways that benefit our people in their daily lives—whether by opening markets or by preventing conflicts that could embroil us. It is at those times that our government failed to engage in such efforts that our people have paid the greatest price—as in World War II, following a period of irresponsible American retreat.

The genius of our postwar leaders was to see that technology and American power had changed the world and that we must never again remain aloof. But they had a hard time winning support even with the memories of war still fresh.

As he put his case forward, President Truman had an uphill struggle. But a foreigner saw that it was America's moment to lead—and told us so. Winston Churchill stirred the nation with his appeal for an engaged foreign policy. Today, we remember his address as the Iron Curtain speech, but Churchill called it "The Sinews of Peace." The phrase plays on a saying of the Romans: "Money is the sinews of war." Churchill's message was that preserving peace—like waging war—demands resources.

Today, that message rings as true as ever. This is a moment of extraordinary hope for democracy and free markets. But nothing is inevitable. We must remain engaged. We must reach out, not retreat. American leadership in the world is not a luxury: it is a necessity. The price is worth paying. It is the price of keeping the tide of history running our way.

## TRIBUTE TO JASON SCHUBACH

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1999 at the U.S. Naval Academy.

Jason Schubach will soon graduate Old Fort High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school Jason has distinguished himself as a leader among his peers. He is an outstanding student and patriot.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jason Schubach has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

## TRIBUTE TO VAL ARTURO HENRY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I would like to commend Val Arturo Henry for his yeoman's work to improve his community, and his pursuit of individual excellence. Val was born in Colon, Republic of Panama, and immigrated to New York City when he was 2 years old.

Val attended public and secondary schools in Brooklyn and graduated from Franklin D. Roosevelt High School as a National Merit Scholar. He obtained his undergraduate degree in economics from Bucknell University. He than attended Fordham Law School, served as president of the Black Law Students Association, and passed the New York State Bar.

Since 1988, Val has been a private practitioner with a general law practice. He has also been associated with the law firms of Cichanowicz and Callan; and Simpson and Levitsky.

Val is a member of numerous associations, including the Brooklyn Bar Association, the Bar of the City of New York, the Metropolitan Black Bar Association, and the New York County Bar. He also serves on the boards of directors of Bedford Stuyvesant Legal Services Corp. and the Community Alliance for Youth Action. He is a member of Community Board 9 and serves on the Judicial Screening Committee for Kings and Richmond Counties. Val also serves as chancellor to his church, St. Georges Episcopal Church in Brooklyn, and sits on the Committee for Canons for the Episcopal Diocese of Long Island.

Married for the last 19 years to the former Deborah Ellen Corbett, Van and his wife have a son, Kairi William, a sophomore at Hampton University, and a daughter, Nia Elena, who is enrolled at Montessori Academy in Brooklyn.

The success achieved by Val Henry, he acknowledges, is due to his parents, Earl and Esther Henry of Tampa, FL, his brother Delano C. Henry, and his sister Lydia Manrow. I am pleased to introduce my colleagues to Val Arturo Henry.

## HONORING SCHOOL SETTLEMENT ASSOCIATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mrs. MALONEY. Mr. Speaker, I rise today to mark the accomplishments of the School Settlement Association and recognize two of its most devoted friends.

First, let me say a few words about the School Settlement Association. Serving the Greenpoint and Williamsburg areas of Brooklyn, NY, since 1901, School Settlement has developed a stellar reputation for providing innovative programming and services for thousands of area residents each year.

The organization's long list of community services include drug education, teen pregnancy counseling, vocational workshops, and various sports tournaments. School Settlement also provides remedial tutoring for local schoolchildren, has a very effective drop out prevention program, and distributes surplus Government food to families in need.

But, of course, good programs like these don't just happen by magic. They take lots of time and effort by dozens of friends and contributors. On May 5, the School Settlement Association will take time to honor Capt. Albert W. Girimonte and Paul J. Pullo.

Describing himself as a "Local Brooklyn boy who did well," Captain Girimonte currently serves as a police captain of the 90th precinct in Brooklyn. Before becoming a police officer, Captain Girimonte served with the U.S. Air Force from 1966 to 1969. Becoming one of New York's Finest in 1973, he worked his way steadily up through the ranks, reaching the rank of captain in 1987.

Captain Girimonte, and his wonderful wife, Barbara, are the proud parents of three children: Joseph, Albert, and Mary. Like their father, the two boys have chosen to devote their lives to public service, while his beautiful daughter, Mary, is getting ready to graduate the fifth grade.

Also to be honored is Paul Pullo, another outstanding member of the Greenpoint community, and devoted familyman. After graduating from St. John's University in 1972, Mr. Pullo worked at Dun & Bradstreet before moving on to start Apollo Petroleum and Metro Oil in 1977 with his brother.

In 1975, he married Frances Cannizzaro with whom he has had two wonderful children, Christina and Paul. Despite his busy schedule, Mr. Pullo has always found time to assist and improve his community. Metro Oil has received recognition from the U.S. Coast Guard for its oil storage facility, and Mr. Pullo has played an invaluable role in attracting business to the Greenpoint area.

Mr. Speaker, I am proud to have this opportunity to honor the good work of the School Settlement Association as well as Captain Girimonte and Mr. Pullo. Their outstanding service others and undaunting dedication to the community truly represent the best of American values, and are an inspiration to us all.

## PROCLAMATION CONGRATULATING DEAN HARRAH

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Dean Harrah, should be recognized for his invaluable contributions to the game of baseball; and

Whereas, Dean Harrah, was a player for Kent State University, the United Mine Workers League, the Harrison County League, and numerous local and semi-pro teams; and

Whereas, Dean Harrah, has dedicated much of his talent to coach both elementary and high school students in which some of his players continued on to play college and professional baseball; and,

Whereas, Dean Harrah, led many of his teams to league championships, all-star game championships, and to all appearances at sectional, district, and regional tournaments; and

Whereas, Dean Harrah, has ensured that local programs were established for both girls and boys and help coordinate construction and renovation of many local fields; and

Whereas, the local communities are better places for people of all ages because of the work of Dean Harrah; and

Whereas, the residents of Belmont County and the surrounding areas of Ohio, with a real sense of pleasure, join me in commending Mr. Dean Harrah for his indispensable contribution to the game of baseball.

## TRIBUTE TO THE FRIENDS OF THE ROSEVILLE PUBLIC LIBRARY ON THEIR 20TH ANNIVERSARY

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BONIOR. Mr. Speaker, I rise today to honor the Friends of the Roseville Public Library. This Saturday, the Friends are celebrating their 20th anniversary.

In 1975, Rosalie Perry and Carol Windorf, along with a handful of supporters, founded the group. Today, over 1,300 members provide services and support to the people of Roseville and surrounding communities through their public library.

In the past 20 years, the group has taken tremendous pride in their library. Without the

Friends, many of the services provided would simply be nonexistent. Computerized data bases, videos, Books on Tape, projectors, and compact discs are all available because of the work of the Friends of the Roseville Library. Currently, the group is in the process of raising funds to establish a computer center for children. In 1995, the Roseville library continues to house a large selection of books, magazines, and other reading materials, and because of the Friends' efforts, it is also preparing for the 21st century.

The people of Roseville are fortunate to have the Friends working to improve their library and I am looking forward to celebrating their 20th anniversary when I return to Michigan this weekend. I urge my colleagues to join me in wishing the Friends of the Roseville Public Library many more years of success.

## IN HONOR OF FRANK PERRUCCI AND THE 25TH ANNIVERSARY OF THE CONCERNED CITIZENS OF BAYONNE

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate the Concerned Citizens Organization of Bayonne on the recent celebration of their 25th anniversary. The organization was founded by Frank P. Perrucci, a concerned citizen who has dedicated most of his life to serving his community.

The Concerned Citizens Organization was founded in 1970 and the purpose of this organization is to improve the quality of life for city residents. Their motto, "We Care, Do You," symbolizes their commitment to community activism and civic involvement. The organization recognizes exceptional citizens by granting awards to those who have performed heroically.

Frank Perrucci, as the standard bearer of the Concerned Citizens Organization, has been the driving force of this community group. He has contributed his time and effort to many worthy causes including a voter registration drive, the "I Love Bayonne" project and efforts to protect the rights of the elderly. Regarding voter registration, Mr. Perrucci has participated in various forums aimed at encouraging participation in our democratic system.

While contributing to the community, he has also been a devoted husband, married to the former Jean Baccarella for the past 44 years, and an exceptional father to his four children. Mr. Perrucci is the proud grandfather of seven.

His contributions to the community have garnered him numerous awards, including the Boy Scouts of America Distinguished Citizen Award. He has also received awards from the national, State and Hudson County Catholic War Veterans, as well as from the city of Bayonne, the New Jersey Assembly, and the New Jersey Senate.

I would like to take this opportunity to thank Frank P. Perrucci on behalf of the city of Bayonne for all his hard work in the community. I am truly proud to have such an outstanding citizen living in the 13th Congressional District. Please also join me in praising Mr. Perrucci and the Concerned Citizens of Bayonne Organization for 25 years of dedication and commitment.

## AMERICAN LEGION AUXILIARY CELEBRATES DIAMOND ANNIVERSARY

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. SOLOMON. Mr. Speaker, I have often stood before you commending the virtues and contributions of America's veterans. However, today I would like to bring to your attention another, equally important group which performs many vital services for America's veterans, our communities, and our Nation at large.

This year, the American Legion Auxiliary celebrates its Diamond Jubilee. Since 1920, the Auxiliary has grown from a membership of 11,000 women to its current count of approximately 973,000 dedicated volunteers. With a motto of Service, not Self, the American Legion Auxiliary members have for 75 years exemplified the American ideals of philanthropy and patriotism through their many worthwhile endeavors. From lobbying Congress in grassroots campaigns for such issues as proper compensation for America's veterans and the G.I. Bill of Rights, to fund-raising projects which have generated millions of dollars for organizations including the American Cancer Society and the Muscular Dystrophy Association, the American Legion Auxiliary serves not only veterans, but its entire national community.

The American Legion Auxiliary looks to the past, the present, and the future as well. Auxiliary members were participants in the untiring efforts on behalf of disabled veterans, which eventually resulted in the establishment of Veterans' Administration, as well as a system of modern Veterans' Administration Medical Centers. As a result of these actions, the contributions and needs of disabled veterans are assured of their proper recognition and attention. In addition, the Auxiliary helps to prepare young women for lives of civil service through the Girls' State programs. In these programs, high school junior are selected, on the basis of their interest in government and their leadership potential, to attend a session during which they create and operate a government of their own. Each year, two citizens for each State session are chosen to participate in the Girls' Nation program in Washington, DC, functioning as our Federal Government would. Through these programs, the young women are encouraged to pursue their governmental interests, as well as to further develop confidence and speaking skills which will be valuable to them in all their future endeavors.

Mr. Speaker, as a veteran myself, I understand what it means to know that organizations such as the American Legion Auxiliary exist to acknowledge and support the efforts of those who fight for our country. I know that the millions of veterans who have already benefited from the labors of the Auxiliary members, as well as those who will do so in the years to come would agree with me when I say that the American Legion Auxiliary has become an example of selflessness and patriotism which all Americans may emulate.

Mr. Speaker, I ask that all Members join me in expressing our sincerest gratitude and congratulations to the American Legion Auxiliary as it celebrates 75 years of valuable service to our veterans, our communities, and our Nation.

## HONORING THE BEST OF RESTON AWARD WINNERS

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the individuals and businesses who are this year's winners of the Best of Reston awards. The Best of Reston Community Service Award was created to recognize companies, organizations, and individuals who have made outstanding contributions to community service, and/or who have improved the lives of people in need, in Reston, VA.

Priscilla Ames has delivered 30 years of continuous civic work and community service. She has served the Greater Reston community in many capacities: on the Fairfax County Human Services Council, as Reston's director of Community Affairs and Public Information, on Community Advisory Committee of the Embry Rucker Shelter, and as a member of the Community Advisory Committee of the Cameron Glen Care Center. She has been honored by the Reston Rotary Club as their 1990 Citizen of the Year and named Lady Fairfax by Fairfax County in 1990.

Margaret Boyd has been one of Reston's most visible, consistent, and effective advocates for youth, particularly adolescents. Ms. Boyd has served as the Reston coordinator for the Teen Summit. She has also joined initiative in the conception and realization of the Pit Teen Center in Reston. She organized a teen/adult dialog in April 1994 and is planning a Teen Leadership Conference to be held in March 1995. Ms. Boyd is also teacher at Forest Edge Elementary School, an at-large board member for Reston Citizens Association [RCA] and chair of RCA's Youth Committee.

Juanita Cooper has been dedicated to the community, particularly the families and staff of Lake Anne Elementary School. Since 1976, she has nurtured the Lake Anne children. Her belief that every child deserves the chance to reach their potential is reflected in the faces and successes of the children whose lives she has touched.

Carlos and Ana Mejias are professional artisans of considerable experience and accomplishment who fled the war in El Salvador in 1980, bringing with them only their family and one suitcase. They established after-hours ceramic classes for area youth at Forest Edge Elementary School.

Datatel furthers higher education through the Datatel Scholars Foundation and a corporate matching gift program. Datatel also assists a number of local charities. Seven years

ago, Datatel adopted the Embry Rucker Community Shelter giving it some $1,400 a year for the past 7 years in gifts.

The 1995 recipients of the Business Excellence Award:

Molson Breweries U.S.A. Inc., under the direction of president and chief executive officer John Barnett, have been major support of Wolf Trap Farm Park and the Kennedy Center for the Performing Arts. Mr. Barnett has been active in his pursuits to enhance the outstanding quality of life in Northern Virginia including: Taste of the Town at Reston Town Center and the National Law Enforcement Officers Memorial Fund.

BTG, now in its 13th year, BTG headed by Dr. Ed Bersoff is a leader in the information industry, with 634 employees and revenues of over $140 million. BTG is the business partner of Marshall High School, contributes funding and technology support to Hospice of Northern Virginia, and provides both funds and board members to a broad spectrum of community organizations including: Leadership Fairfax, the Women's Center, Court Appointed Special Advocates for abused children, Fairfax Hospital, and Women in Technology.

Mr. Speaker, I know my colleagues join me in honoring the Best of Reston award winners for all of their hard work in making their community a better place to live.

## TRIBUTE TO QUEENIE MARY WOOTEN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Ms. Queenie Mary Wooten. Queenie hails from South Carolina. She was born to James and Estella Hunt Corley, and was part of a large, close family. Queenie attributes her success in life to her family, her late husband, James Wooten, and her fiance, Dr. Raymond B. Croskey.

Queenie was educated initially in South Carolina, but graduated from Girls High School in Brooklyn. She received her AAS degree from New York Community College, and her bachelor of science degree from Medgar Evers College.

Ms. Wooten has served in a variety of professional capacities working with children in and outside of the public school system. She currently serves as an associate educational officer in Community School District 19, and is a coordinator of facilities maintenance and temporary housing. Additionally, Queenie is assisting with developing short- and long-range plans for the zoning of School District 19.

Queenie is involved in a number of educational, civic, religious, legislative, professional, and social activities. She is the founder of the Priscilla Wooten Educational Society. Additionally, she is a member of Community Planning Board 5, and is an active member of Grace Baptist Church, which is pastored by Rev. Jacob N. Underwood, Sr.

A recipient of numerous awards for community involvement, I am pleased to recognize Ms. Queenie Mary Wooten.

## TRIBUTE TO WILLIAM B. SWANBECK

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1999 at the U.S. Naval Academy.

William B. Swanbeck will soon graduate Huron High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school William has distinguished himself as a leader among his peers. He is an outstanding student and patriot.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that William Swanbeck has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in the service to our country.

## TRIBUTE TO BRANCH 1111

### HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BAKER of California. Mr. Speaker, voluntarism has long been vital to our society. When ordinary Americans show care for one another in direct and tangible ways, we see our country at its best.

In my own 10th District of California, this tradition is being continued by the Greater East Bay Branch 1111 of the National Association of Letter Carriers. Branch 1111 has been conducting its annual food drive since 1992, and each year has collected canned goods to help hurting people.

The plan is very simple: on Saturday, May 13, Americans are being asked to leave canned foods by their mail boxes. Postal carriers will pick up the donations, which will be given to local food banks, charities, and food pantries.

The effectiveness of this effort goes beyond the East Bay. Last year, the letter carriers collected 32 million pounds of food nationwide. This remarkable generosity was sparked by the letter carriers' work to inform the public of its food drive and its commitment to helping the needy.

I am pleased to recognize Maria Arzate and the other men and women of branch 1111 for their terrific work. They are a reminder that compassion and giving are alive and well in the United States.

## HONORING THE CONSELYEA STREET BLOCK ASSOCIATION DAY CARE CENTER

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event that took place in my district on Saturday, April 29th. On that day, the Conselyea Street Block Association held a dinner dance to honor their distinguished officers.

The Conselyea Street Block Association was formed within the community to provide needed child care services and a senior citizen program. The day care program began in 1975 providing pre-school and after-school programs for children in the Greenpoint community. Parents who are working, looking for work, attending school, or have a need for child preventative services are fortunate to have this residential day care center within their community.

The board of directors, Ms. Agnes DiGruccion and Ms. Angela Federico, work together with the parents and staff to formulate goals and objectives for the school programs and develop activities and curriculum for each age group.

Mr. Speaker, I would like to thank the members of the Conselyea Street Block Association for their continued dedication and service in the Greenpoint community. Their work with the children and seniors are so vital to the continued growth and development of their neighborhood.

It is comforting for a parent to know that their child is being cared for and receiving a valuable education within their own community. I would like to personally thank the officers who are being honored on this occasion: Mr. Thomas Guidice, president; Ms. Elizabeth Speranza, vice-president; Ms. Marion Ambrosino, secretary; Mr. Vincent Martello, treasurer; Ms. Tillie Tarantino and Ms. Agnes DiGruccino.

I ask that my colleagues join me in saluting the Conselyea Street Block Association for all of the exemplary work they do. Their tremendous community spirit and efforts to improve the lives of those in need is an inspiration to us all.

## A PROCLAMATION CONGRATULATING PHYLLIS RICCADONNA

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Phyllis Riccadonna, Director of the Jefferson County Victim-Assistance program, received the Outstanding Victim's Services Practitioner Award at the seventh annual Ohio Victims of Crime Compensation Program's Recognition Awards Ceremony that was held in Columbus, Ohio on April 20, 1995; and

Whereas, Phyllis Riccadonna received this award for having consistently demonstrated foresight, caring and sensitivity for crime victims; and

Whereas, Phyllis Riccadonna, working with judges, prosecutors, and offenders, served more than 500 victims in 1994; and

Whereas, Phyllis Riccadonna developed the Ohio Valley Chapter of the Compassionate Friends, serves as aboard member of a local women's shelter and is now working to form a domestic-violence task force; and

Whereas, Jefferson County is a better place in which to live because of the work of Phyllis Riccadonna; and

Whereas, the residents of Jefferson County and the surrounding areas of Ohio, with a real sense of pleasure, join me in commending Mrs. Riccadonna as an outstanding Victims' Advocate.

## HONORING THE WINNERS OF THE 18TH ANNUAL FAIRFAX COUNTY HUMAN RIGHTS AWARDS

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to the winners of the 18th Annual Fairfax County Human Rights Awards. These awards, presented annually, recognize outstanding accomplishments in the area of human rights in Fairfax County. Accomplishments may represent a single significant activity or long-term commitment displayed through various activities. The winners are selected from nominees representing three categories: individual citizens, nonprofit organizations, and businesses. This year's awardees are:

The Honorable Gerald Bruce Lee, judge, 19th Judicial Circuit Court, serves as a mentor providing community awareness concerning social justice by participating in various volunteer programs such as Kamp Kappa, Early identification, and professional programs aiding minorities. His ability to listen, lead, and inspire have done much to expand human rights concerns by fostering greater communication between the court system and our community.

Ms. Brenda V. Plum, advocate for the disabled, has set an example by giving her time and talents in an effort to provide social awareness concerning the rights of disabled persons. Her tireless efforts to alleviate unfair practices include countless hours of community service to local area boards, authorities, and commissions, including various programs and projects.

Ms. Lillie G. Morarity, is the third vice president of the Fairfax County branch of the NAACP and chairperson of the annual Martin Luther King, Jr., Day program. Ms. Morarity is a community organizer who has exhibited unselfish and untiring efforts to enhance the pride, dignity, and sense of accomplishment of the minority community in general, and African-Americans in particular. Her various accomplishments at both local and national level have rallied the community at large and thus reaffirm commitment and respect for the human rights of all.

Ms. Laura Soonkee Lee Falkenstrom, serves as liaison, mentor, and bridge between Asian-American students and the Fairfax County public schools. She has been instrumental in assuring that the English as a Second Language Program meets the evolving culturally diverse needs of non-English-speaking students. She has been a strong leader in the development of cross-cultural awareness for our schools and community, including mentoring which has resulted in the employment of over 25 minority educators for the Fairfax County schools.

The 1994 Human Rights Award winner in the organization category is: Koinonia, a volunteer organization supported by local churches and civic organizations in the Franconia area. In addition, Koinonia functions as a liaison between the immediate needs of individuals and the help that may be received from local, State, or Federal agencies.

Mr. Speaker, I know my colleagues join me in honoring these awardees for their outstanding achievements in the area of human rights.

## TRIBUTE TO VIDAL RIVERA MALDONADO

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I want to highlight the many accomplishments of Vidal Rivera Maldonado. Vidal was born in Ponce, PR on September 6, 1946, to the late Natividad and Isabel Maldonado. He is the fourth of nine children. Vidal and his family arrived in New York in 1955.

Vidal is a product of the New York City Public School System, where he attended P.S. 180 and graduated in 1965 from Benjamin Franklin High School. From 1967 to 1970 he served in the U.S. Marines, spending 13 months in the Republic of Vietnam. When he returned, he met and married Adalisa Padilla; they are the proud parents of three boys and two girls. Vidal received a liberal arts degree from New York Technical College in 1978.

In his varied career, Vidal has worked for various Supreme Court judges. Vidal is affectionately known as the beverage man because of his work with beverage companies. He is the district sales manager with the Good-O-Beverage Co.

Vidal spends much of his free time devoted to the game of baseball. Every weekend during the baseball season, Vidal can be found at the East New York/Transit Tech baseball field coaching semi-professional teams.

Vidal and his family have lived in the East New York section of Brooklyn for the past 26 years, and are members of St. Fortunata Roman Catholic Church.

## LOYALTY DAY PARADE COMMEMORATION

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BONIOR. Mr. Speaker, I rise proudly to salute all the men and women who are serving, or who have served, in the defense of the United States of America.

Ever since President Eisenhower established May 1 as Loyalty Day, Americans have gathered around the Nation to affirm their commitment to our great Nation. I also salute the many people who commemorated this Loyalty Day back in my home district.

The Macomb County Council of the Veterans of Foreign Wars, along with its ladies auxiliary, has sponsored loyalty parades throughout the county for many years. Last evening, many of my friends and constituents participated in a parade in Fraser, MI.

The people who gathered in Fraser and around the Nation celebrated democracy, freedom, and our faith and pride in America. We all share the responsbility of defending and preserving these American values and I salute all who joined to demonstrate their commitment to these ideals.

Since the national tragedy in Oklahoma City, this Loyalty Day is especially important. In times of crises, Americans have always pulled together. We salute the men and women who have tirelessly worked through the rubble in hopes of finding survivors and we pray for the victims and their families. May we all find ways to prevent and discourage further tragedy.

I am both proud and privileged to serve the people who gathered at the Fraser Loyalty Day Parade. As members of the oldest contitutional Republic in the world, I ask all my colleagues to join with me and share in the faith of those in Fraser and around the Nation, as we reflect on Loyalty Day, 1995.

## TRIBUTE TO JAMES J. ADAMS

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my District who has recently accepted his appointment as a member of the class of 1999 at the U.S. Military Academy.

James J. Adams will soon graduate Hicksville High School after 4 years of outstanding academic achievement as well as extracurricular involvement. While in high school James has distinguished himself as a leader among his peers. He is an outstanding student and patriot.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that James J. Adams has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

## UNITED STATES POLICY TOWARD SAUDI ARABIA

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. HAMILTON. Mr. Speaker, for many years Saudi Arabia has been a key partner of the united States in the strategic gulf region. Saudi Arabia is a major oil supplier and trading partner of the United States, and it played an essential role as our coalition ally in the gulf war. Since that war, however, there have been a number of credible reports that the Saudi economy is in difficulty, whether as a result of low oil prices and the cost of supporting the gulf war or as a result of mismanagement. There are also questions about the Kingdom's handling of domestic political discontent, its human rights record and its treatment of some U.S. citizens. I wrote to the Secretary of State on January 23, 1995, and on March 28, 1995, I received a reply on these issues.

Given the tremendous importance of Saudi Arabia to United States interests, I request that my exchange of letters on Saudi Arabia with the Department of State be entered into the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,

*Washington, DC, January 23, 1995.*

Hon. WARREN CHRISTOPHER,
*Secretary of State,*
*U.S. Department of State, Washington, DC.*

DEAR MR. SECRETARY: I write to seek clarification of U.S. policy toward Saudi Arabia.

First, it appears to me that Saudi Arabia is not responding effectively to the economic and political challenges it now faces, and I am concerned that U.S. policies may be contributing to Saudi economic difficulties.

Second, I am concerned about whether the U.S. government has a full appreciation of the internal political dynamics of Saudi Arabia and about whether we are in a position to respond effectively to internal events.

Third, I am concerned that important U.S. values, such as respect for the human rights of all Saudi citizens and fair treatment of American citizens abroad, are not advanced as effectively as they should be in our relations with Saudi Arabia.

I would appreciate your responses to the following questions.

1. Do you see low oil prices and the costs of financing the Gulf War as the cause of Saudi Arabia's current economic difficulties?

Are these problems compounded by domestic economic mismanagement, including a failure to institute taxes or cut subsidies?

How do you assess reports of corruption and kickbacks as a source of economic mismanagement and popular discontent?

How do you assess King Fahd's efforts of the past year to cut spending and address Saudi Arabia's economic problems?

2. How would you describe the stake of the United States in the Saudi economy?

Have U.S. efforts to boost sales of advanced weaponry and commercial aircraft to Saudi Arabia contributed to the economic dilemmas the Saudis now face?

Does the burden of payments for these purchases contribute to anti-American sentiment in the Saudi military and government?

3. What is current U.S. policy on arms sales to Saudi Arabia, and the status of U.S. efforts to restructure Saudi payments for previous military purchases?

What is the status of the $6 billion Saudi contract with Boeing and McDonnell-Douglas for the purchase of civilian airliners?

4. What is the policy of the U.S. embassy in Riyadh with respect to routine political contacts with a broad range of Saudi citizens, and to reporting on the internal situation in that country?

What limitations, unwritten or written, govern the contacts and reporting of U.S. embassy officers in Saudi Arabia?

Are similar limitations imposed on U.S. diplomats anywhere else?

What do you see as the strength of the Saudi political opposition, as well as the effectiveness of Saudi authorities in suppressing dissent?

Do you believe that the long-run political stability of Saudi Arabia is advanced by the government's suppression of any form of dissent and any free exchange of political ideas?

5. I recognize and appreciate the importance of Saudi Arabia as a strategic partner in the Gulf region, and the differences in our political cultures. Yet it is a matter of concern that we often appear unwilling to assert our own interests when we disagree with Saudi actions or policies.

Are press reports correct that the State Department spokesperson backed away from a statement last fall that the U.S. has "serious concerns" about the human rights situation in Saudi Arabia, even when those concerns are documented in the annual State Department human rights report?

What is the U.S. doing to promote respect for the basic human rights of Saudi citizens, especially the rights of peaceful assembly and free expression?

Does the U.S. Embassy press for fair treatment of all Americans working or living in Saudi Arabia?

Specifically, are you concerned by reports of the mistreatment of American women by Saudi religious police; the alleged detention, mistreatment, and expulsion of American citizens involved in business disputes with Saudi nationals; and reports of a forced separation of a U.S. citizen child from his mother as a result of the political activities of the child's Saudi father?

What steps do you take when U.S. consular concerns are not addressed?

I look forward to your early reply.

With best regards,

Sincerely,

LEE H. HAMILTON,
*Ranking Democratic Member.*

U.S. DEPARTMENT OF STATE,
*Washington, DC.*

Hon. LEE HAMILTON,
*Committee on International Relations, House of Representatives.*

DEAR MR. HAMILTON: Thank you for your recent letter to the Secretary, and for the opportunity it provides to review with you the nature of the U.S.-Saudi relationship and our perspective on developments in Saudi Arabia. The Secretary has asked that I respond on his behalf.

For fifty years, Saudi Arabia has been a key partner for the U.S. in support of critical regional and global objectives, including security of global energy supplies, Middle East peace, and stability in the Gulf. As part of our dialogue, we have encouraged Saudi Arabia to support broad initiatives, like indefinite extension of the NPT, which contribute directly to enhanced regional security. For our part, the U.S. has worked closely with the Government of Saudi Arabia in support of its security and economic development. We fully expect to continue this close bilateral cooperation into the future.

In recent years, Saudi Arabia's economic development was slowed by the double impact of the Gulf war and the sharp decline in the world market price of oil. Despite the popular impression of Saudi Arabia as a country of unequalled wealth, the Saudi economy is, by global standards, relatively modest. Thus, its heavy outlays in 1990–91 as a result of Iraq's occupation of Kuwait—which the Saudi government estimates at some $60 billion—clearly burdened the economy. Until that time, the Saudis had begun to control the budget deficits which they had confronted since the mid-1980s as a result of declining oil revenues.

Despite the recent setbacks which the Saudi government has encountered, we believe that it has been a prudent and responsible manager of the Saudi economy. During the 1970s and early 1980s, the Saudi government was able to cover its investments in infrastructure and economic development, finance the extensive social safety net which it developed at that time, and build its external reserves through revenues derived from the sale of oil. (In a 1993 letter to The New York Times, Saudi Finance Minister Abalkhail valued Saudi infrastructure investments, including soft loans to private sector investors, at nearly one trillion dollars.) At the same time, as external reserves have declined, an aging infrastructure and a rapidly-growing population demanding services are now challenging the government for major new capital investments.

The government has embarked on a two-prong approach to meet this challenge. For the second year in a row, the King has announced significant decreases in government spending which will bring total budget reductions over the two-year period to twenty-five percent. The King also announced this year substantial reductions in popular subsidies, including those on gasoline, electricity, and water. These two moves should, by the Saudi government's estimate, reduce its deficit in SFY 95 to approximately $4 billion, down from the double-digit deficits experienced in recent years. More importantly, the moves should stimulate the private-sector-led growth upon which continued prosperity depends. We have encouraged the Saudi government to pursue deeper economic reforms, including restructuring of its inefficient public sector.

In the short term, however, government cutbacks and reductions in services have clearly affected the majority of Saudis. Tighter government budgets have reduce employment opportunities for young Saudis, frozen wages, and slowed the private sector, which has been heavily dependent on government contracts for its prosperity. This short-term economic downturn has colored popular perceptions of the government's financial management and sharpened the distinctions among the social groups. These economic strains have added to resentment over the advantages enjoyed by the very large Saudi royal family, particularly allegations that family members have traded on their positions and otherwise profited unethically in the society. While it is unclear what impact the activities of the Saudi royal family probably have on the Saudi economy, they will likely continue to engender resentment as long as the benefits of the society appear to be distributed unfairly.

The United States, of course, has an enormous stake in Saudi stability and economic development. Saudi Arabia is the largest

trading partner of the U.S. in the Middle East and our fifteenth largest trading partner in the world. Saudi purchases of U.S. manufactured goods have played an important role in sustaining important sectors of the U.S. economy, such as airframes and the defense industrial base. Close cooperation between the U.S. and the Saudi Embassy here has paid off in our success in resolving nearly all of the longstanding commercial disputes which had complicated our strong economic relationship. Saudi adherence last year to the New York Convention on the arbitration of commercial disputes should prevent a repetition of these disputes in the future.

Although U.S. companies, with support from the U.S. government, have competed aggressively for Saudi sales, it is the Saudis alone who have defined their import priorities. Thus, it is misleading to suggest that U.S. companies are responsible for Saudi economic problems because they have won international competitions decided by the Saudis to provide major military and civilian items. Indeed, we believe that U.S. companies, as world leaders in both price and quality, have contributed to sound Saudi fiscal management by providing superior products at the lowest prices. Nevertheless, we are aware that the high profile of some U.S. commercial successes has generated criticism of the U.S. in sectors of Saudi society which believe incorrectly that the U.S. has pressed the Saudi government to make unwanted or unneeded purchases.

One major category of U.S. exports to Saudi Arabia has been in defense goods and services. This relationship reflects decades of close U.S.-Saudi security cooperation, including the major role that the U.S. military has played in working with and advising the Saudi military on its development. Saddam Hussein's occupation of Kuwait triggered a reevaluation in Saudi Arabia of the country's defense requirements and led to the decision to expand and modernize the Saudi armed forces significantly.

Purchases of U.S.-made equipment and services expanded substantially in the early 1990s but payments in recent years have been hampered by Saudi cash flow problems. U.S. officials have worked closely with their Saudi counterparts in the Ministry of Defense and Aviation since 1993 to restructure the Saudi program in order to reduce annual payments without cancelling procurement programs or diminishing operational readiness. Discussions for managing the SFY'95 program continue. Until such time as these issues are resolved, and Saudi ability to sustain current programs is sound, we and the Saudis have agreed that prudent financial management dictates that there not be purchases of major new military systems. We expect that any sales this year will be limited to support of ongoing programs. Payment levels for U.S. equipment will decline substantially beginning next year.

Negotiations to conclude the contracts for the purchase of Boeing and McDonnell Douglas airframes have been ongoing since the announcement of Saudi intentions. Those discussions are continuing. Administration support for the two U.S. companies remains very strong and we are in regular contact with company officials here and in Riyadh to coordinate our efforts to finalize the sale.

The U.S. Mission in Saudi Arabia maintains contact with a broad range of Saudis, both officials and private citizens. There are no limits on such contacts. On the basis of these, it is our view that the large majority of Saudis supports the leadership of the Al Saud. Even among those who are critical of elements of their leadership, we are not aware of significant sentiment in favor of changing the nature of the Saudi government or its leaders. The Committee for the Defense of Legitimate Rights (CDLR) is based in London although they keep in regular contact with the U.S. government through phone, and fax, and mail.

As a matter of principle, the U.S. government believes that societies are strengthened and are more stable if they are broad-based and permit popular participation in decision-making. This would include freedom of expression and peaceful assembly. We have encouraged the Government of Saudi Arabia to take steps toward democratization and we have welcomed its efforts, like the inauguration of the Majlis al-Shura, which might advance those objectives.

Despite some gains, there has been no effort to conceal the fact that the U.S. has serious concerns about the human rights situation in Saudi Arabia. As your letter notes, the State Department's annual report on human rights contains extensive discussion of these issues in Saudi Arabia and catalogs U.S. concerns, which include issues involving the rights of women and religious minorities as well as incidents of arbitrary arrest and mistreatment at the hands of the authorities.

Protection of the rights of U.S. citizens abroad is a matter of international dimensions with some aspects, like child custody cases, occupying particularly the attention of the Department and our posts overseas. In Saudi Arabia, we take any allegation of mistreatment of U.S. citizens seriously and investigate it thoroughly. As needed, we have aggressively raised these allegations to the highest levels of the Saudi government. Saudi authorities are committed to administer their society in accordance with their traditions, religion, and legal framework. This has on occasion led to differences between the U.S. and Saudi Arabia, particularly in regard to matters affecting dual nationals living and working in Saudi Arabia. But we believe that the U.S. Mission has been extremely effective in its role of providing American citizen services. Overall, the number of problems involving the tens of thousands of Americans who live and work in, or visit, Saudi Arabia each year has been few.

I hope you find this information helpful. If you would like to discuss these issues at greater length, we would be happy to arrange for appropriate officials to meet with you at your convenience.

Sincerely,

WENDY R. SHERMAN,
*Assistant Secretary,*
*Legislative Affairs.*

## IN RECOGNITION OF CHARLES POSNER'S RETIREMENT AFTER 44 YEARS WITH THE HOUSING AUTHORITY OF BAYONNE

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mr. Charles Posner as he retires from his position as executive director of the Housing Authority of the city of Bayonne. He has proudly served the Housing Authority for 44 years, retiring recently on March 31, 1995.

Mr. Charles Posner was born and raised in Bayonne. He attended Bayonne High School and upon graduation he went to Rutgers University to receive a bachelor's degree in Business Administration and a master's degree in Public Administration. He has been married to his lovely wife the former Gertrude Landau for 46 years. They have two beautiful daughters, Ellen and Eva.

Mr. Charles Posner was appointed to serve as the tenant selection supervisor on March 15, 1951. He served diligently for 13 years in this post and on December 15, 1964 was appointed to serve as assistant executive director of the Housing Authority. He served with dedication, commitment and pride in all of his appointments. His hard work and determination made Mr. Charles Posner an outstanding leader among his fellow coworkers. His qualifications and outstanding work made him the best person to be appointed executive director of the Housing Authority on Dec. 3, 1983.

Mr. Charles Posner's dedication to his work has made the Housing Authority an excellent institution. The Housing Authority's outstanding service is due greatly to Mr. Charles Posner's leadership qualities and endless effort to create a better organization.

Few people understand the importance of low cost housing for the poor, elderly, and disadvantaged better than Mr. Charles Posner. Affordable housing for a poor family can be the beginning of a new life. Mr. Charles Posner is sensitive to the needs of those that are less fortunate. Public housing is more than just bricks and mortar, it is about creating a better community that will enable its people to prosper.

Mr. Charles Posner is truly an exceptional person and model citizen. In addition to his work with the Bayonne Housing Authority, Mr. Charles Posner also served in the Armed Forces of the United States of America in World War II. His valor and bravery is commendable. I am very proud to have had such an outstanding man work in my district. Please join me in honoring Mr. Charles Posner as he embarks on his retirement.

## TRIBUTE TO MANUEL N. ORTIZ ARROYO

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I want to commend Manuel Ortiz Arroyo for his personal vision, professional achievement, and unswerving dedication to his community. Professionally, Manuel works as a development consultant specializing in communications, area planning, real estate development, and venture capital formation. He is the executive director of the Carroll Gardens Associations, Inc. Neighborhood Preservation Corp., and has served in similar capacities in Manhattan.

Mr. Arroyo's academic background and training is impressive. He obtained a M.S. in community economic development, a M.S.W. in policy and planning, and a B.A. in politics from Old Westbury/SUNY. Manuel has also completed 39 credits toward a masters of urban planning.

Manuel Arroyo also recognizes the absolute need to empower people and communities, and has been involved in organizations such as the Progress/Puerto Rican Organization for Growth and Self Sufficiency, the Statewide Hispanic Housing Corp., the National Economic Development & Law Center, and the Neighborhood Preservation Coalition. I am honored to recognize Mr. Arroyo for his personal, professional, and community contributions to the great Borough of Brooklyn.

## TRIBUTE TO LOU SEPERSKY

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. NADLER. Mr. Speaker, on May 1, Community Board No. 6 of Manhattan honored Louis Sepersky, its immediate past chair. It is a fitting tribute to an outstanding New Yorker who has dedicated his life to service to, and advocacy for, his community at the grassroots level.

I have known Lou Sepersky for more than 30 years, and I am proud to call him a friend and to have worked with him as a colleague in the many challenges we shared. In addition to his serving as chair of Community Board No. 6, Lou's many positions of leadership at the local and national level include service as a district leader on Manhattan's East Side and as New York City chapter president of Americans for Democratic Action.

Mr. Speaker, too often we forget that this Nation was built through the achievements of citizens who exhibited uncommon character, determination, and ability to bring about change for the betterment of their fellow citizens. Lou Sepersky is one such outstanding citizen.

It is most fitting that Community Board No. 6 should honor Lou Sepersky, and that we honor him and Americans like him, who care enough to make a difference.

## RECOGNIZING JOHN LINDL AND MICHAEL CAMBELL

### HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BAKER of California. Mr. Speaker, for decades, Lawrence Livermore National Laboratory [LLNL] has made a decisive contribution to America's technological leadership. Our national security has been enhanced and our energy future made more promising because of the lab's remarkable efforts.

Recently two of LLNL's most outstanding scientists, John Lindl and Michael Campbell, have been selected to receive the Department of Energy's prestigious E.O. Lawrence Award for their work in inertial confinement fusion. John Lindl is from my home town of Danville, while Michael Campbell hails from Livermore, also in the 10th Congressional District I am honored to represent.

The Lindl-Campbell research may eventually lead to creation of a miniature star in the laboratory, and help in the development of fusion energy. Their research also may well lead to gains in nuclear nonproliferation efforts and in the monitoring of America's nuclear weapons stockpiles.

The E.O. Lawrence Award is given for work in eight categories; Lindl and Campbell's was for work in the national security arena. I am pleased to recognize the superb work these scientists are doing on behalf of our security and our energy future, and would emphasize that the Lawrence Award once again proves the value of our national laboratories to our country.

## TRIBUTE TO THE CATHOLIC WAR VETERANS OF THE USA

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GILLMOR. Mr. Speaker, it gives my great pleasure to rise today and pay tribute to an outstanding veterans organization. This year the Department of Ohio, Catholic War Veterans of the USA will hold their 50th anniversary convention May 5–7, in Sandusky, OH.

The city of Sandusky is a community renowned for its civic pride and commitment to service. It is an appropriate host to this most special of guests, the Catholic War Veterans. As a veteran myself, I am aware of the exemplary service rendered by groups such as the CWV. Throughout its history there has never been a lack of enthusiasm or volunteer labor for its many projects.

Several years ago, I was honored to be chosen Outstanding Legislator of the Year by the Department of Ohio, Catholic War Veterans. It is one of the most cherished honors I have received in my years of public service.

Anniversaries are a time to reflect upon past accomplishments. They are also a time to look toward new horizons. The Catholic War Veterans have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind.

It is obvious that the people of Ohio and our Nation as a whole have greatly benefited from the effort that was started in 1945. I ask my colleagues to join me today in recognizing the achievements of the Department of Ohio, Catholic War Veterans and encourage them to continue to build upon their proud tradition of service in Ohio.

## CITIZENS OF THE YEAR

### HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to honor a few very important people from eastern Long Island. Mike Leonardi, Rita Rech, Terri Germano, and Paul Casiano will all be honored on Friday May 5, 1995 for their exemplary service to the community by receiving the Bay Area Civic Association's Third Annual Citizen of the Year Award. Each of these individuals has distinguished themselves in the community in his or her own way. Mike Leonardi is not only the Mastic Beach fire commissioner, but an assistant to the Brookhaven Town Council. Rita Rech is an active member of both the Bay Area Civic Association and the Mastic Park Civic Association. She embodies the true volunteer spirit in all of her activities. Beyond her service to eastern Long Island as a library employee, Terri Germano has dedicated time to the coordination of events for the Smith Point Beach Youth Project. Paul Casiano, as principal of Moriches Elementary School, has led them to become a National School of Excellence. Throughout his career, Paul Casiano has been an important link between his students and the community participating in both community and district activities. I would like to commend these dedicated members of the Long Island community for their service and dedication. We are proud and lucky to have them as neighbors.

## TRIBUTE TO LAW ENFORCEMENT OFFICERS NATIONWIDE

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. CLINGER. Mr. Speaker, I rise today to pay tribute to the law enforcement officers who serve and protect our communities in Pennsylvania and across the Nation.

It is appropriate today to recognize these brave men and women, especially those in the Keystone State, because today is the 90th anniversary of the Pennsylvania State Police. The first police organization of its kind, the Pennsylvania State Police was born of legislation that was signed into law by Governor Samuel W. Pennypacker on May 2, 1905.

In speaking with many of my colleagues in the House, I know that the Pennsylvania State Police enjoy an excellent reputation throughout the country—especially for their vigilance in maintaining safe highway travel. I have even had a few staffers who, in their enthusiasm to arrive at events in the Fifth Congressional District on time, have come to fully appreciate the keenness of their watchful eyes.

But while ensuring safe going for motorists is one of our police officers' most commonly known duties, it only scratches the surface of their tremendous breadth of responsibility. In northwestern and northcentral Pennsylvania, we are appreciative of and committed to the rural way of life. By maintaining safe streets and peaceful neighborhoods, our State and local officers of the law contribute invaluably to the preservation of our heritage.

On this special day, I rise to honor those who serve, those who have served, and those who have given their lives to protect our families, neighborhoods and friends. They are deserving of our most sincere thanks, and I am pleased to have this opportunity to recognize them here today.

## IN MEMORY OF PAUL MARUYAMA

### HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GEPHARDT. Mr. Speaker, I rise today to honor the memory of a man who was a true American—a man who truly believed in and lived the ideals of this country—his name was Paul Maruyama.

He came to the United States from Japan in 1934 to complete his education. Shortly after the start of World War II he and his wife Mary were given 48 hours to sell their possessions and report for internment in a camp—they were both American citizens. During relocation after the war, Paul and his family settled in St. Louis.

Paul spent the rest of his life in St. Louis working to make our community a better place to live. He became an importer of Japanese products and a consultant for Japanese and American companies who desired to do business in each other's country. He was given the title of "Goodwill Ambassador" for his work in promoting friendship and mutual understanding between Japan and his adopted country.

The list of his civic accomplishments is too long to enumerate but include: the founding of the Japan-American Society of St. Louis, serving is the honorary Consul-General of Japan, establishing the St. Louis Chapter of the Japanese-American Citizens League, conducting citizenship classes for Japanese who wanted to become citizens, and the establishment of the Sister Cities Program between Suwa City, Japan and St. Louis.

Paul's legacy is faith—faith in the values and ideals of this country. He never let his mistreatment during the war affect his attitude. He always believed this was the greatest nation in the world and loved and supported his adopted country every day. The St. Louis community has lost a good friend in Paul Maruyama—the United States of America has lost a true patriot.

## TRIBUTE TO LEROY F. SMITH

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I would like to acknowledge the contributions of Leroy F. Smith, a man who has contributed greatly to the community of Brooklyn, NY. Mr. Smith is a graduate of the New York public school system. He attended Boys High School in Brooklyn, and received a B.B.A. from Brooklyn College and his M.B.A. from the University of South Carolina.

Leroy has combined his academic training with community activism and professional experience to make meaningful contributions to my congressional district and greater Brooklyn.

Mr. Smith works tirelessly. Currently he serves as the president of a Bedford Stuyvesant tenant association, in addition to being the president of the Williamsburg-Throop-Marcus Garvey Blvd. Block Association. He is also a member of the 79th Precinct Community Council and the Willoughby Square Corporation. His past endeavors included service on the board of directors for the Bedford Stuyvesant Community Legal Services Corporation, and he is past president of various PTA organizations at Satellite East J.H.S., O.S. 44, and J.H.S. 258. Additionally, Mr. Smith served as a legislative aide to Assemblyman William F. Boyland, and he was one of 13 members of the Brooklyn Congress of Racial Equality [CORE] who walked 250 miles to attend the 1973 March on Washington.

I am pleased to introduce Leroy Smith to my House colleagues and to congratulate him for his valuable service to the community.

## ARON S. EGNER WINS AMERICAN LEGION HIGH SCHOOL ORATORICAL CONTEST

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. SOLOMON. Mr. Speaker, the American Legion High School Oratorical Contest was established in 1938 with the purpose of helping high school students develop a deeper understanding of the U.S. Constitution. In the last 37 years, no student from New York State has won the competition. That is, until this year, when Aron S. Egner of Ballston Lake, NY, delivered the prize-winning speech, thus earning an $18,000 college scholarship.

Each year, the American Legion awards a total of $138,000 in scholarship prizes across the country in oratorical contests. Through these efforts, the American Legion accomplishes a twofold goal. First, through the preparation of delivery of their speeches, the participants develop extensive knowledge of such important topics as the U.S. Constitution and also hone their public speaking skills. Second, the prize money earned by the winners facilitates their obtaining a college education, and thus becoming contributive members of society. With his oratorical excellence, Aron S. Egner has proven that he is already well on his way to realizing the hopes held for him by the American Legion.

Aron is a senior at Schenendehowa High School in Clifton Park, NY. He participated in other American Legion programs during the year, becoming Governor of New York in the Boys State Program and the Attorney General in Boys Nation. In the Oratorical Competition, Aron's speech, entitled "Choosing Democracy," was judged best among those delivered by approximately 30,000 students from across the Nation. The speech eloquently and lucidly discusses the American citizen's privilege and obligation to vote in elections.

Mr. Speaker, Aron has already been recognized for his achievements by the American Legion. I ask that you and all Members join me as I submit Aron Egner's prize-winning speech to the RECORD and extend to him my heartiest congratulations on this impressive achievement, as well as best wishes in all of his future endeavors. I know we'll be hearing great things from this young man for many years to come.

AMERICAN LEGION SPEECH AND ORATORICAL CONTEST—1994

CHOOSING DEMOCRACY

(By Aron Egner)

Most of us don't appreciate what we have—until we lose it.

We take our health for granted—until we become ill or injured.

We count on a steady family income—until a family member is laid off.

We just assume electricity will always be available—until that storm knocks out power to our homes.

Too many Americans today also take our nation's Constitution for granted. What, they wonder, does a document written over 200 years ago—by a bunch of guys in powdered wigs—have to do with life in the 1990s?

The answer: everything.

Just as electricity powers everything in our homes: our T.V.'s, stereos, lights, and appliances, the Constitution is the engine that powers the American way of life.

The Constitution makes America: America. A free nation that operates under majority rule while preserving minority rights. A nation where the rule of law reigns supreme. A nation where you can criticize the government—and not go to jail or face a firing squad. Where you can worship or not worship God in any way you choose. Where government is the servant of the people—and not the other way around.

In the world of 1787—a world ruled by kings, queens emperors and czars—those Founding Fathers in powdered wigs came up with a new way of selecting leaders: elections.

They did this because they believed in the revolutionary statement at the heart of the Declaration of Independence: "* * * Governments are instituted among Men, deriving their just powers from the consent of the governed."

Of all the rights guaranteed in the Constitution, none is more important than the right to vote for our leaders. It is this right that is the foundation for all our other liberties.

Voting makes us the masters of our fate, giving us the ability to bring leaders to power, or force them out of office.

It sends a strong, clear message to everyone who desires to govern us: that we, the people, are the true rulers. We can elect you or we can defeat you. You must respond to our needs and govern us well, or you will not remain in power.

Back in 1787, no other nation on earth was governed this way. But from that point on, the U.S. Constitution became the inspiration for all people who wanted to live in freedom.

Today, democracy—inspired by the U.S. Constitution—is on the rise around the world.

The Communism of the Soviet Union, fashioned by Lenin and Stalin, has been replaced by fledgling democracies. Democracy has also supplanted dictatorships in Eastern Europe. And after finally winning the vote, the black majority in South Africa has elected Nelson Mandela.

But ironically, as we see news programs and newspapers filled with stories of the triumph of democracy around the globe, many of our own citizens aren't exercising their right to vote.

The Committee for the Study of the American Electorate found that in the 1992 elections, only 55 percent of eligible voters cast ballots.

Even more troubling, only 37 percent of American citizens between the ages of 18 and 24 voted.

President Franklin Delano Roosevelt, who led the American people in a world war to preserve democracy, told the people of our nation in a 1944 radio address: "Nobody will ever deprive the American people of the right to vote, except the American people themselves—and the only way they could do that is by not voting."

Democracy is not a spectator sport. The right to vote is useless if we don't take advantage of it.

Throughout history, Americans have worked, and fought, and died to preserve and expand their right to vote.

Originally, the Constitution gave states broad discretion in deciding who could vote. African-Americans were excluded from democracy's promise. Women were also denied the vote. And states imposed poll taxes and set other qualifications to keep even some white men out of the voting booth.

After the long, bloody struggle of the Civil War nearly tore our nation apart, the 13th Amendment to the Constitution abolished slavery. The 14th and 15th Amendments gave blacks citizenship and the right to vote, and the 24th Amendment—not ratified until 1964—outlawed disqualifying voters for failing to pay poll taxes or other taxes.

In 1965, President Lyndon Johnson signed the Voting Rights Act into law, helping to ensure that black Americans could exercise their Constitutional right to vote. He said at the time: "The vote is the most powerful instrument ever devised by man for breaking down injustice."

Women protested and demonstrated for years before the 19th Amendment to the Constitution was ratified in 1920, finally awarding them suffrage.

And in 1971, a long campaign by young people and their allies resulted in the ratification of the 26th Amendment, lowering the voting age from 21 to 18.

None of these amendments was achieved easily.

But they are given up easily—each and every time an American fails to vote.

Some people ask: Why is voting so important? When millions of ballots are cast, who's going to miss mine?

The answer is that citizenship in the United States imposes responsibilities as well as rights. And the ultimate responsibility we have is to preserve our rights. Not all of us can serve in the armed forces, run for public office, or work in government. But all of us—from age 18 on—have a responsibility to vote, to safeguard our liberty and the liberty of generations unborn. When you think of all the brave American soldiers who gave their lives to preserve our democratic way of life, it's hard to consider standing in line at the voting booth much of a sacrifice.

Other people say all the candidates are worthless; a bunch of crooked, useless politicians.

But that's a poor excuse. Life is filled with choices: what meal to eat, what college or trade school to go to, what career to pursue, even what car to buy. Seldom—if ever—is one of these choices the embodiment of sheer perfection. We choose, nevertheless, from the available alternatives. We use our judgment to decide which choice is best—or at least, the lesser of two evils.

Those who fail to vote have no right to complain about the failings of our government, because they have failed in the most elemental duty of citizenship. They are turning their backs on freedom.

Each of us has an obligation to vote, and society's institutions—the media, our government and our schools—need to do a better job of hammering home that message.

The media need to show us the good side of politics and government, and not just the bad. They must help us recapture the idealism that swept the nation when John F. Kennedy was president. Too often today, we instead view government as the corrupt conspiracy depicted in Oliver Stone's fictional "JFK."

Government must make voting easier. It should allow same-day registration of voters. It should make it possible for more people to vote by absentee ballot. Elections could be held over several days, to give more people time to go to the polls and reduce long lines. In addition, government should establish public financing of campaigns to reduce the influence of big money special interests.

Our schools need to bring social studies classes alive, by emphasizing student participation and involving young people in the study of current events. Students should hold mock election campaigns and stage debates. They should conduct mock Congressional and legislative sessions, like those held by the Boys and Girls State and Nation programs. Students should be encouraged not just to study yesterday's history, although that is important, but to make tomorrow's history by voting, learning about, and participating 1st hand in the political process. These are the lessons we should, we need, to teach.

Today, our power to elect our leaders is as important as it was when those guys in powdered wigs created our Constitution more than 200 years ago.

The message of the Constitution is timeless: vote as if your entire way of life depended on it. Why? Because it does.

## HONORING MS. BARBARA SEAMAN

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to a woman who has saved lives and changed lives—Barbara Seaman.

Best known for her ground-breaking exposé of the health risks associated with the pill, "The Doctors' Case Against the Pill," Barbara Seaman changed the way women view medicine, and forced the medical establishment to begin changing the way many medical professionals view women who are their patients. When thousands of women taking the then-newly available pill began to experience serious side effects—some deadly—it was Barbara Seaman who told them why. A 1970 Gallup poll found that two-thirds of women taking the pill had not been warned of related risks by their physicians. Barbara Seaman changed that. Her book spurred the now-famous Gaylord Nelson Senate hearings which led to the requirement that inserts warning of potential side effects must be included in each pill package.

At last, women could begin to make informed decisions as to their method of birth control. We cannot quantify how many lives Barbara Seaman saved through her activism, or how many lives she changed.

Barbara Seaman exposed the risks associated with the pill at great personal expense. Although prior to the publication of "The Doctors' Case Against the Pill," Barbara Seaman had already become a well-respected columnist, Ms. Seaman was effectively blacklisted. Advertisers displeased with Ms. Seaman's activism used their influence to convince publishers not to print anything she had written.

But Barbara Seaman continued to be an advocate for women's health concerns, and went on to write additional books and to become one of the founders of the National Women's Health Network. Barbara Seaman remains a strong voice for women's health.

April 27 marked the 25th anniversary of the drafting of the historic letter sent to Ms. Seaman from then-Secretary of Health, Education, and Welfare Robert Finch, which cited Ms. Seaman's book as: "a major factor in our strengthening the language in the final warning published in the Federal Register to be included in each package of the pill."

Today, I salute Barbara Seaman as a national role model. Her work has saved the lives of countless women—not only those who were taking the pill without being informed of the risks, but all women whose health care professionals have been held to a higher standard because of Ms. Seaman's work. She began a movement that is still growing, and, today, I urge my colleagues to join me in recognizing Barbara Seaman's extraordinary accomplishments.

## INTRODUCTION OF COMMUTER AIRPORT SAFETY BILL

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation, submitted by the administration, to give authority to the Federal Aviation Administration to regulate airports served by commuter airlines.

The legislation is part of the FAA's program to ensure that passengers traveling on commuter airlines—operating with aircraft of 30 seats or less—receive the same safety protection as passengers traveling on airlines operating large aircraft. The administration began this program after hearings by the House Aviation Subcommittee in February 1994, the need for a uniform standard for commuter airlines and large aircraft operators. I strongly support a uniform standard and have introduced legislation in the 103d and 104th Congresses to require FAA to establish this standard. I am pleased that FAA has responded by issuing a Notice of Proposed Rule Making to raise the commuter standards to the large aircraft level. We will monitor FAA's progress on the rulemaking and ensure that they do everything possible to meet their target of issuing final regulations by December of this year.

As commuter airlines have grown in importance the traveling public has come to expect that these airlines will be governed by the same safety standards as large aircraft operators. Approximately 10 percent of all passengers traveling on a scheduled airline now travel on a commuter. Since many commuters

operate under the name and colors of major airlines—for example, as United Express—the public has the right to assume that the same standards will govern the commuter and its parent.

While FAA can act without legislative authority to raise most of the standards governing commuters, FAA has no authority under existing law to raise the standards governing safety at airports served only by commuters.

Under 49 U.S.C. section 44706, FAA has authority to issue operating certificates to airports served by air carriers using aircraft designed to carry 31 or more passengers. Under this authority FAA requires these airports to comply with a number of safety requirements, including requirements for aircraft rescue and firefighting equipment, airport guidance signs, airfield inspection procedures, airfield pavement maintenance standards, emergency plans, snow and ice control plans, and runway and taxiway standards. However, under existing law, FAA has no authority to impose these regulatory requirements on airports served only by aircraft of 30 or fewer seats.

The National Transportation Safety Board has recommended that legislation be enacted to give FAA authority to regulate airports served by commuter airlines. In making this recommendation NTSB stated that it was:

> * * * concerned that many community airports served by commuter airlines are not certificated in accordance with Part 139 because of the seating capacity of the aircraft serving those airports. Consequently, passengers flying into and out of those airports may not be provided adequate airport safety or emergency response resources.

The administration bill which I have introduced implements the NTSB recommendation. I have introduced this bill because I strongly believe that passengers traveling on commuter airlines are entitled to the same level of safety as passengers traveling on major airlines. However, I emphasize that the legislation does not require FAA to impose exactly the same standards for all types of airports. There may well be cases in which small aircraft do not present the same safety hazard as large aircraft, and the law gives FAA discretion to tailor its regulatory requirements to the hazard. FAA has similar discretionary authority under existing law, and has used this authority to impose requirements which vary with the size of aircraft and the number of aircraft serving an airport. FAA has stated that if it is given the authority over commuter airports, it will consider fully whether different requirements are appropriate for these airports. FAA has asked its Aviation Rulemaking Advisory Committee to study the problem and to make recommendations on the appropriate standards for commuter airports. I urge ARAC to complete its assignment promptly, so that FAA will be in a position to issue new regulations soon after it receives the necessary legislative authority.

## IN HONOR OF WILLIAM R. DYSON

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Ms. DELAURO. Mr. Speaker, in New Haven, CT, on April 27, 1995, the Amistad Committee will honor my good friend, and long-time Connecticut State Representative, William Riley Dyson. I am pleased to have this opportunity to join the Amistad Committee in honoring this extraordinary legislator and community activist.

The Amistad Committee is devoted to commemorating the remarkable events surrounding the Amistad Revolt and furthering the struggle for social justice and equality. The Amistad Revolt began in 1839 when captives from Sierra Leone seized the merchant ship *La Amistad* and ordered their kidnappers to return to Africa. When the slavers instead sailed toward the United States, the *Amistad* was taken into custody in the Long Island Sound. The rebels were held in the New Haven jail while they defended their civil rights in court. Anti-slavery advocates across the country rallied to the Africans' cause, and after 2 years, the U.S. Supreme Court upheld a decision that freed them and allowed them to return home.

The Amistad controversy galvanized opposition to the injustices of slavery. The incident deeply affected countless Americans, both black and white, who hailed the captives' courageous assertion of their human rights. This important event in American history has inspired generations of people in New Haven, and throughout our Nation, to follow the example of these Africans. State Representative William Riley Dyson is a person who exemplifies this commitment to the cause for peace and social justice.

Bill Dyson symbolizes the strength, vitality, and tremendous activism of the African-American community. From the time he was Director of the Newhallville Neighborhood Corporation and a New Haven Alderman, to his efforts to protest South African Apartheid, Bill Dyson has been a principled and outspoken advocate for the rights of all peoples. I was proud to join with Bill Dyson, and many others, as we welcomed Nelson Mandela at the White House during his historic visit to Washington.

While Bill remains committed to social justice throughout the world, his home district of New Haven will always be his highest priority. From his work in the State Legislature, where he is a member of the Appropriations, Education, Legislative, and Human Services committees, to his numerous civic commitments, such as the 1995 Special Olympics World Games and the Connecticut Food Bank, Bill Dyson continues to work tirelessly for the people of his community.

As the Amistad Committee honors Bill Dyson, I would like to take this opportunity to congratulate him, and to express my deep appreciation for all he has done. He has a special place in the hearts of all of us whom he has touched and enriched through his leadership and extraordinary activism. Bill Dyson is well-deserving of this honor, and I commend him for his many years of service.

## TRIBUTE TO COL. WALTER J. MARM, JR., USA (RET.)

### HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GREENWOOD. Mr. Speaker, today I rise to pay tribute to an outstanding military leader from the Eighth District of Pennsylvania upon his retirement from the U.S. Army.

Colonel Joe Marm retired yesterday as the Senior Army Advisor to the 79th Army Reserve Command Headquarters stationed at Naval Air Station Joint Reserve Base, Willow Grove, after more than 30 years of service through leadership to our country.

Joe Marm first led men as a platoon leader with the First Cavalry in Vietnam, he taught at West Point, served as a legislative liaison under the Secretary of the Army and just prior to his most recent assignment, was the Chief of Staff of the 157th Separate Infantry Brigade.

He has been awarded a chest full of medals, including the Bronze Star, Purple Heart, Meritorious Service Medal, Air Medal, and Army Commendation Medal. But it was 30 years ago this fall that he earned the medal worn above all others. As a young lieutenant in the vicinity of the Ia Drang Valley of Vietnam, Joe placed his life before those of his fellow soldiers and earned the Congressional Medal of Honor.

While enroute to assist another unit surrounded by enemy troops on that November day in 1965, Joe's platoon was forced to take cover. Seeing that his men were under intense fire, Joe broke away from the group and brought down four attackers. He then realized that a concealed enemy machinegun was raining fire on his platoon. In order to locate this weapon, he deliberately exposed himself to its bullets and launched an anti-tank missile in its direction. As the gun continued to fire, he charged the position, hurling grenades and then finally, although severely wounded, he finished the assault armed with only his rifle.

Fellow platoon leader, Lt. Dennis Deal, recalled in Lt. General Harold G. Moore's best-seller, We Were Soldiers Once . . . And Young, that "Joe Marm saved my life that day and the lives of many others." The official certificate commended his "gallantry on the battlefield and his extraordinary intrepidity at the risk of his life," praising his actions as being "in the highest traditions of the U.S. Army and reflecting great credit upon himself and the Armed Forces of this country."

It was later confirmed that in silencing the machinegun, Joe singlehandedly killed a North Vietnamese officer and 11 soldiers. Joe Marm was the only man to receive the Medal of Honor, America's highest decoration for valor, in the Ia Drang Valley campaign.

Sadly for us, the Marms will be moving on this summer, leaving Pennsylvania after 9 years of service to pursue other interests in North Carolina. From his wife Deborah's efforts to both the business and military communities as the past executive director of the Horsham Chamber of Commerce, to Joe's service to the Horsham community and the Army family in and around NAS Willow Grove, their move is our loss.

But the Marm name will live on in the ranks of our Army.

Joe Marm's youngest son, Will, plans to take the Army's oath of allegiance this summer as a member of West Point's entering Class of 1999—continuing the devoted Marm family service to the defense of our Nation.

## SALUTE TO ABRAHAM H. HOCHBERG ON THE OCCASION OF HIS 90TH BIRTHDAY

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mrs. MORELLA. Mr. Speaker, I rise today to salute a very special constituent, Abraham H. Hochberg, who will celebrate his 90th birthday this weekend.

Mr. Hochberg was born on May 9, 1905, in Biala-Podlaska, Poland, which is near the Russian border. As they grew up, his children heard many of his stories about his own childhood, about the terrible years of World War I, and about his apprenticeship as a watchmaker.

By the time he was 18, he realized, like so many others, that his future would not be in the Old World but in the New, and he made plans to come to the United States. But in 1923, because of restrictive immigration laws, his first stop was not to be the shores of America but Cuba, even though he spoke not a word of Spanish. And it was to Havana that, 5 years later, Freida Faijgenbaum of Biala-Podlaska sailed for a reunion with, and her marriage to, Mr. Hochberg.

In 1933, the Hochberg's were finally able to leave for America and, despite not being able to speak a word of English, settled here in the Nation's Capital and later in Chevy Chase, MD. Over the years, Mr. Hochberg became a successful businessman with several enterprises. Many longtime Washingtonians will remember Hochberg's Jewelers at 7th and E Streets NW., which served Washington families and visitors alike until the sixties.

But business has been only a part of Mr. Hochberg's life. His family and the community in which he lives have been important in this man's long and well-lived life. As the father of 3, the grandfather of 11, and the great-grandfather of 12, he has known the great joys and pleasures of family life. And he has known great sorrow. Many of his relatives in Poland perished in the Holocaust. Mrs. Hochberg passed away last year.

Throughout his life, he has been devoted to improving the lives of those around him through his generosity and wise counsel. He has always been a practitioner of what we today call community service. He has been particularly involved in the affairs of Homecrest House and the Hebrew Home, residences for the elderly in my district. He has just celebrated his 50th anniversary as a member of the Benjamin Franklin Masonic Lodge.

Mr. Hochberg's story, a story of a life well lived, is the proverbial American success story: a man who came to this country with few possessions but many hopes and dreams, who worked long and hard, and who happily shared his talents and success with his family, friends, and neighbors. Today, Mr. Hochberg's life is reflected in the lives of the thousands of people from all over the world who still come to the United States with their hopes and dreams and little else. And I know that must make him smile.

Mr. Speaker, I hope you will join me in congratulating Abraham H. Hochberg on the occasion of his 90th birthday celebration.

## SCOTT MacHARDY AND MARK LANE: 1995 SBA NATIONAL YOUNG ENTREPRENEURS OF THE YEAR

### HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. ZELIFF. Mr. Speaker, it is my pleasure today to rise and recognize two of my constituents, Scott MacHardy of Rye Beach, and Mark Lane, of Candia, N.H. They have been named the 1995 SBA Young Entrepreneurs of the Year—for New Hampshire, New England and the entire country.

These two young men cofounded their company, Coed Sportswear, Inc., 5 years ago with $15,000. Each was only 23 years old.

Today, Coed Sportswear employs 50 people. In 1994, the company sold 26 million dollars' worth of merchandise worldwide, an incredible 250 percent over 1993.

Although Coed Sportswear represents a financial success story, its accomplishments are beyond profits. The growth of this small business illustrates that the entrepreneurial spirit in America is alive and well.

Mr. MacHardy and Mr. Lane are role models to the young people in our country. They are hard-working, honest businessmen who have created jobs in their communities. They started with a good, well-researched idea. Then they added a positive work ethic and the determination to see it through.

As a small businessman myself, and chairman of the Small Business Survival Caucus, I offer my sincere congratulations on a job well done. I wish Mark, Scott, and Coed Sportswear all the best in the coming years.

## WATER RIGHTS ARE PROPERTY RIGHTS

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. RADANOVICH. Mr. Speaker, on March 3, this House approved the Private Property Rights Act. The purpose of the legislation is to reaffirm clearly that the Federal Government cannot take or diminish the value of private property without paying just compensation.

Since March 3, opponents of private property rights have sought to discredit the legislation by claiming that it is intended to protect water subsidies. That is totally false.

The Private Property Rights Act would allow a farmer to seek compensation if he is denied the use of part of his farm because of Federal wetlands or endangered species laws. The act would provide exactly the same protection to a farmer who loses the use of part of his property because his water supply is reduced or eliminated by Federal environmental regulation. The compensation would be based on the economic loss resulting from the decreased productive capacity of his or her farm. It would not be based on the price of the water.

Unfortunately, the false perceptions regarding the water rights provisions of the Private Property Rights Act have been given undeserved credence by recent articles in the Wall Street Journal. I have written to the editor of this newspaper to point out the errors. Mr. Speaker, I ask that a copy of my letter to the editor of the Wall Street Journal be printed in the RECORD.

HOUSE OF REPRESENTATIVES,
*Washington, DC, April 14, 1995.*

Mr. ROBERT L. BARTLEY,
*Editor, The Wall Street Journal, New York, NY.*

DEAR EDITOR: As a conservative Republican Member of Congress, I take strong exception to Mr. David Frum's March 13 column "The GOP's 'Takings' Sell Out."

Mr. Frum takes the Republican majority in the House to task for allegedly opting to "break with its free-market convictions" by including water rights provisions in the Private Property Rights Act, which passed the House on March 3.

Mr. Frum completely misstates both the intent and effect of the Private Property Rights Act when he asserts that it "requires the federal government to compensate Western Farmers and miners should it ever be tempted to ask them to pay the market price for water they take from federal irrigation projects."

The provision has nothing to do with the price of water.

Mr. Frum is absolutely correct that "the removal of a subsidy is not an abridgment of a property right." The Private Property Rights Act does not protect water subsidies. What it does do is allow landowners to be compensated for economic loss when their "right to use or receive water" is abridged by the federal government.

The water provisions of the legislation are specifically intended to ensure that Western farmers can apply for compensation when the value of their property is significantly diminished by a federal action that denies them the water that they are entitled to receive (with or without a subsidy) under state law or a binding contract with the federal government.

Farmland in the arid West isn't worth much without water. When a farmer's water supply is reduced or eliminated, the productive capacity—the value—of his or her property is reduced or eliminated. Throughout the West, the Endangered Species Act and more recent water project "reform" laws are being used by federal bureaucrats to deny water to agriculture. This is particularly true in my state of California.

The Republican majority in Congress is not abandoning its free-market convictions in the water policy arena. In fact, many of us believe that the federal government should get out of the water delivery business altogether by selling or transferring its water projects to local public agencies.

We would welcome Mr. Frum's thoughts on that endeavor, provided he gets his facts straight first.

Respectfully,

GEORGE P. RADANOVICH,
*Member of Congress (R–CA–19th).*

## TRIBUTE TO HAZEL A. YOUNGER

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TOWNS. Mr. Speaker, I am pleased to recognize Hazel A. Younger, a native New

Yorker. She was born in Coney Island Hospital.

Hazel is particularly close to her family and feels that her strength comes from her Lord, and the encouragement offered by her mother, Mrs. Ella Garner, and her three sisters, Friedna, Edna, and Connie. Hazel is also the very proud mother of one son, Travis.

Hazel began her education with the goal of being a lawyer. However, midway during her studies, she developed a fascination with numbers and accounting became her career.

Presently, retired, Hazel serves as president of the board of directors of the cooperative in which she lives, P.E. Gorman Houses. She is a member of the Brookdale Hospital Ambulatory Care Services Community Advisory Board and Community Board 16. Hazel is also co-chairperson of Concerned Citizens of the 58th assembly district.

Because of her experience and eloquence, Hazel is often asked to speake at churches, community meetings, and A.A.R.P. chapters. She is known to be an articulate representative of the community, with direct access to local elected officials. I am pleased to commend Ms. Younger to the attention of my colleagues.

## TRIBUTE TO RONALD E. HALL

### HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. LARGENT. Mr. Speaker, I rise today to pay tribute to my friend, Ron Hall, who retired in April of this year as president and chief executive officer of CITGO Petroleum Corp. Ron has been president and CEO of CITGO for the last 10 years and retires with the respect and esteem of all who have known him.

A native of Illinois, Ron received a B.S. from Bradley University, and an MBA from Columbia University. Southern Illinois University's College of Business and Administration awarded its first doctor of commercial science honorary degree to Ron in May 1988. Additionally, Ron is a member of the Bradley university Board of Trustees as well as a member of the University's College of Business Administration's National Council of Advisors.

In addition to Ron's professional and educational accomplishments, he always found time and energy to take part in civic and charitable activities in Tulsa, OK, such as serving as director of the Gilgrease Museum Association and of St. Francis Hospital, advisory director of the Tulsa Ballet Theatre and as a director of the Metropolitan Chamber of Commerce.

During Ron's tenure as president and CEO, CITGO has become a recognized leader in environmental stewardship, and through its corporate sponsorship of the Muscular Dystrophy Association, the lives of millions of people have been made better. CITGO is truly helping to make a difference in such areas as Tulsa, Corpus Christi, and Lake Charles with its active participation in the Adopt-a-School and Partners in Education programs.

CITGO may be losing a president and CEO but his lovely wife Jean will be gaining a ranch foreman down in Brenham, TX. I'm sure Ron will be looking forward to spending more time with Jean and their grandchildren. There's no doubt that once he has had his fill of bird hunting and fly fishing, we will see him involved with the community in some capacity. I do not believe a person of his energy and public spirit can stay away.

## A SALUTE TO ANDY GUEST

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. WOLF. Mr. Speaker, on April 25, 1995, in beautiful Warren County, Virginia, near the town of Front Royal, a group of Virginia's leaders headed by Governor George F. Allen gathered to dedicate a new State park in honor of House of Delegate member Raymond R. Guest, Jr.

"Andy" Guest attended the dedication in his honor at the park which will provide several miles of riverfront recreational area along the Shenandoah River. Having just won a 2-year battle over cancer and poised to return for another term to the General Assembly where he has served since 1973, Andy was cited for his hard work and many years of leadership on behalf of Virginia State parks and recreational activities.

Andy Guest has done so much to preserve this region which is the core of Civil War battlefields and the very heart of American history. When he is not in Richmond representing the people of Virginia's 15th House of Delegates district, Andy continues to live on his family farm near the banks of the famous Shenandoah River where he grew up. Nothing could be more appropriate and no recognition could be more deserved than to name a beautiful piece of Virginia along the serene but majestic Shenandoah River after one of Virginia's own first citizens: Raymond R. "Andy" Guest.

I join Governor Allen and all of Virginia in saluting Andy.

## TRIBUTE TO RAY OJEDA

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Ray Ojeda, a good friend and the outgoing mayor of San Fernando. Under Ray's intelligent and firm leadership, San Fernando has strengthened its ties to the local business community, paving the way for better economic times in the city.

Ray also took charge in the aftermath of the Northridge earthquake, which destroyed or damaged many buildings in San Fernando. The mayor provided a steady hand, and worked hard to get San Fernando its fair share of State and Federal assistance.

A resident of San Fernando for 18 years, Ray epitomizes the definition of public servant. Prior to his election to the City Council in 1992, Ray served as a planning commissioner and as a member of the Kiwanis Club. In his public role he has always emphasized the importance of community pride, a message that has particular application in San Fernando, where a few years ago gangs and graffiti were all too common. The recent turnaround is a testimony to Ray's efforts.

With two children and several grandchildren, along with a passion for golf and hunting, Ray leads an active life outside politics. In addition, Ray is the owner of Ray's Window Coverings in San Fernando.

Mr. Speaker, I ask my colleagues to join me in saluting Ray Ojeda, businessman/politician/father/grandfather, who has worked tirelessly on behalf of San Fernando. The residents are indeed lucky to have had him as mayor, and to continue to have him on the city council.

## 75TH ANNIVERSARY OF EMMANUEL COLLEGE OF BOSTON

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would like to take this moment to recognize Emmanuel College of Boston on its 75th anniversary. Emmanuel College was founded in 1919 by Sister Helen Madeleine Ingraham and the Sisters of Notre Dame.

As the oldest women's Catholic college in New England, Emmanuel College's mission has been one of providing women with an outstanding liberal arts education rooted in Catholic heritage.

Mr. Speaker, I wish the students, administrators, faculty, and alumnae of Emmanuel College a happy 75th anniversary and continued success in the future.

## TRIBUTE TO NANCY DALY

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MILLER of California. Mr. Speaker, last week I was honored to address the Second Annual Service to Children Awards Dinner in Los Angeles, and to present to Nancy Daly the Lifetime Service Award.

Ms. Daly, the founder of United Friends of the Children, is one of the most remarkable, effective and persistent advocates I have ever known, and she richly deserves this great honor. I would like to share my remarks with the Members of the House.

TRIBUTE TO NANCY DALY

I am very honored to make some remarks this evening, because Nancy Daly is a woman who sends a powerful message—to Los Angeles and to America—about what it means to dedicate ourselves to children. And I speak as a member of a profession where proclaiming your concern about children is a requirement of membership.

My path and Nancy's have crossed many times, including our service together on the National Commission on Children with Senator Jay Rockefeller, where she was the

leading proponent for family preservation programs. But we worked on the same issues for years before we ever met.

Fifteen years ago, after years of investigations and hearings, Congress enacted my bill to reform the national foster care and adoption laws, P.L. 96–272.

It was at that same time that Nancy went out to visit MacLaren Children's Center, never dreaming that visit would change her life's work or the lives of so many others in this city. While I was massaging my colleagues in Congress to vote for my bill, Nancy was shampooing the heads of foster kids at MacLaren, and deciding that this system needed change, and that she was the one to change it.

It was in that same year that Nancy founded United Friends of the Children, that stunningly successful volunteer organization working with the abandoned and neglected children of MacLaren, working to improve the children's resources, their educational development, supporting college tuition programs and providing critical transitional help from foster care to independence through creation of low cost housing for those emancipated from the system.

Throughout the 1980s, Nancy became one of the premier advocates for family preservation programs—efforts designed by agencies and the courts to provide intensive service to at-risk families to help them work through serious problems rather than fragmenting, at great cost to the children and often to the state as well. She has mobilized the formidable resources of the entertainment community on behalf of children's issues, and is a vigorous promoter of programs to assure that children have proper legal representation in the court system when critical decisions are being made about their placements, their rights and their futures. And she played the central role in the creation of the Los Angeles Department of Children and Youth to give young people an advocate in government even though they are too young to have a voice in its management.

Not bad for a volunteer.

As Nancy was creating and participating in these, and many more activities, I served as the first chairman of the Select Committee on Children, Youth and Families in the Congress, a panel created by Tip O'Neill at my urging because children simply were not receiving the special attention they merited in federal policy. Oh, sure there were educational laws and health laws, foster care laws and child care laws: but no one was looking out for the kids, not for the program or the bureaucracy or the politics: just the kids.

And that Select Committee did what it was supposed to do. We raised the visibility of children, we held up a mirror to the Congress and said, "Like 'em or not, these are America's kids." We travelled throughout this country for eight years, putting children on the Congress' agenda: children with disabilities, children without homes, children of violence, children with AIDS, children in gangs, children without food, children in poverty. America's future. America's "most precious resource." The subject of every politician's favorite photo op.

And I think many in Congress were truly shocked by what they saw: the millions of children, about to inherit this nation, who were growing up in Third World conditions, abused, hungry, violent, with little or no investment in society or even in their own futures.

The mission of the Select Committee, you see, wasn't to score political points, but—perhaps naively—to depoliticize children in the political debate: to make it clear to conservative Republicans, Yellow Dog Democrats and Bleeding Heart liberals alike that you can't lecture America's children into being good citizens, or productive workers or responsible adults if you ignore their most basic needs in their formative years.

Children really don't care if you're liberal or conservative, a hard heart or a bleeding heart. They don't care if you're a volunteer, a case worker, a lawyer, or a congressman. They know when they're hurting, when they're scared, when they're hungry, when they're confused, and all they want to know is, "Are you going to be there for me?"

And, I suppose, that is what is so terribly tragic about what is going on in Washington today. A new political leadership in Congress, which shows no evidence at all of understanding children or public policy towards children, is putting a torch to most of what Nancy and I, and many others in this room and across America, have spent our lives doing. And don't get me wrong: I have no particular concern if someone wants to rewrite the nutrition, child care, family violence, foster care, adoption laws I wrote in the '70s, '80s and '90s—if they want to make them better.

But let's not kid anyone: the new congressional leadership isn't about improving the system, they are about destroying it, and the children be damned.

How else do you explain proposals to throw infants off income assistance because of the mistakes of their mothers?

How else do you explain $7 billion in nutrition cuts—exposing pregnant women, newborns and school children to serious deficiencies?

How else do you explain a punitive "welfare reform" plan that puts no one to work, but deprives five million people of basic assistance—300,000 right here in Los Angeles?

How else do you explain dissembling our foster care reforms with the result that children will be housed in unlicensed homes, with few if any services to them or their parents, with no legal representation or hopes for permanent homes?

I remember well in the early '80s when David Stockman came before the Budget Committee and I asked him how, in light of the uncontroverted evidence that the WIC program saved babies lives and money, too, he could justify slashing that program. And he replied that he didn't care whether the program worked, he just didn't like it.

Fortunately, at that time, we had a Congress that stood up to such dogma—on a bipartisan basis, I might add—and saved effective programs for children. But those days are long gone. The new extremist element in control of the Congress neither understands the programs nor appreciates their achievements. With a rhetorical tip of the hat to the apparently magical capabilities of state and local governments, with a cynical reliance on the limitless abilities of private charities, they have set about destroying our ability to protect children and give them hope.

You know, they call the Republican welfare reform bill the Personal Responsibility Act. And I am all for people meeting their responsibilities—to their children, to their families, and to their communities. When people don't push their kids to finish school or support their kids, or look hard to find employment, I think emphasizing personal responsibility makes a lot of sense.

But government has responsibilities, too, particular to our poorest, and most vulnerable, children. I have no admiration for political leaders, and make no concession to political strategies, that abandon those responsibilities to America's children.

These people aren't just about taking away the safety net. They want to fold up the tent and put the whole show out of business.

I don't know anyone who's not committed to making the bureaucracy more efficient and the programs more cost-effective. We made important changes in welfare policy, in child care, in services to dysfunctional families and children in crisis, and those policies work, with a lot of hard effort from volunteers and professionals at all levels. And we need to make more.

But you don't cure nutritional problems by cutting one fifth of the food stamp program a program that feeds 14 million children—as the House-passed welfare bill would do.

You don't give kids a chance in the future by denying children with Down Syndrome and cerebral palsy financial assistance, as it would do.

You don't make the foster care system more responsive by eliminating basic children's rights and turning the program over to the states, half of which are under court orders for failing to comply with the law.

So, at a time when should be learning from our experiences and building stronger programs, people like Nancy Daly are trudging to Capitol Hill and meeting with every Senator and aide she can find, as she did this month, urging that they put aside partisanship, ideology and fanaticism and think, as she has been for twenty years, about the children.

Nancy has a lot to teach the Congress.

She can teach them about the value of comprehensive services, about the need for legal advocates, about the contributions (and the limitations) of what volunteerism can do. She can demonstrate to them the need for a responsive government and the necessity of having someone in that bureaucracy whose job to think about children first. She can even show them how a liberal Democrat and a powerful Republican can get along together.

I would have hope that, at this stage, we wouldn't be engaged in a national debate about whether to kill programs or to keep them, but rather about how to make them more efficient for taxpayers and more effective for children. I believe quite frankly, it is a waste of Nancy Daly and many of those in this room to have to exert such effort and influence just to keep up where we are in terms of a national commitment of excellence to children. But I am enough of an historian and a politician to know that sometimes you have to play defense and work and wait for a better time to come. Unfortunately, the children are waiting, too, and millions of them do not have four or eight years to spare while politicians and voters figure out what they really want to do.

I see these obstacles as a challenge to those of us who hold a public trust. I have little pity or tolerance for those who bemoan the loss of a majority, or a chairmanship, or the other accoutrements of power. Other have lost far more than we, and they will continue to lose, to have their opportunities shattered and their futures stunted, if we wallow in self-absorbed anguish over an election.

Nancy Daly serves as an inspiration because she understands that what matters are the results. Beginning without a shred of political power, she has built monuments to the hopes and the futures of children throughout America, and I very much doubt she has given an hour since last November to

questioning whether she should do anything but redouble her efforts on behalf of the kids who need her, and us, more now then ever.

Nancy, my warm congratulations to you on receipt of the richly deserved Lifetime Service Award. And since it is a "lifetime" award, I would note that you have several additional years of service that we are all looking forward to.

I am delighted to be able to participate in this tribute to a wonderful woman tonight, and honored that you have allowed me to share this evening with all of you.

## VOICE OF DEMOCRACY WINNER—JANICE BANKERT

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the accomplishment of Miss Janice Bankert, a high school junior in my district who won the Veterans of Foreign Wars "Voice of Democracy" State competition. Miss Bankert has a lofty and noble vision for American democracy. One that, I might add, we should all strive to achieve—quoting Miss Bankert, "the barriers that are to be conquered are but foothills to a mountain if we are unified." Indeed, if we "put away prejudices and stubbornness" we can restore belief and faith in the "judgment of (the) government" again.

I salute Miss Bankert and submit the text of her script to be printed in the RECORD.

"MY VISION FOR AMERICA"

I have a vision for America that in my lifetime there will be a revolution of new thoughts which will sweep over this nation and produce in the heart of our society a stronger desire for democracy than ever before. My vision is that the dreary attitudes of leaving the decisions up to Washington will dissipate into the inclination to rise and to speak forth about the laws and principles that shape this country into what it is, and into what it will become. My vision is that on the evening news, instead of an overwhelmingly negative report about the goings-on in the White House, there will be loud acclamation and approval . . . because the people will feel that they are being heard. Instead of just voting, people will write letters, gather petitions, and communicate with the politicians from their districts and regions about what they need, and what they would like to see happen in their government. Ladies and gentlemen, my vision is that democracy will thrive in this nation by once again being planted and nurtured by the citizens.

For my fantasy to become reality the people for which this nation was first built must build it again with their own hands. Like the "amber waves of grain" is the power and greatness of this country. This nation is a harvest that has already been planted, and now needs cared for every moment, to be gathered with thankfulness and satisfaction. It is a fruit so fertile and awesome that it will take the unity of a nation to reap it . . . and enjoy its bounty. To do this, every person must invest time and effort. We all must work to change what is adverse to our common goal, an America we can take pride in, and like farmers in a field, weed out our enemies: hate, discord, indifference, and defacement of hope.

The task that faces us is not an impossible one if we are unified. The barriers that are to be conquered are but foothills to a mountain if we are unified. Our victory is not invisible if we are unified. Unified . . . each of us putting away prejudices and stubbornness, ignoring petty issues, believing in the judgment of our government, and having faith in the banner that has long been the embodiment of our allegiance to the democracy that began over two-hundred years ago, and continues today . . .

My vision for America is one that is common, but will only live if we, as citizens of the United States of America, actively birth it from our hearts, and allow it to suffocate no longer.

My vision for America is for each individual to feel as part of a union and to proudly, joyously say, "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."

## HONORING THE CESAR CHEVEZ WRITING CONTEST AWARD WINNERS OF THE EAST SIDE UNION HIGH SCHOOL DISTRICT

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Ms. LOFGREN. Mr. Speaker, I rise today to recognize the remaining winners of the first annual Cesar Chavez writing contest held by the East Side Union High School district in San Jose, CA. I had the great privilege of attending the award ceremony honoring the student winners on March 31, 1995, and would like to continue sharing the essays and poems written by the student award winners with my colleagues.

On April 4, 1995, I began by sharing the essays and poems of the Grand Prize Winners and three of the First Place Winners. On April 6, 1995, I shared the five remaining First Prize entries, and the first three of eight Second Place winning entries. Today, I will share the remaining five essays and poems of the Second Place Winners.

The Second Prize winning essays and poems of Marie Aloy of Mount Pleasant High School, Mark Papellero of W.C. Overfelt High School, Raymond Ramirez of Piedmont Hills High School, Ester Martinez Estrada of Santa Teresa High School, and Anthonette Pena of Silver Creek High School follow:

UNTITLED

It was all very irrelevant to me. I'm not a farmer. I didn't live during the Great Depression or the years following. I don't grow fruit or pick it for that matter, and I'm not even of Hispanic descent. The dates and strikes and marches are just another group of history facts that I am asked to know and memorize for one reason or another. So far my life and the life and accomplishments of Cesar Chavez have no relation or commonality to bind him to my memory—except for one thing.

Something that I value greatly, that earns my genuine respect and admiration, I found hidden in a comment made about the great and greatly known Cesar Chavez. Actually it was his nephew Rudy Chavez Medina who inadvertently helped me find my way to relate to Cesar Chavez. Rudy came and spoke to us a few days ago about his famous uncle and mentioned offhandedly that his uncle Cesar was never afraid to ask for help. He was not the type to put himself on a pedestal for everyone to worship. When a goal was achieved he didn't credit it to his magnificent leadership. He praised everyone involved, and humbly made himself equal to every individual in the crowd. In a position of such great power I am amazed and in awe that this man could remain so wonderfully humble.

The "equality" of the man staggered me. He had opportunities, as all celebrated leaders do, to leap from poverty into a more comfortable life. But I'm sure he knew that that separation between his life and the lives of the farmers and laborers he inspired would lessen his effectiveness as a leader. So he sacrificed his own comfort for the welfare of the organization, for the thousands who needed his guidance.

They say he is comparable to Gandhi and took his passive resistance techniques from Martin Luther King, Jr. as well. He never put peoples' lives in danger. He wanted only a better world and envisioned achieving that new existence in a peaceful manner. No riots or destruction, only marches and calm demonstrations. Usually human nature turns people to the dark side of things. It is uplifting to learn about someone who wanted only to help and made sure that he didn't hurt anyone in the process.

No facts or figures, just feelings. That is what binds us together and that is what creates a bond in my mind and heart. I never really knew who he was, and the bits and pieces I had grasped had little to do with my life. Now I know who he was and what he did. I know that he was humble to the core and self-sacrificing in all that he did and a truly great man.

"THE LIVES OF WORKERS"

4:00 am
Wake up! Time for work!
Here's a piece of bread and tiny glass of powder milk.
Now go or you'll be late!

5:00 am
Plow. Have to work hard.
Plow. Need to support the family.
Plow. Need to survive.
Plow. Simple.

6:00 am
The sun rises.
Plow. Plan. Need clean water.
Plow. Plant. Pesticides in my lungs.
Plow. Plant. Tired.

7:00 am
The sun grows warm.
Plow. Plan. Lift. Need to rest.
Plow. Plant Lift. Pesticide grows strong.
Plow. Plant. Lift. Sweat.

8:00 am
The sun is warmer.
The grower comes.
He demands. He orders. He pushes.
He is mad. He gets his way.

9:00 am
The sun gets hot.
Plow. Plant. Lift. Carry. The work is too much.
Plow. Plant. Lift. Carry. I am the pesticide.
Plow. Plant. Lift. Carry. The condition needs to change.
Plow. Plant. Lift. Carry. Sweat and Ache.
THIS TREATMENT HAS TO STOP. WE HAVE TO OVERCOME.
Plow. Plant. Lift. Carry. Six more hours left.

CHAVEZ Y LA CAUSA

Just a man
No more, No less
Victim of intolerance
Who just wanted the best.

For his people
The workers of the field
With words of compensation
For the crops that they yield.

La Causa or The Cause
A movement without fear
It was forged by its people
And it streamed like a tear.

They said it was impossible
Pero si se puede hacer
With hearts filled with determination
Y amor para la mujer.

He carried on for years
Giving only of himself
He did it all for love
And cared nothing for wealth.

His presents was mighty
His movement was strong
And although he is gone
His glory lives on!

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A HERO TO THE MEXICAN COMMUNITY

(By: Ester Martinez Estrada)

No words I can write can describe how Cesar Estrada Chavez dedicated his heart and soul to love and justice as we all know.
He was a leader that influenced strongly on rights.
A man that went out there and suffered with others day and night.
Cesar Chavez supported nonviolent actions on their part. For he declared, "truest act of courage, the strongest act of manliness, is to sacrifice ourselves for others in a totally nonviolent struggle for justice," and this came from his heart.
Farmworkers gathered in his demonstrations and his strikes to unite the true mexican pride.
A pride no mexican can hide.
They came together for the security of justice in peace.
They came together with strength to see their work environment rights to be released.
They came together to rise out of the fields and stand up and never sit 'till they were treated with respect and good pay.
They came together to revise their situation and at least get minimum wage.
Cesar Chavez joined hands with his line of mexican blood without fear.
Cesar Chavez led the mexican community hoping their aim and dream was near.
For they all knew that they had to start today for the * * * of the future's eye.
Together and always together they had to rise.
Together they all struggled and prayed.
Together they knew justice would serve one day.
Cesar Chavez and his fellow farmworkers came out of nowhere and bewildered all on their way to their destination.
Without the help of Cesar Chavez, injustice would have gone on for generations.
Cesar died peacefully in his sleep and is now up above.
He symbolized the brown pride and that strength of respectable love.
Now is the time Mexicans can stand proud and say, "My hope is Cesar Estrada Chavez and no one can ask why."

CESAR CHAVEZ

As a young boy, Cesar Estrada Chavez experienced the hardships of being the son of a migrant farm worker. As his family worked in the crops, they learned how to survive in the harsh conditions such as lack of shelter, money, and even food. Racism was also an issue that affected his life. Although his family were third generation Americans, because his ancestors were Mexicans, he was classified as a second-class citizen.

After working with the Community Service Organization from 1952 until 1962, he then moved on to found the National Farm Worker's Association. Under the NFWA, he organized nationwide boycotts of grapes, wine, and lettuce in an attempt to pressure California growers to sign a contract which would increase the farm worker's pay and provide them with a minimum amount of safety, Cesar Chavez became a symbol of hope for the people.

In particular, youth can look up to Cesar Chavez as a role model because it is at this point in our lives that we want to take an active role in mending society's flaws and begin to stand up for what we believe in. However, many of us are unsure of the role we should play and how far we are willing to go to stand by our decisions. As children, we had the vision of making a difference and had dreams of leading a successful life. At this age, reality begins to take its toll and we realize that if we really want to make a difference and lead a successful life there are things which we must do to accomplish these goals. Like Cesar Chavez, we must be willing to put ourselves on the line and uphold our principles and defend our sense of morality.

Cesar Chavez was a man who was not only determined, but courageous as well. "The only way is to keep struggling," he says. "Fighting for social justice is one of the most profound ways in which a man can say yea to man's dignity, and that really means sacrifice. There is no way on this earth in which you can say yes to a man's dignity and know that you're going to be spared some sacrifice."

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## TRIBUTE TO RALPH G. NEAS

### HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MFUME. Mr. Speaker, I want to submit for the RECORD a column prepared by the chairperson of the Leadership Conference on Civil Rights [LCCR], Dr. Dorothy Height. This column speaks to the endless contributions that this organization's executive director, Ralph G. Neas, has made over the years. Ralph is completing his 14-year tenure at the helm of the LCCR and I wanted to take this time to share this article which reflects upon his contributions to equal opportunity for all Americans.

THE NEAS YEARS AT THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Last summer, Ralph G. Neas announced that he would be leaving as Executive Director of the Leadership Conference on Civil Rights (LCCR)[1] in the Spring of 1995. Much too soon that time has come. As Ralph completes his fourteen-year tenure at the helm of the Nation's oldest, largest, and most broadly-based coalition, it is an appropriate moment to reflect upon his extraordinary contributions to the cause of equal opportunity for all Americans and some of the reasons why he has earned his reputation as an effective leader, strategist, advocate, and coalition builder.

THE BIPARTISAN LEGISLATIVE SUCCESSES

Ralph Neas took over as Executive Director of the Leadership Conference, the legislative arm of the civil rights movement, on March 31, 1981, after eight years as a chief legislative assistant to Republican Senators Edward W. Brooke and Dave Durenberger. Ronald Reagan had just been sworn in as president. Senators Strom Thurmond and Orrin Hatch had just replaced Senators Edward Kennedy and Birch Bayh as chairs of the Senate Judiciary Committee and the Senate Subcommittee on the Constitution, respectively. The previous year, Senator Hatch had successfully filibustered to death the Leadership Conference's top legislative priority, the Fair Housing Act of 1980. Many feared that a similar fate awaited the Conference's top priority in the 97th Congress, the legislation to extend the Voting Rights Act of 1965, which was to be introduced in early April of 1981.

No small wonder then that many friends of Ralph, who just two years earlier had been totally paralyzed, on a respirator, and near death in a Minneapolis hospital room, told him that this was not their idea of a brilliant career move. But Ralph believed that his professional training in the Senate, where he had been the senior staffer on civil rights issues, and his bout with Guillain-Barre Syndrome, which had profoundly influenced his life, had prepared him for such a professional challenge.

The situation in the Spring of 1981 demanded bipartisanship, creativity, pragmatism, and leadership. Ralph and his LCCR colleagues showed an abundance of these qualities during the arduous eighteen month campaign to enact the 1982 Voting Rights Act Extension. Many people argued that the time for federal control over local voting processes had ended. But LCCR advocates demonstrated a continuing need and their efforts helped pass the extension by votes of 389 to 24 in the House of Representatives and 85 to 8 in the Senate, leaving President Reagan with no choice but to sign the historic measure into law. That law not only extended the Voting Rights Act for 25 years, but also extended the Act's bilingual assistance provisions and overturned a 1980 Supreme Court decision by reinstating the results standard in the Voting Rights Act.

The remarkable victory against great odds set the tone for the next fourteen years for LCCR. Indeed, the 1982 Voting Rights Act Extension campaign embodied several of Ralph's principal legislative theorems. Theorem number one is to always put together the strongest possible bipartisan bill that can be enacted into law. During the twelve years of the Reagan-Bush presidencies, that usually meant having at least two-thirds majorities in both Houses. Theorem number two is that any successful national legislative campaign must effectively integrate grassroots, Washington lobbying, and media strategies. If one component is absent, the legislative campaign is likely to fail. And third, it is essential that the coalition always remains cohesive and united, never allowing adversaries to successfully use the tactics of divide and conquer. If these basic

[1] On May 3rd, at its Annual Dinner to be held at the Hyatt Regency on Capitol Hill, the Leadership Conference will be celebrating its 45th Anniversary and presenting its Hubert H. Humphrey Civil Rights Award to Ralph G. Neas.

principles are understood, then one can comprehend the success of the 1982 Voting Rights Act Extension and the legislative victories that followed.

And there were many other LCCR legislative successes. No one could have predicted that more than two dozen LCCR legislative priorities would be enacted into law during Ralph's years at LCCR. In addition to the 1982 Voting Rights Act Extension, Ralph coordinated many of these legislative achievements for the Leadership Conference, including the:

Civil Rights Act of 1991—Overturned eight Supreme Court decisions which had made it much more difficult for victims of discrimination to get into court and to prove discrimination (the first time Congress has ever overturned more than one Supreme Court decision at one time). It also codified the "disparate impact" standard. And it provided for the first time monetary damages for women, persons with disabilities, and certain religious minorities who are victims of intentional job discrimination.

Americans with Disabilities Act (1990)—Perhaps the most significant and dramatic improvement in civil rights law in two decades. Provided civil rights protections in employment, transportation, communications, and public accommodations for the 49 million Americans with disabilities.

Fair Housing Amendments Act of 1988—Provided for the first time an effective enforcement mechanism. Also prohibited discrimination against persons with disabilities and discrimination against families with children.

Japanese-American Redress Bill (1988)—Apologized to Japanese-Americans interned in prison camps in the United States during World War II and authorized $20,000 to each of those who are alive.

Civil Rights Restoration Act—Congress overrode a presidential veto and overturned the 1984 Supreme Court Grove City decision. The Civil Rights Restoration Act restored the broad coverage of the four major civil rights laws that prohibit the federal funding of discrimination against minorities, women, persons with disabilities, and older Americans.

The final passage votes on all these laws averaged 85% of both the House and the Senate. In recognition of that extraordinary bipartisan success, Senator Edward Kennedy has called Ralph "the 101st Senator on Civil Rights."

Ralph also managed the successful campaigns to preserve the Executive Order on Affirmative Action in 1985–1986 and to defeat the Supreme Court nomination of Robert Bork. The Bork campaign was perhaps the most forceful statement of the determination of the coalition that the civil rights gains of three decades would not be rolled back.

Other LCCR legislative priorities enacted into law over the past fourteen years include the Family & Medical Leave Act, the Motor Voter Bill, the South African Sanctions Legislation, the Religious Freedom Restoration Act, the Voting Rights Language Assistance Act of 1982, the Elementary and Secondary Education Act of 1994 (including Chapter One reform), the Martin Luther King Holiday Act, three disability measures which overturned Supreme Court decisions, the Age Discrimination in Employment Claims Assistance Act, the Gender Equity in Education Act, the Voting Accessibility for Disabled and Senior Citizens Act, the 1989 Minimum Wage Increase, the Hate Crimes Statistics Act, and key provisions of the Economic Equity Act.

Without question, the past decade and a half has been, legislatively, a bipartisan reaffirmation of civil rights laws and a bipartisan repudiation of the right-wing legal philosophy. Indeed, the right wing did not enact one major item on its regressive civil rights agenda during that time. The LCCR victories are even more remarkable when one considers that during this time two branches of government were hostile to civil rights.

While the civil rights coalition and its congressional allies achieved considerable success, there was a serious downside to the Reagan-Bush years. We had to refight the civil rights battles that had been won during the 1960's and the 1970's. While these battles were won once again, Congress, the civil rights community, and the Nation had to devote an inordinate amount of time, energy and resources in waging these rearguard actions. Consequently, while the legal achievements of the past 30 years were preserved and in a number of instances, strengthened, the Nation by and large was unable to address the unfinished agenda of the civil rights movement—the quest for social and economic justice.

For years, Ralph and his LCCR colleagues have been advocating that economic justice must be the civil rights coalition's top priority. Our legislative efforts should focus primarily in such issues as health care; affordable housing economic security, especially for women and children; child care; Head Start and other early educational opportunities; employment opportunity, including job creation and job training; and economic empowerment issues. Regrettably, just as this economic opportunity agenda seemed to be moving to the front of the legislative line, once again we may have to devote our energies to resisting efforts to dismantle the legislative achievement of the past several decades.

While the battles will be hard fought, I remain confident that LCCR and its allies will once again defeat the efforts of the right wing, whether the issue be affirmative action or the economic security net for millions of Americans. Indeed, the same type of bipartisanship, creativity, and pragmatism that characterized our efforts in the 1980's and early 1990's will lead us to victory in the last half of the 1990's.

THE EXPLOSIVE INSTITUTIONAL GROWTH OF THE LEADERSHIP CONFERENCE

While the legislative successes are critically important, it is also important to point out the institutional successes as well. the fourteen years Ralph has spent managing LCCR have been characterized by explosive growth. The budget of the Leadership Conference has grown seven-fold since 1981. And the Leadership Conference, always the nation's largest coalition, has added more than 50 new national organizations, during this time. Some of the new members are the American Association of Retired Persons (AARP), the Association of Junior Leagues, the Disability Rights Education and Defense Fund, the American Association of University Women, the Mexican American legal Defense and Education Fund, the Service Employees International Union, the Congress of National Black Churches, the American Nurses Association, the Puerto Rican Legal Defense and Education Fund, Families USA, the National PTA, People For The American Way, the United Brotherhood of Carpenters and Joiners of America, the Human Rights Campaign Fund, Citizen Action, and the National Asian Pacific American Legal Consortium. There are now 180 national organizations, with memberships totaling more than 50 million Americans, who belong to the Leadership Conference on Civil Rights.

Such institutional growth has meant also the expansion of LCCR priorities. In addition to minority, gender, religious, and age issues, the Leadership Conference has forged a consensus on disability and gay and lesbian civil rights issues. The exceptional growth of the coalition, while generating new challenges, has made the Leadership Conference stronger and even more effective.

Throughout the years, Ralph has masterfully maintained unity among the diverse elements of the LCCR coalition. And through his work in LCCR, on Capitol Hill, with the Executive Branch, and with the business community, Ralph has earned respect for his ability to build bridges between disparate communities of interest and across the spectrum of political ideologies.

Ralph has also managed the Leadership Conference Education Fund (LCEF), an independent organization that supports educational activities relevant to civil rights. Along with Karen McGill Arrington, LCEF's Deputy Director, he has supervised projects such as an award winning public service advertising campaign promoting tolerance and diversity; a children's anti-discrimination campaign; and the publication of books and reports on emerging civil rights issues.

RALPH'S NEW CAREER

To say the least, things have not slowed down during Ralph's final months as LCCR's Executive Director. He was a key strategist in the successful effort to defeat the Balanced Budget Constitutional Amendment. Presently, he is coordinating the campaign to save affirmative action. In addition, Ralph is lecturing one day per week on the legislative process at the University of Chicago Law School.

In May, Ralph will embark on a new phase of his professional life. He will join the Washington law firm of Fox, Bennett, and Turner, where he will be Of Counsel. At the law firm, he will set up an affiliate, The Neas Group, which will provide strategic counseling to business and non-profit institutions. In addition, Ralph will be a Visiting Professor on a part-time basis at the Georgetown University Law Center where he will teach courses on the legislative process.

Among the boards on which he will continue to serve are the Guillain-Barre Syndrome Foundation International, the Disability Rights Education and Defense Fund, and the Children's Charities Foundation.

On behalf of everyone in the Leadership Conference, I want to express our deepest gratitude to Ralph and wish him well in all his new endeavors. We will miss the personal qualities that made Ralph so effective in his job—his cheerfulness and optimism even when facing great challenges, his patience in working with people to resolve differences within the coalition, and the respect he accorded to everyone's point of view. But we know that there will be many opportunities to work with him as we confront the challenges ahead of us. There is no question in my mind that Ralph will continue to be one of the drum majors for justice.

## TRIBUTE TO STEVEN F. WINDMUELLER, PH.D.

**HON. ANTHONY C. BEILENSON**
OF CALIFORNIA
**HON. HOWARD L. BERMAN**
OF CALIFORNIA
**HON. HENRY A. WAXMAN**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, May 2, 1995*

Mr. BEILENSON. Mr. Speaker, we are honored to pay tribute to our dear friend, Steven Windmueller, who is retiring after a decade of distinguished service to the Jewish Community Relations Committee of the Jewish Federation Council of Los Angeles.

Steven's career reflects a lifelong commitment to the enhancement of Jewish education and community relations. Since 1969, he has actively initiated, supervised, and directed a host of programs to further these goals. In recognition of this dedication, Steven was recently honored by the Jewish Communal Professionals Association of Southern California, as well as by Operation Unity, a project dedicated to improving intergroup relations in Los Angeles.

In addition to his full-time employment with JCRC and his service to a host of community service endeavors, Steven utilizes his doctorate in international relations as an adjunct faculty member for the Hebrew Union College's Irwin Daniel School of Jewish Communal Service. He also serves as a guest lecturer for the University of Judaism's Department of Continuing Education. Widely published in both professional journals and the press, Steven has authored over 20 articles on community relations issues and Jewish public policy concerns. In addition, he appears frequently as a speaker and consultant for local and national media, as well as for community and civic groups.

Mr. Speaker, in honor of his deep devotion, and in recognition of his lifelong achievements, we ask our colleagues to join us today in saluting Steven Windmueller. He is truly a credit to the field of Jewish education and community relations, and he has our sincerest admiration and congratulations.

## IN HONOR OF JULIA ROBINSON, MS, FNP, RN 1995 KERN COUNTY REGISTERED NURSE OF THE YEAR

**HON. WILLIAM M. THOMAS**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, May 2, 1995*

Mr. THOMAS. Mr. Speaker, I rise today to praise Ms. Julia Robinson, who on May 4 will be honored by her peers as the 1995 Kern County Registered Nurse of the Year.

In the person of Julia Robinson we do not have to look far to find an every day hero and role model for our children. While it may not be obvious when you look at Ms. Robinson's profession, a nurse, to see why she is a role model. There are many nurses. Nor is it obvious by her career, teaching. There are many teachers. To understand why Ms. Robinson is an every day hero and a role model, you must look at the totality of her work.

Ms. Robinson has risen to do good things throughout her career. She is both teacher and student—a teacher of nurses to be as an Associate Professor of Nursing at California State University, Bakersfield for over 10 years and as a doctoral student at the University of San Diego.

As an associate professor Ms. Robinson is the team leader and coordinator of the medical/surgical course of the nurses junior year and teaches course in advanced health assessment for graduate students. And for her efforts, her students honored Ms. Robinson in 1993 during the pinning ceremony. Julia Robinson also does not back away from great challenges and has recently taken on what some in the teaching world would consider the unenviable task of preparing the department for the reaccreditation process slated to begin in the fall of 1995.

Ms. Robinson has remained active in the day-to-day world of nursing by acting as a volunteer nurse practitioner for the Salvation Army and as a volunteer in the Student Health Center at the university. The list of Julia's accomplishments, degrees and honors stretches over years and I expect that given her past record of achievement and commitment to her profession they will continue long into the future. We offer congratulations to Julia Robinson on this honor that is very well deserved.

## STATEMENT OF LIHEAP

**HON. JACK QUINN**
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, May 2, 1995*

Mr. QUINN. Mr. Speaker, as I was delayed in travel from Buffalo to Washington, I missed a chance to vote today in favor of a motion to instruct conferees on H.R. 1158, Fiscal Year 1995 Emergency Supplemental Appropriations and Rescissions.

This motion would have instructed our colleagues who are discussing House and Senate differences to among other things—but most importantly to me—would have accepted the Senate restoration of $1.3 billion to the Low Income Home Energy Assistance Program, or LIHEAP.

Mr. Speaker, I have come before this body on several occasions to point out the seriousness of the elimination of funding for this program.

To those who live in areas like Buffalo, NY, it can be a matter of life or death. LIHEAP provides fuel assistance to disabled, working poor, and low-income senior citizens who can't meet their own total energy needs.

LIHEAP recipients have an average income of $8,257 per year; without some assistance their heat could be cut off. For these people, LIHEAP is a vital program which is certainly not pork or luxurious Federal spending.

Mr. Speaker, I would have risen in support for the motion to instruct conferees. I appreciate this opportunity to clearly state my position.

## DEMOCRATS STILL OFFER AMERICA THE BEST DEAL

**HON. MAJOR R. OWENS**
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, May 2, 1995*

Mr. OWENS. Mr. Speaker, Members of this House certainly have the right to change their parties. But when such soul changing operations occur in ways that humiliate fellow Members, the swindled parties have a right to express their bitterness. Some Democrats can still hear the riotous mocking laughter in the Republican cloakroom as a former Democrat from Georgia announced that he was now ready to expose himself as a Republican. The problem for some of us is that this crossing of the bridge into the enemy camps was staged to achieve maximum humiliation for Democrats. The turncoat chose to first play the role of Pied Piper playing the tune of welfare reform compromise to gullible, juvenile Democrats. He led the children of the Donkey through their own manure of illusions. He even had some political babies believing that his decoy legislation might pass.

The lesson of this latest fiasco should be perfectly clear: Democrats should stop wasting their energies laboring to construct compromises with the Republicans: Instead, Democrats must jettison their sluggishness and take a bold new set of alternatives to the masses of the caring majority that refused to vote in the last election. We must denounce the deals and loudly state exactly what Democrats intend to do for this Nation. Democrats must work to create jobs not only for welfare recipients but also stimulate job development for the unemployed and the underemployed. Democrats must fight for reform that eliminates taxes on personal wages of less than $50,000. Democrats must sponsor all necessary increases in the education and job training budget while we decrease wasteful spending on the CIA, Seawolf submarines and F22's for Defense. Democrats must insist that prosperous Germany and rich Japan pay the full cost for overseas bases. Democrats must do whatever is necessary to rebuild the Nation's physical infrastructure and provide greater economic security for citizens at all income levels. Instead of stepping in the manure of Trojan horse deals; instead of being confused by covenants and ad hoc compromises; Democrats should acknowledge and celebrate the solid rock foundations of Roosevelt's New Deal. On these foundations—full-employment, Federal deposit insurance, a national conservation program, fair labor standards, social security, et cetera—Democrats must resolve to keep building a magnificent tower of sharing that spreads light over all Americans.

MANURE OF THE TROJAN HORSE

The Trojan plot
They now reveal
A low down dirty deal
Majorities have
Power appeal
Democratic cowards
Are an easy steal
Loyalty the turncoats
Never feel
The Trojan plot
They now reveal

The real deal
Camouflaged
An Aldridge Ames fox
In the Gephardt henhouse
Solidarity forever
Licking the rear
Of the sly rude right
Cunning Caucus Clan
Benevolently bowing
To the Benedict Arnolds
Til all reason
Sinks way out of sight
Brief unity was real
We rallied round the deal
Liberals waded thru manure and dirt
Even while it smelled and hurt
We voted for the deal
But the Judas hug
Proved poisonous and unreal
Prostitution was the thing
A slimy partisan sting
Compromise
Is on the rise
From the halls of the White House
To the shores of the DNC
Adulteration duplication
Imitation is the
Grand fascination
Our nation needs to feel
Which is the clear and pure
Just and honest real deal
The lesson should be learned
No more should we be burned
On this plagiarized chapter
Set tight the sad seal
Democrats to compromise
Never again must kneel
Destiny demands
That we construct
Own own dam daring deal
The Trojan plot
We all now know
In a separate direction
With dedicated speed
Democrats must go.

## TRIBUTE TO ART EDGERTON

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Ms. KAPTUR. Mr. Speaker, I rise today to recognize an honor bestowed on a well-known Northwest Ohioan and friend, Mr. Art Edgerton. Along with four others, Art will be inducted this year into the National Association of Black Journalists Region VI Hall of Fame.

Art began his broadcast career in 1958, and since then has worked regularly in local media. He currently serves as the director of public and corporate relations with a large Northwest Ohio radio station. Committed to promoting African-Americans and disabled people in journalism, Art is the current president of the Northwest Ohio Black Media Association. In this capacity, he has been outspoken in articulating the need for fairness in the field of journalism for both African Americans and people with disabilities.

Among Art's many gifts is an exceptional musical talent. He studied at The Julliard School and the Philadelphia Conservatory of Music, and is a gifted pianist, organist, and percussionist. His talents are recognized far beyond Northwest Ohio, were he enjoys a loyal and enthusiastic following.

Art Edgerton has been a quiet, commanding presence in Northwest Ohio for decades. His counsel is appreciated by many. He brings a unique perspective and uncompromising dedication to everything he does. Long recognized for his work, Art's previous citations include: Handicapped American of the Year 1967, Ohio Governors Super Hall of Fame 1970, Winner of the Baldwin Talent Search 1981, Distinguished Service Award from the Toledo Ophthalmologists and Optometrists 1990, and State Media Award from the State of Ohio Optometric Association 1990. The Northwest Ohio Black Media Association has established a scholarship in his honor.

We in Northwest Ohio are very proud that Art Edgerton has been named to the National Association of Black Journalists Region VI Hall of Fame, for we believe that none deserves the accolade more than Art. As we congratulate him on this achievement we also offer a heartfelt thank you for his efforts, always conducted with courage, grace, and integrity. We are proud of him and for him.

## TRIBUTE TO RABBI ISAIAH ZELDIN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

### HON. HENRY A. WAXMAN

OF CALIFORNIA

### HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to Rabbi Isaiah Zeldin, a good friend and one of the most respected and influential leaders in the Jewish community of Los Angeles, on the occasion of his 50th year in the rabbinate and his 75th birthday. In 1964 Rabbi Zeldin founded Stephen S. Wise Temple, which has since become the largest Jewish congregation in the West and the second-largest in the world. This alone justifies his exalted status.

But Rabbi Zeldin is not one to rest on his laurels. Through its programs, lectures and full-time day and high school, Stephen S. Wise Temple has made an immeasurable contribution to Jewish life in southern California. Hardly a day goes by when there is not a stimulating event of some kind taking place at the temple. Rabbi Zeldin would not have it any other way.

In 1953, New York's loss became California's gain; Rabbi Zeldin left his native New York City, where he was assistant dean of Hebrew Union College, and headed west; 1 year later he became founding dean of the Los Angeles branch Hebrew Union College. From 1958–63 Rabbi Zeldin was spiritual leader of Temple Emanuel in Beverly Hills.

Despite his rabbinical duties, Rabbi Zeldin somehow finds the time to get actively involved with other cases and organizations. For example, he is past president of the American Zionist Council and the San Fernando Valley Synagogue Council and sits on the board of the UCLA Medical Ethics Committee. In addition, Rabbi Zeldin writes frequently for newspapers and magazines.

Mr. Speaker, we ask our colleagues to join us today in saluting Rabbi Isaiah Zeldin, a man whose friendship, guidance, and intellect has touched the lives of so many. We wish him well on his birthday.

## 20TH ANNIVERSARY OF VIETNAM WAR

### HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MARTINI. Mr. Speaker, April 30, 1995, marked the 20th anniversary of the end of United States involvement in Vietnam and one of the darkest chapters in American history. The Vietnam war created deep divisions in the American public. Even today, the war remains a controversial issue.

Controversies aside, 58,200 brave Americans gave their lives in the fight for democracy. Vietnam veterans should be proud of their service to our country.

For many years Vietnam veterans did not receive the gratitude that they rightfully deserve. Regardless of the war's politics, these soldiers stood firm and fought for freedom, something the people of Vietnam have never experienced.

As a Member of Congress, I am privileged to serve with two heroes of the Vietnam war. Congressman RANDY "DUKE" CUNNINGHAM, who is the only naval ace of the war and Congressman SAM JOHNSON, who was held in captivity for 6 years and 10 months. Our Nation owes both these individuals a tremendous debt of gratitude.

Vietnam veterans should walk with their heads high and know that their Nation is proud of them. In recent weeks former Secretary of Defense Robert McNamara has questioned the United States involvement in Vietnam. Mr. McNamara's comments should not diminish the fortitude and valor displayed by the men and women who served in Vietnam.

The lessons of the Vietnam war did not fall on deaf ears. In Operation Desert Storm we allowed generals, not politicians in Washington to run the war. The result was one of the most successful military operations in history.

As America moves forward into the 21st century, we must never forget the tragedy of the Vietnam war. We must never forget the service of 58,200 soldiers that did not return. And we must never forget the brave men and women who answered their country's call.

Vietnam veterans understand words like duty, honor, and country. As members of the finest fighting force in the world, these individuals have proved themselves in the service of our Nation. At the 20th anniversary of the war's end, I commend our Vietnam veterans. In closing, God bless you and welcome home.

## HONORING THE OBSERVANCE OF LAW DAY

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GEJDENSON. Mr. Speaker, on Monday, May 1, members of the legal profession from

throughout eastern Connecticut will join their colleagues in national observance of Law Day. Law Day is a special day for Americans to celebrate our liberties and to rededicate ourselves to the ideals of equality and justice under law. This year's Law Day theme is "E Pluribus Unum", which serves as a reminder that the United States of America has forged one nation which guarantees equal protection and due process of law to its citizens, who represent all the different cultures, ethnic, racial, and religious groups of the world. This year's theme celebrates the law as the strongest bond in our richly diverse society.

Among the Law Day observances in eastern Connecticut on Monday, May 1, was the award ceremony for winners of the Law Day grade school poster contest and the Law Day high school essay contest. I applaud all the young people who took part in these creative competitions, and I especially want to congratulate the essay contest winner, Christina Alevras, and the poster winners, Mrs. Easter's Kindergarten Class, for their thoughtful efforts and their worthy achievements, in which they and their families should take great pride. I commend the legal community for its efforts to reach out to youth in thoughtful and positive ways that promote respect for law and democracy.

## HOBART ROWEN

### HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GONZALEZ. Mr. Speaker, I take this time to note the passing of Hobart Rowen, who died on April 13, at the age of 76.

Hobart Rowen, as much as anybody, invented the craft of business journalism and economic reporting. He was, as Secretary of the Treasury Rubin noted, pre-eminent in his field. Hobart Rowen was more than a pioneer. He was a master in the field he helped create, which is the field of reporting on business as legitimate news, and the field of interpreting economic events as a matter of genuine public information. Rowen understood that economics is an academic field, but he also understood that economic events have enormous public importance, and need to be reported as issues of basic public concern.

Hobart Rowen started as a copy boy at the Journal of Commerce, but soon became a reporter assigned to commodities. With the outbreak of World War II he was sent to Washington to cover defense expansion and how business responded to war mobilization. He served two years with the War Production Board, and in 1944 went to Newsweek magazine. Ben Bradlee, the fabled editor of the Washington Post, was also at Newsweek, and eventually, as editor of the newspaper, brought Rowen in to become financial editor.

At the Post, Rowan supervised the paper's Sunday business section and expanded the daily business coverage, bringing that page into the real world of reporting and making its impact important to the community and to the nation's understanding of economics, economic policy and business regulation. At Newsweek, Rowen had done a widely admired column on business trends and economic issues, and he continued that work at the Post. Rowen understood the basic economic changes that were taking place, and how those would play out. He understood—and was the first to report—the forces that led to the closing of the gold window, which was the end of the Bretton Woods monetary arrangement, and that the dollar would be devalued. He understood—and was the first to report—the bungled economic policies that led to wage and price controls. And he understood the futility of palliatives like those controls, that basic economic issues must be addressed with realistic policies. This was not happening, and so he lamented how unrealistic policies were leading the nation toward "slow but steady self-strangulation."

And how right he was. Mr. Rowen foresaw the events that so discomfit us today: the slow fall in real income, the slow poisoning of the dollar resulting from a seemingly intractable trade deficit, the folly and virtual insanity of the Reagan era fiscal policy, and much else. Hobart Rowen was, in the words of Ben Bradlee, "the first economics reporter of his generation who could go to a press conference about economics and know more than the guy who gave it." Hobart Rowen, largely the inventor of his craft, certainly did know his beat; he was a sure analyst, a fine craftsman and a first-rate reporter. His achievements earned a long list of awards, probably more than any other reporter in his field.

I am an admirer of Hobart Rowen's work, and an admirer of him as a decent, honorable, thoughtful human being. He made immense contributions to the country, through the diligent and thoughtful exercise of a craft that truly was his own. I applaud his life and salute his achievements. His voice will be sorely missed.

[From the Washington Post, Apr. 14, 1995]

HOBART ROWEN

"Good writing on economic subjects need not be dull," Hobart Rowen once wrote shortly after he joined the staff of this newspaper, and he spent the next three decades daily illustrating the truth of that declaration. He represented a major development in the history of The Post, and of American journalism generally, for he was among the first reporters capable of explaining modern economics to lay readers and illuminating for them the intellectual concepts that were driving public policy.

In a time when daily financial reporting tended heavily toward the ups and downs of the stock market, Mr. Rowen wrote about the world and the international forces that were affecting jobs and incomes here. That was doubly unusual because, in the 1960s, international economics was widely regarded in this country even among professional economists as a marginal subject. The United States dominated the world economy and, the conventional wisdom held, the rest was a minor specialty. That was true enough for the first 20 years or so after World War II, but then that domination began to erode and, as the country discovered in the inflationary 1970s, policy suddenly became much more complex.

As a reporter, Mr. Rowen scored many coups. In the spring of 1967, for example, he earned the memorable hostility of the Johnson administration by quoting the warnings of a "high government official"—later identified as the chairman of the Federal Reserve Board—that the costs of the Vietnam War were going to rise far higher than the president's current estimates. As Mr. Rowen knew, and as later events showed, those warnings were more than adequately justified.

But his real contribution lay less in even the best of the good stories and columns, taken one by one, than in the way he redefined the job of reporting the news of economics and finance. He stood at the junction of economic theory and Washington politics, and with sophistication an energy devoted himself to the job of explaining to readers what was going on. He found that job absorbing, and he kept working at it until his death yesterday at the age of 76.

## IN RECOGNITION OF THE MEN AND WOMEN WHO PARTICIPATE IN FOLK DANCING FOR SELF-EXPRESSION AND ENTERTAINMENT, AND IN PARTICULAR, THOSE OF THE CENTRAL VALLEY SQUARE DANCE CLUB OF FARMINGTON, CT

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to recognize the Central Valley Square Dance Club of Farmington, CT, on the occasion of its 25th anniversary celebration. The club's appreciation of square dancing, both historically and practically, are worthy of distinction.

The Central Valley Squares sponsor dances twice a month from September until June and encourage all dancers, young and old, to participate in a truly noteworthy cultural experience. This wholesome activity transcends age, race, and cultural lines and is deeply rooted in the American experience.

Mr. Speaker, I commend the Central Valley Squares on this accomplishment and join the people of Connecticut in looking forward to their continued success. I am pleased to provide a recent article from the Bristol, CT, Press that describes the Squares activities in greater detail.

[From the Bristol (CT) Press, Apr. 25, 1995]

DANCERS TO CELEBRATE 25 YEARS

Central Valley Squares is celebrating its 25th anniversary. Twenty-five years ago three struggling clubs: Bristol Rhythm Squares, Southington Valley Stompers and Farmington Valley Squares, joined to form the present Central Valley Squares.

The club boasts 110 members with 13 of them as charter members. Club festivities and a special anniversary dance are planned for May 6 at New Horizons Village, Farmington. Internationally known caller, Jim Lee from Ontario, Canada, will call for this special event.

The officers and board members consist of Dan and Shirley Lodovico of Bristol as president; Dick and Lucy Tedesco of Bristol as vice president; Fran and Goldie St. Pierre of Farmington, program coordinators; Al and Beverly Dakers of Farmington, secretary; Ken and Andrea DeMello of Southington, news and corresponding secretary; and Bob and Libby Sujecki of Bristol, treasurer.

Bill and Jessie Saxton of Farmington, ways and means; Tony and Florence D'Angelo of New Britain special events; Hank and John Fitzgerald of Bristol, refreshments; Marcel and Noella Roberge of New Britain, class coordinators; and Joanne and Earl LaVallee of Bristol, travel.

Alan and Anne Bartleet of Bristol, publicity; Arleen Wilson of Bristol, historian; Norman and Pat Landry of Plainville, CASDAC; and John and Mary Napier of New Britain, advertisements.

The plus level dance club dances every first and third Saturday of the month at New Horizons Village, Farmington. New dancers classes begin every September with graduation in May.

Dances are $3.50 per person and are smoke-free and alcohol free. Callers and cuers are nationally and internationally known.

## A CENTURY OF CARING, MEMORIAL BAPTIST CHURCH—CASCADES BAPTIST CHURCH 1895–1995

### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. SMITH of Michigan. Mr. Speaker, on May 7, Cascades Baptist Church will be celebrating its centennial with special services and an open house during the afternoon. The church, originally called Memorial Baptist, was founded in 1895 as a mission work of First Baptist Church in Jackson. The church changed its name in 1959 when it moved to its present location at Bowen and High Streets. Now, one hundred years after its founding, Cascades Baptist is taking a look back over one hundred years of service within the community.

The roots of the church really go back as far as 1882, when a Sunday School was begun in the Griswold Park School by a member of the First Baptist Church. In May of 1882, it was formally made a mission of First Baptist Church under then Pastor L. Kirtley. It was called the Summitville Mission first, then the Butterfield Mission in memoray of Rev. Isaac Butterfield of First Baptist. In 1892, a weekly prayer meeting and Sunday afternoon preaching service began, and in 1895, the cornerstone was laid for the new building on a lot next to the school, right on the northwest corner of Griswold and Third Street. This ceremony was the second of the day for the First Baptist Members, as that same afternoon, they also laid the cornerstone for another mission work, the East Main Street Baptist Church, now the Loomis Park Baptist Church.

The new church faced an early disaster when their building burned in May of 1897. The made the decision to rebuild, and also to become an independent church the same year. In August of that year, they organized with a membership of 34, and laid the foundation for their new building in October. When finished at the end of that year, the new church had taken the name Memorial Baptist.

The church prospered in the years leading up to World War I. During the war, when the school required more property, the church sold its property to the school and moved their church and parsonage both across the road to their present location, at the southeast corner of Griswold and Third. The building was greatly expanded in 1934 with an addition to the east that increased the seating capacity to 249 in the upstairs auditorium. In 1930, the church had begun regular broadcasts on WIBM (then 1370 kHz) that continued periodically up through 1959.

As the church continued to grow, the facilities became much too small in the 1950's. The church decided to build a new facility to accommodate the needs. Accordingly, in 1954, lots were purchased at the corner of High and Bowen, ground was broken in 1955, and a new building completed in 1959. When the church moved in October 1959, the name was changed to Cascaded Baptist Church. The building was built for a cost of $165,000, though valued at $250,000. Volunteer work had greatly helped reduce costs. The mortgage was burned in November 1964.

Later, in 1978 under Paster A.R. Gould, the church underwent a major redecorating on the inside to give it the present warm and attractive interior. Also during Rev. Gould's ministry, the church undertook the ministry of Jackson Baptist Schools, which has grown greatly to a present enrollment of over 375 students. Recently, under present paster, Rev. Berry Jones, the church has added a gym and band facility to their high school. Though valued at nearly a million dollars, the building cost much less due to volunteer labor, and the construction was paid for almost entirely in cash.

Mr. Speaker, I am proud to salute the Cascades Baptist Church as it celebrates a century of caring. This honor is a testament to the past members and those today whose personal interest, strong support, and active participation contributed to this accomplishment. Their future is God's work and I wish them continued success.

## HONORING 100 YEARS OF THE WOODLAWN HEIGHTS TAXPAYERS AND COMMUNITY ASSOCIATION

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. ENGEL. Mr. Speaker, 100 years ago, the residents of the North Bronx established a civic organization called the Woodlawn Heights Taxpayers and Community Association. Their motto was "To Make This a Better Place in Which to Live." And, for 100 years they have lived this motto.

I have had the privilege to work closely with this association on numerous community and neighborhood projects. They have a history of success in making Woodlawn a better place in which to live. These successes have led to a better Bronx and a better New York City. From securing a neighborhood library to preventing a discriminatory tax assessment, from spearheading beautiful programs to keeping open the local fire station, the Woodlawn Heights Taxpayers and Community Association has a record of accomplishment hard to beat.

The people of Woodlawn, of the Bronx, and of New York City have something of which to be very proud.

To the officers past and present and to the members of the Woodlawn Heights Taxpayers and Community Association—Thank you for your efforts, your hard work, and your dedication.

## COMMENDING LORD BRAINE OF WHEATLEY FOR CHAMPIONING THE CASE OF RAOUL WALLENBERG IN THE BRITISH HOUSE OF LORDS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. LANTOS. Mr. Speaker, as we recall the 50th anniversary of the Allied victory over fascism in the Second World War, we cannot forget the individual heroes of the holocaust. The Congress of the United States, always at the forefront of the battle for liberty and human rights, bestowed honorary American citizenship upon Raoul Wallenberg in recognition of his triumphant battle to save as many as 100,000 innocent lives from certain death at the hands of the Nazis.

There are many others around the world who have also dedicated their lives to pursuing the truth behind Wallenberg's disappearance into the gulag and to teaching the world about his heroic deeds. On this day, I wish to commend The Right Honorable Lord Braine of Wheatley for opening debate in the House of Lords about the lost hero of the Holocaust, Raoul Wallenberg. Throughout his 45 years in Parliament, Lord Braine has championed the case of human rights. I ask my colleagues to join me in commending Lord Braine's lifelong efforts, and I offer an excerpt from his opening speech to the parliament on the 50th anniversary of Wallenberg's disappearance.

TEXT OF PROCEEDINGS FROM THE HOUSE OF LORDS, JANUARY 17, 1995

Lord Braine of Wheatley. My Lords, the most terrible, heartbreaking story of man's gross inhumanity to man occurred during the lifetime of many of us. It was the murder of the majority of Europe's Jews by the Nazis. These innocent people, young and old, were slaughtered—not because they posed the remotest threat to the power of the Nazis, but simply because of their religion. It was genocide on a massive scale.

The victims were worked to death, tortured, shot and gassed to death and their bodies burnt in huge incinerators. All of that took place in organised mass killings month after month during the Second World War. If there is a more monstrous story of sustained evil in human history, I have not heard of it.

In that ocean of cruelty and hate in wartime Hungary, one great heroic figure stands out—a brave young Swedish diplomat named Raoul Wallenberg. Indeed, he became one of the greatest heroes of all time. In the closing months of the Second World War, he responded to the appeals of the world Jewish community and left neutral Sweden to do what he could to save what remained of Hungarian Jewry.

So it was that in July 1944, Wallenberg went to what Simon Wiesenthal has referred to as "the slaughterhouse that was Budapest." By that time some five million European Jews had already been cruelly murdered. The Nazis, aware that they were now

losing the war, were obsessed with wiping out those who remained and were within their reach. Four months earlier, they had invaded Hungary with the declared purpose of exterminating that last remaining Jewish community in Europe. Obersturmbannfuhrer Adolf Eichmann was given the task of liquidating the Hungarian Jewish community. It is ironic that the Hungarian Jews, who had survived the longest in Nazi-occupied Europe, were now the quickest to be destroyed. In a two month period, from 15th May to 8th July 1944, 430,000 Hungarian Jews were deported to Auschwitz in sealed cattle trucks.

Raoul Wallenberg became the head of a special department of the Swedish Legation in Budapest, charged with the task of helping the Jews wherever possible. He began by designing a Swedish protective passport to help them to resist both the Germans and Hungarians. Wallenberg had previously learned that both the German and Hungarian bureaucracies had a weakness for symbolism. So he had his passports attractively printed in blue and yellow (Sweden's national colours), displaying Sweden's coat of arms and the appropriate authorisations. I have such a passport, although I have not brought it with me today. It is a work of art. Wallenberg's passports had no validity whatsoever under international law, but they served their purpose, commanding the respect of those they were designed to influence. At first, he had permission to issue only 1,500 passports. But he managed to persuade the Hungarian authorities to let him issue 1,000 more and, by one means or another, managed to get the quota raised again.

Altogether Wallenberg was to save the lives of 100,000 Hungarian Jewish men, women and children. At the risk of his own life, he distributed Swedish passports by the thousands, even following the death marches to the Austrian border, physically pulling people off the trains bound for Nazi concentration camps, confronting at every turn the Nazis and the death squads. He also successfully protected refugees in scores of houses that he bought or rented in Budapest, marking them with the neutral flag of Sweden.

As the Soviet armies encircled Budapest in late 1944, Wallenberg fearlessly continued his work. On 13th January 1945, a Russian soldier saw a man standing alone outside a building with a large Swedish flag flying above its main entrance. It was Wallenberg. Speaking in fluent Russian, Wallenberg told an astonished Soviet sergeant that he was the Swedish charge' d'affaires for those parts of Hungary liberated by the Red Army. He was invited to visit the Soviet military headquarters at Debrecen, east of Budapest.

On his way out of the capital on 17th January with a Soviet escort, Wallenberg and his chauffeur, Vilmos Langfelder, stopped at various "Swedish Houses," where he bade farewell to his friends. He cheerfully told one colleague, Dr. Erno Peto, that he was not sure whether he would be the guest of the Soviets or their prisoner, but he thought he would be back within a week. Alas, he never returned.

According to reliable witnesses, Wallenberg and his driver were arrested and taken to Moscow, where they were thrown into prison. At first, the Soviet authorities maintained that Wallenberg had been taken into custody by the Red Army and that he was under their protection. However, nothing more was heard of him until 1947, when Deputy Foreign Minister Andrei Vyshinsky, in answer to repeated Swedish inquiries, stated that he was not in the Soviet Union and his whereabouts were unknown to them.

That was a blatant lie. Soviet prisoners of war, chiefly German, who were released in the early 1950s confirmed that Wallenberg had indeed been captured and imprisoned in Moscow, first in the dreaded Lubyanka and then in Lefortovskyaya prison. The Swedish Government intensified their inquiries, only to be told by the Soviet authorities that they had nothing to add to what they had said on the subject back in 1947.

Again, during a visit to Moscow in 1956, the Swedish Prime Minister raised the matter with the Soviet leadership. He produced irrefutable evidence that Wallenberg had been imprisoned by the Soviets. The Soviet answer to this was not given until the following year—in the form of a note from the Deputy Foreign Minister Andrei Gromyko to the Swedish Ambassador in Moscow. In that note—to which the Soviet Government have unfailingly referred every time there have been inquiries from the West—it was stated that, as a result of a thorough investigation by the Soviet authorities, it had been discovered that a prisoner named "Walenberg"—with one "l", which is the Lithuanian spelling of the name—had in fact died from a heart attack in 1947 in Lubyanka. It was also asserted that all the documents pertaining to his case had disappeared and that there was only a handwritten report about his death made by the head of the prison hospital service, one A.L. Smoltsov, who had since died. It seems that Smoltsov had informed the Minister for State Security, Abakumov, who himself was later to be executed in the purges of the Security Police, that Wallenberg was dead. Abakumov, of course, was a convenient person to blame for having misled the Soviet Foreign Ministry in the first place. There was lie after lie, deception after deception.

I must tell noble Lords that the Swedish Government have never accepted—and as far as I am aware, no Western government has accepted—the Soviet line that Wallenberg died in 1947. Why should I say that? The answer is that there is abundant evidence that he was alive after that date.

Further evidence did come to light in later years indicating that Wallenberg was alive but imprisoned in the Soviet Union. Indeed the great Russian historian Solzhenitsyn has testified that he met a Swede fitting Wallenberg's description during his own imprisonment.

Is it possible then that Raoul Wallenberg could still be alive? Well, it is not impossible. If he were alive today, he would be just two years older than myself. Spartan conditions have on occasions—many a doctor can testify to this—proved beneficial to a long life. Incredible though it may sound, during his research for the BBC's brilliant "Man Alive" documentary on Wallenberg, John Bierman met a Russian Jew, Leonid Berger, who was allowed to emigrate in 1978 after spending no fewer that 35 years in Soviet jails.

It is my duty to draw your Lordships' attention to rumours being circulated that the family of Raoul Wallenberg now accepts that he is no longer alive. There is no truth in this. Indeed, contact has been made with United States Congressman Tom Lantos, who was himself rescued from death by Wallenberg and is the only survivor of the Holocaust to be elected to the United States Congress. The Congressman's office contacted Nina Lagergren, Wallenberg's half-sister, and she has categorically denied that any member of the Wallenberg family concedes that he is dead. I am happy to take this opportunity of paying a tribute to Congressman Lantos, who has kept Wallenberg's name alive both inside and outside the United States Congress and was also responsible for him being granted honorary American citizenship.

It is now generally accepted that during his stay in Hungary, Wallenberg saved 100,000 lives. We should never, never, never, never forget this. May I humbly suggest that we should honour this brave man by following the example already provided by our American friends and allies by making him an honorary British citizen? In an almost poetic sense, honorary citizenship is uniquely appropriate to Wallenberg quite simply because he used the privilege of Swedish citizenship to save thousands of innocent lives. Indeed, conferring citizenship—the instrument Wallenberg exercised with so much courage, generosity and imagination—accounts not only for the fact that thousands who were granted Swedish citizenship by him are still alive today and have children and grandchildren, but also for the fact that, following his example, other countries which were neutrals in the war—Portugal, Spain, Switzerland, and the Vatican—granted citizenship as a means of saving Jewish lives.

Why then even after all these years should we in Britain honour Wallenberg's name in this way? The answer is that, with no thought for his own safety, in what has been called "the slaughterhouse that was Budapest", he accomplished the impossible. Sometimes alone, sometimes with others, he thwarted the designs of the most murderous regime the civilised world has ever seen. He bribed the unspeakable Nazis; he charmed them on occasions; he lied to them; he certainly threatened and bullied them; and used every other means he could devise to save the lives of the Budapest Jews. He was a Swedish diplomat. He had some authority. He even entered the deportation trains himself to pull of innocent human beings who would otherwise have gone to a cruel death. He worked incessantly, at great personal risk with utter disregard for his own safety, and through the sheer force of his example inspired hundreds of others to assist him.

At the end, when the Red Army entered Budapest, and what little remained of Nazi rule collapsed into anarchy, Wallenberg worked on tirelessly. He told a Swedish diplomat who urged him to seek cover in the Swedish Legation:

"For me there is no choice . . . I'd never be able to go back to Stockholm without knowing inside myself that I'd done all a man could do to save as many Jews as possible."

So it is that we remember Wallenberg because he has become more than a hero of our times. He symbolises the central conflict of our age, the determination to remain human, caring and free in the face of unspeakable tyranny. What Wallenberg represented in Budapest was nothing less than the conscience of the civilised world. By abducting and imprisoning him, the Soviet authorities did more than violate the longstanding rules of diplomacy accepted by civilised nations and their governments, they demonstrated contempt for everything his dedication and bravery in Budapest had achieved.

Yet even the Soviet Union of those days did not succeed in suppressing his achievements. Just as the Nazis could not keep him from his mission, so the Soviets failed to obliterate his legacy.

All mankind owes a great debt to this man, not only for the 100,000 lives he saved, but

also for the example he gave us as to how one man with courage to care, even in history's darkest hour, can become a beacon of light and can make a difference.

There are two very good reasons for remembering this courageous man. First, because as the author of Milan Kundera observes, "The struggle of man against power is the struggle of memory against forgetting." Secondly, to paraphrase Abraham Lincoln, the world may little note nor long remember what we say here, but surely it will always remember what Raoul Wallenberg did to salvage the dignity of the human spirit from what was a hell on earth. It is a great honour to pay tribute to him this afternoon.

## THE PASSAIC SEMIPRO LEAGUE

### HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. MARTINI. Mr. Speaker, there is nothing so truly American as the game of baseball. It, like spring itself, returns each year to capture the imagination of millions as our true national pastime.

We in the Eighth Congressional District of New Jersey have indeed been fortunate to have enjoyed a rich baseball tradition for decades, one that has been carried forth by a high level of competition that has come to characterize the Passaic County Semi-Pro League. On Friday, May 5, 1995, that tradition will again be celebrated with the 10th annual salute to Passaic semipro baseball at the Athenia Veterans Hall in Clifton, NJ. Hosted by the dinner committee of Ted Lublanecki, Jr., Ben Lublanecki, Jean Lublanecki, and Mike Ivanish, I am sure this celebration will be, as usual, a great success fitting of the honorees' accomplishments.

This year's event is made truly special by the highlighting of the careers of men who brought honor to themselves, their teams, and the Passaic Semi-Pro League. The honored group includes Raymond Tkacz, Donald J. Patlen, Gasper Pellegrino, and Jack Kelsall. For the benefit of you and our colleagues, I would like to note some of the accomplishment of these outstanding gentlemen:

Ray Tkacz is the youngest of the honorees this year. He started his baseball career with Wallington High School. After graduation, he moved onto local semipro teams such as the Wallington Hillsides, the Wallington Demchaks, and the Garfield Benignos. Not only was Ray a good team player, but he was a great coach, and he volunteered his time helping many teams achieve greatness. Ray coached in both the Wallington Little League and Babe Ruth League, American Legion Post 347, and Clifton Junior and Senior High School. His persistence and dedication led Passaic County High School and Bergen County American Legion Championships. On and off the field, Ray has always demonstrated the qualities of a winner. Already an inductee of the Bergen County Baseball Hall of Fame, Ray currently resides in Wallington where he continues his active interest in the sport.

Donald J. Patlen was a fine all-around player whose career lasted from 1948 to 1960. He earned two varsity letters for Passaic High School, and graduated from Farleigh Dickinson University in 1955 with a degree in business administration and six varsity letters: four in baseball and two in basketball. His career average at FDU was .350, and he was a Second Team All-East selection.

Donald started playing semipro baseball in Passaic, playing for the Drazins, the Bisons, the Demuro Comets, and the Uncle Sams, before joining one of the best teams in the North Jersey League, the Haledon Granetell Giants. With Donald's help, the Granetell Giants were able to win both the North Jersey and the Essex County League titles in the same year, and then went on to win the Tournament of Champions.

After graduation in 1955, Donald signed with another Giants club, this one of the National League. He went to spring training in 1956 and played with the likes of Willie McCovey, Orlando Cepeda, and Juan Marichal. Playing in Danville, VA, and St. Cloud, MN, Donald was batting .300 and playing centerfield regularly when he was called upon to serve his country in the U.S. Army. His time in the service did not stop him from playing ball, however, as Donald joined the Fort Knox, KY, and Italy baseball teams for the 1956 and 1957 seasons.

After returning home from the Army, he went to spring training again in 1958, being assigned to Corpus Christi, TX. Unfortunately, he was injured 3 weeks into the season and retired from professional baseball. Donald played for 2 more years with the semipro Clifton Dodgers, then stopped playing all together. Like Ray Tkacz, Donald is also a member of the Bergen County Hall of Fame.

Gasper Pellegrino played from 1947 to 1956. A Navy veteran, Gasper attended East Rutherford High School. After graduating, he tried to follow in the footsteps of the greats of his era: DiMaggio, Gehrig, and Ruth. Tryouts with the New York Giants and the St. Louis Cardinals proved unsuccessful, but Gasper continued his career with the Carlstadt Pros, the Passaic Kenyons, the Garfield Nationals, the Uncle Sams, and the Passaic Demuro Comets, helping the Demuro Comets to become one of the best teams of the day. Gasper is a retired letter carrier and lives in West Paterson, NJ.

Jack "Rabbit" Kelsall was a three-sport star at Garfield High School. A second baseman for the baseball team, Jack was the captain for his senior year, 1948, and was selected to the All-State, All-Bergen, and All-Passaic Valley Conference first teams. He went on to play at Stevens Institute of Technology, earning four varsity letters and again becoming captain during his senior year of 1952. Upon graduation Jack was offered a professional contract by the Detroit Tigers, but opted instead for a career in engineering.

Jack's semipro baseball career began in 1946 with the Garfield Jewells A.C. From 1946 to 1955, Jack played for the Garfield Benignos, the Paterson Chevy Red Sox, Passaic Maple Leafs, Bergen Bengals, and the Garfield Bucs, often played 6 or 7 days a week for many years. While his love of playing ball kept him active as a shortstop in a softball league well into his fifties, Jack is now retired, living in Matawan, NJ, where he coached Little League and Babe Ruth teams for 10 years.

Mr. Speaker, each of these individuals, through their countless and diverse contributions to the game of baseball have enriched the heritage of our great game not just in Passaic County, but wherever it is played throughout the world. I ask that you and my colleagues join me in honoring these gentlemen during the 10th annual salute to Passaic semipro baseball.

## TRIBUTE TO SENATOR GONZALO BARRIENTOS

### HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. COLEMAN. Mr. Speaker and Members, I rise today to pay tribute to my friend and former colleague from the Texas State Legislature, Senator Gonzalo Barrientos of Travis County. He will be honored this week at the Texas State Capitol as Texas Governor for a Day. This is a ceremonial honor bestowed on a Texas Senator every 2 years in recognition for his or her service to the State.

Senator Barrientos represents senatorial district 14, encompassing parts of Travis and Hays Counties, which includes the capital of Austin. He serves as chairman of the committee of the whole senate on legislative and congressional redistricting and a member of the senate committees on education, finance, nominations and natural resources. He was elected as senate president pro tempore for the current legislative session. He also chairs the Austin transportation study policy and advisory committee.

Senator Barrientos has always enjoyed and rightly deserves a reputation as an activist legislator with an impressive record of accomplishments. He is a 20-year veteran of the State legislature, having served in the Texas House of Representatives from 1975 to 1985 before his current tenure in the Texas Senate.

Notable among his accomplishments are legislative initiatives relating to elder abuse and high school dropouts. He has championed various issues during his career, including civil and constitutional rights, consumers and tenants' rights, environmental protection, benefits for State employees, efficiency in State government, education reform, health care, affordable housing, and historic preservation.

Prior to his first election, Gonzalo worked as an organizer for the National Urban League; as a program officer for VISTA/Peace Corps; and as a trainer for the Leadership Institute for Community Development in Washington, DC. His background with community organizations has contributed to his sensitivity toward the disenfranchised and powerless, and reflects his working class upbringing in central Texas.

He greatly values his Mexican-American heritage, and uses his position in the Texas Senate to be an advocate for women, the disabled, and all people of color. His work has benefited Hispanics across the country.

Senator Barrientos is the recipient of many awards, including the Texas Public Employees Association Outstanding Legislator of the Year; the Texas Outstanding Public Servants Award; the Texas Association of Community

Development Award of Outstanding Contributor to Community Development, and the Texas Rehabilitation Association's Legislative Excellence Award.

He is a graduate of the University of Texas at Austin. The university continues to be a major force of his work because it is one of his largest constituent organizations. He is proud of his associations with its faculty, students, and the many young people enrolled in public and private schools in the Austin/San Marcos area.

Gonzalo is married to Emma Serrato of Galveston, and they are the parents of five children. He is a devoted husband and father, and is a role model for people across the State.

I am proud to be among Senator Gonzalo Barrientos' many friends. I invite my colleagues in the U.S. Congress to join me in honoring this true Texas hero.

## NATIONAL PROPANE SAFETY WEEK

### HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. TAUZIN. Mr. Speaker, I am pleased to bring to the attention of my colleagues the fact that for over 70 years, the propane gas industry has been making significant contributions to American life with remarkable degrees of dependability, efficiency, and above all safety.

To highlight the industry's sincere concern with safety, the National Propane Gas Association sponsors National Propane Safety Week, which is being held this year from May 1–5. The Safety Awareness Week will include safety demonstrations and anti-tampering messages as well as helpful tips on using gas grills, handling cylinders for recreational vehicles, what to do if a homeowner smells gas, and how to handle a pilot light that won't light.

All across the country, manufacturers, suppliers, and distributors regularly help in educating the over 60 million consumers of propane on the sage use of this gas. Consumers use this common fuel to heat their homes, and barns, dry their crops, and fuel their vehicles and machinery. National Propane Safety Week will play an important role in reinforcing the safety education of those who already have access to this pertinent information, as well as in making it available to those who do not.

A home safety audit, called Gas Check, is another initiative strongly recommended by the National Propane Gas Association throughout Safety Week. Celebrating its 10th anniversary this year, Gas Check® stresses consumer education, and after a thorough examination of operation of propane appliances. This kind of attention to the safety needs of consumers should not go unrecognized or unappreciated.

Mr. Speaker, I would like to stress my support for all of the propane dealers in my district who put safety first, and I encourage my colleagues to do the same. I would also like to personally commend the National Propane Gas Association and its constituent dealers for their efforts to promote public awareness about propane safety issues through their sponsorship of and participation in National Propane Safety Week.

## Dr. E. ALMA FLAGG—ROLE MODEL

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased and honored to inform my colleagues of a special event that was held this past weekend. It was the recognition of a woman who has touched the lives of generations of residents of the greater Newark, NJ community. This genteel woman is Dr. E. Alma Flagg.

Dr. E. Alma Williams Flagg was born in City Point, VA, to the late Hannibal Greene Williams and Caroline Moody Williams. She and her family, which included a sister and three brothers, later settled in Newark, NJ. The traditional family has always been a source of support and it was no different in Dr. Flagg's family. Her widowed mother provided the love, support, encouragement and inspiration that enabled Dr. Flagg to excel.

Dr. Flagg is a graduate of Newark's East Side High School where she became a member of the National Honor Society, served as class poet and was voted most likely to succeed. She continued her education at Newark State College. She earned her master's degree at Montclair State College and the doctor's degree from Columbia University.

Her full-time teaching career began in Washington, DC but she returned to Newark, NJ in 1943 and taught and served as a school administrator in all wards of the city. Throughout her career she has been a trail blazer. In 1964 she was appointed principal of the integrated Hawkins Street School. She became the first African-American woman to hold that distinction. Her appointment as assistant superintendent in charge of curriculum services in 1967 was also a milestone. In 1985 a new elementary school was dedicated and named for her.

Dr. E. Alma Flagg's life is filled with acts that prove she has made a difference. Although retired, she continues to give of herself. Her days are filled with church, community, and various committee work. Her love for life and its participants is evident in her poetry. She and her late husband, Dr. J. Thomas Flagg, have raised two outstanding children—Dr. Thomas L. Flagg, a professor of psychology at Eastern Michigan University, and Luisa Flagg Foley, a Spanish teacher at Cherry Hill High School.

Mr. Speaker, I am sure my colleagues would have joined me as I gave my best wishes to an outstanding human being and consummate role model, Dr. E. Alma Flagg.

## REGARDING MISCELLANEOUS TRADE LEGISLATION

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. COBLE. Mr. Speaker, today I am reintroducing legislation to benefit a small business located in Burlington, North Carolina, which is part of my congressional district. The company is called D&S International, and it actively engages in overseas trade. My bill is virtually identical to other legislation I have sponsored during the previous two terms at the behest of D&S. In fact, last year's bill, H.R. 1318, was included in the House version of the GATT-implementing language.

By way of background, D&S imported four German-made warp knitting machines in the fall of 1988. "Warp knitting machines" are classified under HTS 8447.20.40 and are not dutiable. D&S subsequently sold the machines to a Venezuelan company, which reserved the right to return them to D&S if certain conditions were not met. This, in fact, did occur, and the buyer shipped the machines back to D&S. The Customs "Entry Summary" lists an entry date for this transaction of July 12, 1989, at the port of Charleston.

Here is where the problem arose. The entry documentation classified the machinery as a reentry of goods of U.S. origin. This misclassification was then changed to a second misclassification in which the goods were listed as "knitting machines" under HTS 8447.90.90—dutiable at 4.4 percent.

Upon discovery of the additional duties, D&S contacted its freight forwarder and the U.S. Customs Service. This was done at the customs level by letter and office memorandum. Instead of correcting the classification at this point, however, Customs engaged D&S and the freight forwarder in a series of discussions and exchanges of information.

Pursuant to 19 U.S.C. 1514, such duty protests must be filed within 90 days of liquidation (i.e., the time at which Customs classifies an imported good and gives notice to the importer). While D&S conveyed the necessary information in a timely manner to Customs, the company did not do so by using the technical agency method of documentation, called "Form 19." Since D&S did not use Form 19 within this 90-day period, Customs did not and will not recognize the company protest. The inequity of the situation is therefore manifest: the other correspondence, while accomplishing the same goal as Form 19, is considered worthless for the purposes of protesting a misclassification.

The bottom line is that D&S owes approximately $28,000 in duty with interest accruing daily, effectively inhibiting the ability of the company to do business. Litigation is not a viable alternative, as it will only add to these costs. Accordingly, I urge my colleagues to support this legislation, which simply instructs the Secretary of the Treasury to treat the reentry of the four machines from Venezuela as a duty-free occurrence; and to refund any duties and interest which D&S has paid as a result of the misclassification.

In closing, I should note that the Department of Treasury informed the Ways and Means

Committee last year of its support for H.R. 1318. I am also inserting in the RECORD a copy of a March 15, 1994, correspondence from the General Counsel's office at Treasury which states that failure "* * * to grant relief would cause the importer—D&S—an justice."

I thank the Speaker.

DEPARTMENT OF THE TREASURY,
*Washington, March 15, 1994.*

Hon. DAN ROSTENKOWSKI,
*Chairman, Committee on Ways and Means, U.S. House of Representatives, Washington DC.*

DEAR MR. CHAIRMAN: This letter expresses the views of the Department of the Treasury on H.R. 1318, "To provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties." The bill would authorize the refund of duties mistakenly imposed.

Although the Department generally opposes the enactment of private relief bills where the importer failed to make a timely claim for refund under applicable Customs regulations, the Department does not object to the enactment of H.R. 1318 because not to grant relief would cause the importer an injustice.

D&S International of North Carolina (D&S) imported four warp knitting machines from Germany duty free and sold them to a Venezuelan company. The Venezuelan company then returned the machines to D&S. Upon reentry, Customs mistakenly classified the machines as a reentry of U.S. goods and applied a rate of duty of 4.4 percent. Although D&S timely protested the duty, Customs ruled that the protest was not properly made. As a result, D&S now owes approximately $25,000 in duties on goods which should have been re-entered duty free.

The Senate companion legislation to this bill is S. 1009. A similar letter has been transmitted to the Senate Committee on Finance.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the transmittal of this report to your Committee.

Sincerely,

JEAN E. HANSON.

## TRIBUTE TO LION ERIC C. JACOBSON

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Eric C. Jacobson of Colchester, Connecticut. Mr. Jacobson is a Lion and currently serving them in the position of District Governor of District 23C. This district represents the eastern third of Connecticut. He will step down on June 30 after a year of dedication and hard work.

Mr. Jacobson has been a Lion for 17 years and embodies their motto, "We Serve." He has been President of the Colchester Lions Club where he was honored with the Melvin Jones fellowship, the highest honor of Lions Club International. He went on to serve the Lions as cabinet secretary-treasurer, zone chairman, district chairman, and most recently as lieutenant governor. As district chairman he oversaw Campaign Sight First, a world-wide effort to prevent the curable causes of blindness. As a result of this dedication, the Lions of eastern Connecticut raised more money for this noble cause than for any other project in the district's history.

In his current position as District Governor, Mr. Jacobson spends countless hours working with Lions all over the district. He is called upon to speak to each individual group and is very involved in their activities and projects. With fifty-seven different clubs in the district he will often dedicate five or six days a week to his fellow Lions and serves as liaison with other Lion Club districts in Connecticut. Mr. Jacobson oversees many district wide projects such as the Low Vision Center in Norwich, which provides equipment to the visually impaired to help them see.

Mr. Jacobson serves Connecticut as an inspiration to many people across eastern Connecticut through his hard work and dedication. Not only does he find time to work with his fellow Lions but also to serve the community in other ways. For instance in Colchester, he served on the Youth Services Board of Directors.

I ask my colleagues to join me today in honoring Eric Jacobson, and to wish him and his family the best in the future.

## ARMENIAN GENOCIDE

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. COSTELLO. Mr. Speaker, I rise to join my colleagues today to commemorate the 80th anniversary of the Armenian genocide. In 1915, Armenian religious, political and intellectual leaders were arrested and executed. The campaign of genocide began with this act and resulted in the deaths of over 1.5 million Armenians by 1923.

April 24 is the symbolic day of remembrance for the Armenian community to join together and remember the horrible events of their ancestors. Residents of Armenian heritage in my congressional district believe remembering the past will prevent the world from forgetting.

The Armenian people have maintained their cultural and historical identity with perseverance and pride despite the oppression they endured. That is why I have joined a number of my colleagues in Congress in cosponsoring H. Con. Res. 47 to call on the Republic of Turkey to acknowledge and commemorate the genocide.

I ask my colleagues to join me in remembering the tragedy of the Armenian genocide and in renewing our commitment to human rights. The Congress must stand firm in its resolve to oppose violence and repression against humanity.

## TRIBUTE TO COL. CHARLES L. FOX

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. SPENCE. Mr. Speaker, I would like to recognize Col. Charles L. Fox, Deputy Director, Office of Air Force Legislative Liaison, upon his retirement from the U.S. Air Force and commend him on his distinguished service to the National Security Committee and the U.S. House of Representatives. For the past 3 years, the House has enjoyed the outstanding leadership and commitment to service demonstrated by Colonel Fox. During this period, the Air Force has done an excellent job of providing complete and accurate information for use in Congressional oversight of Air Force programs and has ensured that prompt attention has been given to the many inquiries that Members of the House have made for their constituents.

On behalf of my colleagues, who have had the privilege of working with Colonel Fox, I would like to express our gratitude for his 28 years of honorable service to our country, as he retires from the Air Force.

## 50TH ANNIVERSARY NEW YORK STATE DIVISION OF VETERANS AFFAIRS

### HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 2, 1995*

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize the 50th anniversary of the New York State Division of Veterans' Affairs, which formally occurred April 11 and will be celebrated May 9 in Albany. Like divisions of veteran's affairs all over the country, the New York State Division of Veterans' Affairs provides essential services and support to New York's 1.6 million veterans. In New York's First Congressional District in eastern Long Island, we are especially thankful for these 50 great years of work, as we have the largest concentration of veterans in the Nation.

And to those who have worked in the division of veterans' affairs all of these years, the respect is mutual. For New York's veterans, like all of America's veterans, are the ones who have kept us all safe and secure so that we could enjoy the fruits of our great democracy. They fought our enemies in two world wars, Korea, Vietnam, the Persian Gulf and numerous other military conflicts. They are the ones who have been out there every day during peacetime, patrolling the seas and skies, manning potential front lines and preparing to fight again if the need should arise. We owe our vets everything, Mr. Speaker.

And the New York Division of Veterans' Affairs has been in the forefront of efforts to provide these men and women the benefits they need and deserve. I commend and thank them for all of their service.

I would also like to bring to the House's attention the New York division's new director, an old and dear friend of mine, Mr. John L. Behan, who will be sworn in at the anniversary celebration next Tuesday.

John is a Marine Corps veteran who served with distinction in Vietnam. In 1966, my good friend was severely wounded after engaging the enemy while on patrol near Da Nang. For his bravery, he was decorated seven times and received New York State's highest military

honor, the Conspicuous Service Cross. John suffered the loss of both legs in the incident and was honorably discharged in 1967.

John's spirit never died, though, and he learned to walk and much, much more with the use of artificial limbs. Always an athlete, John achieved a position on the U.S. Wheelchair Olympic Team a few years later. In 1976 he captained the amputee team and won several medals, including three golds, at the first International Games for the Disabled.

Having conquered the sporting world, in 1978 John entered State politics and was elected to the New York State Assembly, where he served until he was appointed by Governor Pataki as director of the New York State Division of Veterans' Affairs in February.

I would like to thank the New York State Division of Veterans' Affairs and their new director, John Behan, for their service to our Nation's heroes, of which John is one. They provide an irreplaceable service to our community and we are indebted to them.