HOUSE OF REPRESENTATIVES—*Tuesday, June 11, 1996*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 11, 1996.

I hereby designate the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties with each party limited to 25 minutes, and each Member other than the majority and the minority leader limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Arizona [Mr. HAYWORTH] for 5 minutes.

THE CREDIBILITY CANYON

Mr. HAYWORTH. Mr. Speaker, I rise this morning first to bring greetings to you and those who look in from the Grand Canyon State of Arizona. As proud as Arizonans and indeed all Americans are of the Grand Canyon, rhetorically and in terms of actions within this city of Washington, DC, there is, indeed, a credibility canyon, not a gap but a canyon, an everwidening chasm between the rhetoric of our President and the reality of his actions and inactions.

The headlines in this morning's Washington Times indicate how this credibility canyon continues to widen. Lists of files may be incomplete. White House stories face Hill questions. But, Mr. Speaker, there are more than questions which will emanate from this Chamber and in committee. There are questions that the American people have about the stewardship of the Presidency, about the veracity of claims made by this President and, again, the disparity between the rhetoric and the reality.

How unfortunate it is, Mr. Speaker, that this administration and, in particular, this President are not defined by the innocent question, what can he do or what can we do together to solve America's problems. Indeed, Mr. Speaker, the question that we hear from coast to coast and, indeed, in the Sixth District of Arizona, is this one: How can the President explain it away this time? What verbal gyrations, gymnastics, contortions will be brought to bear to put the best face on obtaining hundreds of FBI files on members of the Republican Party? Our President would have us believe plaintively that it was "an honest snafu."

Well, he is partially right. Snafu is an accurate term. But as for the first word mentioned, the American people have serious questions.

It is a tragedy that those in the executive branch fail to understand the missive of Mark Twain, who wrote that history does not repeat itself but it rhymes. Mr. Speaker, I read with interest the comments of Daniel Schorr, the liberal media commentator who to his credit in the wake of what transpired 25 years ago during a Republican administration now says of this administration, what makes these people believe that the FBI is their private domain to do their private bidding in terms of political investigations. Indeed, the challenge exists for journalists in this town. Indeed, one wonders where the next team of Woodward and Bernstein might be found, and one also wonders what the results of an investigation would bring or, given the prevailing advocacy of journalists in this town, would the book written be titled, maybe "One or Two of the President's Low-Level Functionaries" instead of the title "All the President's Men."

It is very interesting, Mr. Speaker, to come here from elsewhere, to come here from the heartland of America and to see this dichotomy between rhetoric and reality. Mr. Speaker, this Congress will move to close the credibility canyon.

CONGRATULATIONS TO THE COLORADO AVALANCHE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I hope everybody knows what this is because if they do not, they are going to by the end of the day. In Colorado, this is gold. This is the wonderful jersey of the Avalanche who last night won all of our hearts by winning the Stanley Cup in four straight games—four straight games. And this was their very first season in Colorado.

Now, my district is normally a mile high, but today I think it is 2 miles high. I cannot tell you the excitement. And I know I should apologize to all of you who are here who were awakened last night at about 1:04 in the morning when the winning goal was made, but we are not going to apologize because we think it is great that you were awakened by people from Colorado cheering everywhere.

In fact, we are even talking this morning about renaming the Rocky Mountains to the Hockey Mountains. I think they are going to find that hockey fever has taken over and is absolutely captivating.

Some of the things that I particularly want to point out as we talk today is this wonderful, wonderful team. You just heard 5 minutes of the same kind of thing we hear over and over again. The fabulous thing about this Avalanche team is they have acted as a team. I do not know if it was their marvelous Canadian trained organization, whatever, but you do not see egos popping out. You see them working together and liking each other, and look what they did in 1 year. There may be some real messages there for politicians, some tremendous messages for politicians.

So I think I would be remiss not to thank our wonderful neighbors to the north in Quebec who helped train this great team and, of course, everybody is particularly fond of the goalie who happens to share my first name, but we are so proud of him. But he would not want to be singled out because they really see themselves as a total working unit. That is kind of a novel concept when it comes to politics, but it could be something we could all learn from.

We know today that Colorado is going to be a work-free zone. It is going to be a total work-free zone. The question is whether the whole week we are going to be a work-free zone only because we are celebrating this great victory. I think all of America can celebrate it, and I mean all of North America, Canadians and North Americans because of the great example they set in showing how to do this, how to do this together, how to do this without ego, how to make it not look like they were kind of throwing it to drag it out and make more money, all the things that have circulated around some of

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the things we have heard in professional sports. This is about values, and they have really shown us some tremendous values that are the kind that we traditionally had in sports.

That is wonderful to see come back again. So to see the young people in Colorado out there with their roller blades playing hockey is very exciting. I will tell you, we may not have had the hockey players we would like to have had in the past, but I will bet this next generation is going to be there. It is basically going to be because of the leadership and the example of these wonderful, wonderful men who wore this wonderful, wonderful jersey. I think if anybody wants one of these, good luck. I am not giving mine up, and they are not giving theirs up.

The SPEAKER pro tempore. This gentleman from Florida would say to the gentlewoman from Colorado that she is justifiably proud, but I did find some pain in her comments.

IN HONOR OF EUGENE ROSSITCH, JR., M.D.

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. BURR] is recognized during morning business for 5 minutes.

Mr. BURR. Mr. Speaker, this Sunday is Father's Day, a day when millions of Americans will thank their fathers for the special role they play in all our lives—for being a protector and a provider, for being a counselor, a mentor and a friend. On this morning, I would like to take a few moments to share with my colleagues the story of a gifted doctor, a trusted teacher and most importantly a wonderful father, the story of Dr. Eugene Rossitch, Jr.

On November 18, 1994, Gene Rossitch drowned off a Florida beach while successfully saving his young son. I would like to focus this morning, however, on the inspirational life of Gene Rossitch, who accomplished so much in his 35 years with us.

On February 18, 1959, in Guines, Cuba, Eugene and Carmen Rossitch were blessed by the birth of their first child, Gene Rossitch, Jr. In 1962, when little Gene was 3 years old, his parents left Cuba with only one suitcase and their wedding picture and moved the family to the United States. The Rossitches settled in my hometown of Winston-Salem, NC, where they raised Gene and his four younger brothers.

With the support and guidance of a loving and successful family, Gene began to compile a record of extraordinary academic achievement that marked his entire life. While in high school, Gene was the State president of the North Carolina National Honor Society before graduating first in his class from Bishop McGuiness High School in Winston-Salem.

Gene then attended the University of North Carolina at Chapel Hill as a Morehead Scholar. He graduated from UNC Phi Beta Kappa and then pursued his medical studies at the Duke University School of Medicine. While at Duke, Gene was awarded the John H. Watson, Jr., Medical Fellowship and was inducted into the Alpha Omega Alpha Medical Honor Society.

Following his internship at the Duke University Medical Center, Gene began his residency in neurological surgery at Duke, which included 2 years as a research fellow in neurosurgery at Brigham and Women's and Children's Hospitals. During that time, Gene became the first recipient of the Cushing History of Medicine Fellowship. And shortly thereafter, he completed a clinical fellowship in spinal surgery at Duke.

Gene's remarkable career then led him back to Massachusetts, where he was appointed assistant professor of surgery at Harvard Medical School and attending neurosurgeon at the Brigham and Women's and Children's Hospitals in 1992. Gene was the spinal surgery specialist at both hospitals.

Dr. Gene Rossitch's service was not limited to the operating room. Gene served on the premedical advisory board of the Currier House at Harvard University, on the Greater Boston Spinal Cord Injury Planning Counsel, and on the emergency medical services task force on spinal cord injury. Gene was also very active in national neurosurgery organizations. For example, he was chairman of the program evaluation committee for the 1994 Congress of Neurological Surgeons Annual Meeting and he had major roles in several other national meetings.

Dr. Gene Rossitch's commitment to finding new ways to treat spinal injury patients can be found in the 61 original scientific journal publications he either authored or coauthored. Gene was also the coeditor of three books. Two dealt with the history of neurosurgery and the third, "A Handbook of Neurosurgery for House Officers and Medical Students." demonstrates Gene's desire to share his vast knowledge with his fellow surgeons of how to treat spinal cord injuries.

While at the Brigham and Women's and Children's Hospitals, Dr. Rossitch supervised the research work of a number of medical students, residents and visiting research fellows. Gene also served as a preceptor for the Introduction to Clinical Medicine Course at the Harvard Medical School.

I have never encountered a more impressive record of service and achievement than that of Dr. Gene Rossitch, Jr. He was recognized by his patients and by those in his field as a gifted and gentle surgeon and caregiver, as an innovative researcher, and as a trusted mentor and teacher of spinal cord injury medicine.

Dr. Gene Rossitch's career is a testament to this young man's dedication to his studies, his sincere concern for his fellow man, and to a willingness to fully utilize the gifts that God bestowed upon him. But as a friend of the Rossitches, I know that the true center of Gene's remarkable life was his family. Gene met his wife Cindy while attending the Duke University School of Medicine and was blessed with three children: Eugene III, Katharine, and Elizabeth. And despite the demands of his clinical schedule, Gene always found time to spend with his family and could be seen on weekends at Chuck E. Cheese, art galleries, and ice cream parlors with his wife and children.

Perhaps the best way to look at how special a person Gene was is to see him through the eyes of the mother of one of his patients. The day before Gene left for Florida with his family for their vacation, he performed a 7-hour operation repairing a congenital abnormality in the neck of Michael O'Loughlin, a 12-year-old boy.

The night before Mike's surgery, the boy was in terrible pain and Mrs. O'Loughlin asked Gene whether they were doing the right thing by operating. Mrs. O'Loughlin remembers asking Dr. Rossitch whether he would perform the operation if Mike were his own son. Gene told here, "Absolutely, without question." Mrs. O'Loughlin tells how Gene insisted that the operation be done at Brigham and Women's Hospital because he preferred their operating room. And when the hospital refused to take Mike because he was underage and underweight, Gene went before the hospital board to get permission.

The day of the operation, the procedure took much longer than the family expected. But at 7 o'clock, Gene Rossitch came out to tell them everything had gone perfectly. Gene also told the family that the x rays had not shown how serious the problem had been and how glad he was that he had performed the operation before leaving on vacation. Mrs. O'Loughlin says, "I absolutely believe Gene Rossitch saved Mike's life."

A few days later, Gene's last heroic act was to save his own son from drowning in choppy ocean waters near Ft. Lauderdale. I find Gene's last, heroic act a fitting one because Gene Rossitch's lifwork had been saving the lives of others.

And since his death, his colleagues have seen fit to honor the life and work of Gene Rossitch. The Humane Society of the Commonwealth of Massachusetts has honored Gene with their silver medal and has donated $2,500 toward a children's fund named in honor of Dr. Rossitch that has been established at Brigham and Children's Hospital. On June 27, there will be a dedication of the Eugene Rossitch, Jr., M.D. Residents' Library at the Brigham and Children's Hospital in Boston, MA. And finally, on November 22, the Duke Medical Alumni Association will honor

Gene Rossitch by posthumously awarding him its Humanitarian Award.

Literally thousands of people enjoy more fulfilling lives because they were touched by the life of Gene Rossitch. And on this Father's Day, I will join Gene's family, his colleagues, his patients, and his community in thanking God that I was fortunate enough to come into contact with the remarkable life of Dr. Gene Rossitch, Jr.

□ 0915

DOLE LEAVING THE SCENE

The SPEAKER pro tempore (Mr. SHAW). Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 5 minutes.

Mr. DURBIN. Mr. Speaker, today is the day of the "great escape." The presumptive Republican Presidential nominee, ROBERT DOLE, is leaving the U.S. Senate after 35 years of service on Capitol Hill.

As a loyal Democrat, let me first salute Mr. DOLE. His service to his country, both in World War II and since, has been exemplary. He has been a legislative leader, one that is virtually unparalleled in terms of his own party's leadership, and he has been at the table when many of the most important legislative achievements of the last several generations have been enacted, and I salute him for that.

But I certainly do understand why he wants to escape from the 104th Congress, the Congress which the gentleman from Georgia [Mr. GINGRICH] called his "revolution."

Take a look at what Mr. DOLE is leaving behind as he leaves Washington, DC. First, the failure of this 104th Republican Congress to enact meaningful health insurance reform. Families that I speak to across the State of Illinois and around the country are justifiably concerned about the availability and cost of health insurance. There is a bipartisan bill, the Kennedy-Kassebaum bill, that is languishing now between the House and the Senate waiting for enactment. Mr. DOLE will be leaving Washington without the enactment of this important health insurance reform legislation to help working families.

Second, Mr. DOLE is leaving town without a minimum-wage increase. That is something that is long overdue. Fortunately, 30 or 40 Republicans broke from Speaker GINGRICH here in the House of Representatives and joined the Democrats in passing minimum-wage increase legislation just a few weeks ago, but Mr. DOLE will be leaving town without this bill being enacted into law.

He came into Chicago a few weeks ago and took off his tie, and put on a sports coat and said, "I'm just a plain individual out here running for President, just one of the people." I hope he gets a chance in that capacity to meet some minimum-wage workers, and I hope they get a chance to ask Mr. DOLE why he left town without helping them and their families cope with the increasing cost of raising their families and providing for a sound future.

He will be leaving town without a balanced budget, and that is something which could have been achieved with bipartisan cooperation.

Mr. DOLE will be leaving Washington without this 104th Congress having acted to expand access to educational opportunity. Instead, the Gingrich-Dole agenda cut back on college student loans for kids from working families. I do not understand that. I would not be standing here today if it were not for a college student loan through the Federal Government. My story has been repeated millions of times over in the United States: kids from working families who could not afford college tuition turn to the Government for a helping hand. Instead of providing that hand, the Gingrich-Dole Congress has basically cut off educational opportunity for so many kids, not only at the college level but also at the lower levels.

There has been no real welfare reform when there should have been. We ought to be able to agree that this welfare system can be reformed meaningfully, that we can, in fact, have provisions that are tough on work but not tough on kids, and unfortunately the Gingrich-Dole proposal was not one that really would reform welfare and help people come off of welfare and become taxpayers.

There are no tax cuts for working families that Mr. DOLE can point to from the 104th Congress. The Gingrich-Dole Republicans have wanted to make tax cuts for the wealthy, to cut Medicare to come up with money to give to wealthy individuals.

But what the President has proposed is much more sensible: Let us give working families a helping hand to pay for the college education of their kids. Now, that is something that families all over America can identify with. People, when they have a new baby in the family, go over and greet the new baby and congratulate the new parents, and after a few minutes inevitably the conversation turns to, well, we better start saving some money for this little boy or this little girl and their college education.

President Clinton has a proposal to give working families a helping hand, a tax deduction or a tax credit to pay for college education expenses. Mr. GINGRICH and Mr. DOLE will hear nothing of this, and, as a consequence, Mr. DOLE will leave Washington without having done anything in the 104th Congress to help expand that opportunity.

There have been no improvements in pension security. A lot of workers across America are paying into pension funds wondering if the time comes when they retire that the money will be there. The gentleman from Georgia [GINGRICH] has provided in his own bill opportunities for corporations to raid these pension funds. The people that I speak to, the workers I speak to, want security in those pension funds. It is a shame that Mr. DOLE is leaving Washington without the 104th Congress having addressed that.

And, finally, no improvements in environmental protection. In fact, the Republican budget that Mr. GINGRICH and Mr. DOLE worked on would cut the number of Superfund sites that will be eradicated in this country.

It is understandable that Mr. DOLE is leaving Washington. Certainly we can understand why a presidential candidate would want to leave the scene of this political accident known as the 104th Congress.

IT IS TIME TO FACE OUR REAL PROBLEMS IN THIS COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker and my colleagues, I picked up this morning's newspaper with dismay and read about the President of the United States traveling across the country. I guess he was in Las Vegas yesterday looking for answers to some of the problems facing our Nation. In particular he said he is obsessed with the juvenile crime problems. So he is wandering around the country trying to find out what has caused juvenile crime.

I submit, Mr. Speaker and my colleagues, he does not really have to look too far. All he has to do is look at his policies and see what has generated crime particularly with our juveniles in this country. I submit, Mr. Speaker, that if we look at the policy of the past 40 years—the policy of the other side of the aisle, we will see what they have sown we are now reaping with our children.

I submit that people who laughed at Dan Quayle when he talked about family values are now having a sober moment, and all we need do my colleagues, is look at what we have legislated in this country to see what our children are doing. I submit, Mr. Speaker, that the President of the United States can offer curfews, he can offer uniforms, he can offer to regulate cigarettes, he can offer to put v-chips in televisions, and those are not the answers of what is wrong or what will cure the problems with our young people.

I say to my colleagues that what this Congress has done, creating a system of dependency, creating a system of welfare, creating a system where a

child has not seen a parent work, where we have lost the work ethic, where the answer is that government should come up with another program, another credit, another directive from Washington; that is what the answers have been, and this is what we receive.

And then we look at the problems. The President is meeting with local law enforcement agencies' officers and agencies, and I have met with them, and they tell us that 70 percent of the crime in this country is related to drugs. We spent, during the Reagan and the Bush administration, years getting drug use to go down, telling students just say "no," and what did this President do? First he fired just about everyone in the drug czar's office. What was his next step? He hired a chief health officer of the country, who turned into a farce, Jocelyn Elders, and what did she say? She said, "Just say 'maybe'." Our kids are not dumb; they saw what this meant: Try it. And they are trying it, and we are reaping the harvest of this administration.

And then he cut interdiction, interdiction, 70 percent of the drugs coming through Mexico, and rewarded Mexico. This is the policy that we have seen. We know we can legislate, and unless we pass legislation that encourages families to care for their own, unless we return to Judeo-Christian values, until we have a tax policy that does not take away opportunities for our young people to work with minimum wage, unless we say that, "Children, yes, you have to work and you will receive. We must stop asking what Washington can do for you. It's what you can do for yourself."

Until we get back to some work ethic in this country, until we stop forcing people to live in public housing—I saw on television where a little girl choked to death on a roach in public housing and last night watched on TV the public housing that we would not put our dog in, and that is the alternative that is offered by the other side, these old ideas, and that is what we are seeing in our public housing facilities.

So the problem is here in Congress. We have created the problem. And we will have a choice, the American people will have a choice. Do we continue down the path of the last 40 years, do we continue with ignoring the drug policy? The President mentioned children in one speech 46 times, but he rarely mentions the drug problem in this country: heroin on the increase, methamphetamines, designer drugs, cocaine, marijuana that is frying the brains of our young people, and he will not mention it, and the media will not mention it.

Someone has got to mention it because this is destroying this generation, and I have had it with this administration, I have had it with this President, and I have had it with the solutions of the other side of this aisle, and it is time we got serious and answered the real problems facing our children and our country.

AMERICAN WORKERS NEED PORTABILITY IN HEALTH INSURANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 4 minutes.

Mr. PALLONE. Mr. Speaker, today is a very sad day from the point of view of the Nation's health insurance needs, and I say that because later on this morning there will be a motion to go to conference on the health care insurance reform bill, the Kennedy-Kassebaum bill as it is known, and will also be dealing with a budget that has come back from a conference between the House and the Senate which makes major negative—has a major negative impact on the Medicare and Medicaid Program. And it really did not have to be this way, but unfortunately the Republican leadership keeps insisting on raiding Medicare and Medicaid primarily to pay tax breaks for wealthy Americans and also insists on putting in what I call, and the President has called, I think, the poison pill into the Kennedy-Kassebaum health care reform legislation of medical savings accounts.

If I could just take a minute, Mr. Speaker, to explain why I think that there are some very bad developments that are occurring today primarily because of the Republican leadership's insistence on catering to special interests. The Kennedy-Kassebaum health care reform bill was basically put forward by the two Senators on a bipartisan basis because they recognized that increasingly it is difficult for many people to get health insurance in this country. People who were working, people who are out there who are employed have a difficult time getting health insurance or transferring their health insurance if they lose their jobs or they go to a new job. And so on a bipartisan basis the Senators, Senator KENNEDY and Senator KASSEBAUM, said that they would like to make some changes, relatively minor changes, but still significant for a lot of people in this country, that would allow people, when they lose a job or change jobs, to take their health insurance with them, this so-called portability concept, and also that people who have preexisting conditions, who have had handicaps, who have operations or whatever, who oftentimes find it difficult to buy health insurance would not be shortchanged, would still be able to buy health insurance because preexisting conditions, health conditions, could not be a basis, in many cases, for denying them coverage.

Well, we were all very much in favor of that. But here comes the Republican leadership, specifically Speaker GINGRICH, that want to attach to that very good legislation what they call medical savings accounts, which I call nothing more than a way for the healthy and the wealthy in this country to take advantage of health insurance at the expense of everyone else. What medical savings accounts do is basically allow people to opt for catastrophic coverage, and they pay out of pocket for the coverage for other daily expenses that are not part of that catastrophic umbrella policy.

The problem with it is that it breaks the health insurance pool. The reason why health insurance stays at a certain level and the price does not go up even more is because everyone is in the insurance pool. But if we take the healthy and wealthy out of the pool and we give them a catastrophic umbrella policy, then the people that are left in the insurance pool end up paying more because they are poorer and less healthy. And that is what the medical savings accounts seek to do. They are healthy, wealthy savings accounts essentially, and we know that the consequence of them is that the average costs of health insurance will go up for those people who are employed and in the work force.

□ 0930

So I once again say today, we must put a stop to this Republican policy. Essentially it is an effort to act for special interests. There is the Golden Rule Insurance Co. that has contributed a lot to the Republican Party over the years that has been advocating these special type of accounts for the healthy and the wealthy and until we put a stop to it we are not going to see the basic health insurance reforms that are important as part of the Kennedy-Kassebaum bill. We also have the budget coming up today which once again makes deep cuts in Medicare and Medicaid to pay primarily for tax breaks for wealthy Americans. On Medicare what we are seeing is cuts of about $168 billion and also major restructuring of Medicare that will result in doctors being allowed for the first time to overcharge the seniors. Seniors right now are capped.

The SPEAKER pro tempore (Mr. SHAW). The time of the gentleman has expired.

MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized during morning business for 4 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, a lot of people who are here today and Members that are watching in their offices, this is our morning hour that each of us can get up and talk at this time for 4 minutes on issues that concern us.

A lot of us, whether you are Republican or Democrat, were concerned last week about the Medicare trustees issuing their report on the status of the Medicare trust fund. The trustees said that if nothing is done, the trust fund will be insolvent in the year 2001. This is a serious problem which the Congress should address in a bipartisan way.

However, instead of addressing this short-term problem of Medicare, because it is a short term, it was addressed in 1993 and extended it, and now we need to do it again. We should have done it in 1995 and now we should do it in 1996, to move the year out from 2001 to 2005 and hopefully 2010. But the Republican majority continue to insist that the way to do that is to cut Medicare trust funds and yet at the same time provide even more money in tax cuts.

Again this year the numbers have gone down. In 1995 we were looking at $270 billion cuts in Medicare and $245 billion in tax cuts. Well, this year it has gone down to where we want to cut $168 billion in Medicare over 6 years and provide another $176 billion in tax cuts. The cuts in Medicare are the cuts in the expected growth. The reason that is hard, I know a lot of times people listen and say, "Well, it's not really a cut in Medicare," and it is not. There is a growth in Medicare. But we have to have the expected growth in Medicare because there are more seniors growing into Medicare every day and if we just match inflation, then we are going behind and the people who are there now, the 70-year-olds, the 80-year-olds who are on Medicare are going to see a cut in the services they have. That is why it is a cut in Medicare even though it is a cut in the growth. But again we need to deal with Medicare and not talk about the tax cuts because they are irresponsible.

There is no free lunch. We learned that in the 1980's when Congress passed tax cut after tax cut and yet increased spending. You cannot cut taxes and increase spending. That is what they are looking for. There is no pain-free that you can do. But they have conveniently forgot that the last time Congress did this in the 1980's with a Republican President and Democratic Congresses, that is why we now have a $5 trillion debt, and that is why it needs to be dealt with. But that was not done just by Democrats. In fact the last balanced budget we had in this country was in 1969 at the height of the Vietnam war and also at the height of the Great Society. So do not let anyone tell you that the Great Society causes debt. It is Congress not being able to control its expenditures on a yearly basis. We are still living with these consequences of the 1980's.

Now we have the summer movie season. For a year and a half the Republicans have been trying to write a sequel to the supply-side deficit from the 1980's. We call that "The Original." In Congress they offered the tax cuts and told the public we would grow ourselves out of deficits and into prosperity. In the sequel now we are seeing they want to offset their tax cuts with Medicare cuts. Unfortunately for the American people the sequels are rarely as good as the original and that is what worries me.

One of the other ways that they talk about preserving Medicare is medical savings accounts. Again we are considering a bill today for health care for everyone and hopefully we would have a health care reform bill. But it is going to die on the cross of the medical savings accounts and that is what is frustrating, because medical savings accounts, I can go out now or any individual can go out and buy a high deductible insurance policy now that says, "OK, I'll pay my first $5,000." The problem is that the Republicans and medical savings accounts want to give that $5,000 as a deductible on their taxes. This is the same Congress in the 1980's that removed the tax deductions for average individuals for buying regular medical care policies. If we are going to do it for the rich, then we need to do it for everyone who buys any type of health care policy. Let us make all health care premiums deductible and not just those for the rich.

HOUSE SET TO ELIMINATE BILINGUAL VOTING BALLOTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, later today the House Judiciary Committee will mark up legislation repealing the federally mandated law which requires bilingual voting ballots. It is about time this action was taken.

In the United States today there are some 375 voting districts across this country that require the printing of ballots in foreign languages.

In theory, these services should not be needed at all. Voting rights are extended to American citizens and, by law, English is a requirement for citizenship in this country. In 1905 this Congress passed a law that said that in order for one to be a citizen and to vote, one had to have a working knowledge of the English language, so we should not even be providing government services in direct contradiction to the spirit of the law.

So I think this legislation which is before the Committee on the Judiciary today is preeminently legislation that we should be addressing now and should also be voting on this session of the Congress. These services of bilingual ballots are very expensive and unnecessary. By and large, multilingual ballots are rarely requested and even less often used than they are anticipated.

In one recent election in California, it cost something like $100 per ballot that was used. So not only are bilingual ballots in contradiction to the present law, the spirit of the law, but also they cost the taxpayers one heck of a lot of money.

These ballots have other, more serious costs associated with them, too. For example, providing these special services creates the fiction that newcomers in this country can enjoy all the benefits of citizenship without learning the language of the land.

It is important to remember that if one wants to be successful and have their children be successful in our country, that the new Americans I think realize more than anyone else that the ladder of opportunity, the rungs of that, are the English language. Because in order for one to read a want ad, in order for one to fill out applications, in order for one to become integrated into the society, English is extremely important. One cannot become successful unless one has a good understanding of the English language. I think reality tells us that this is true.

Also, exercising one's rights of citizenship involves more than just casting a vote. It means making a thoughtful decision regarding the issues and the candidate. Multilingual voting ballots give individuals the right to vote without granting them the power to cast an informed vote. How can a person who is not versed in at least a working knowledge of the English language take part in the political campaign, listen to the debates, listen to the issues and therefore cast an informed ballot?

Mr. Speaker, multilingual ballots are another vestige of the 1960's obsession with the Great Society and the caretaker state in the 1960's, when we had the Great Society and government was going to do everything for everybody. Now this vision of government is bankrupt and we must dismantle the legislative relics of that era. That is why the legislation which is only a first step that is being taken up in the Committee on the Judiciary today is so important, because it is getting us back on the track of commonsense government again.

THE 104TH CONGRESS IS LEAST PRODUCTIVE SINCE WORLD WAR II

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 5 minutes.

Ms. DELAURO. Mr. Speaker, today is BOB DOLE's last day in the U.S. Senate. I would like to salute the legacy of outstanding public service that BOB DOLE has given to this great country of ours.

While it is his last day, I truly do understand why he would like to depart the Congress of the United States. If we take a look at what has occurred in the 104th Congress, we can get some idea why anyone would want to distance themselves from this failed 104th Congress.

The gridlock strategies that have been imposed by the Speaker of the House, Mr. GINGRICH, have led to the dubious distinction for the GOP-controlled 104th Congress as the least productive Congress since World War II. By any measure, the 104th Congress has been a failure.

This lack of productivity of this Congress has been noted by neutral commentators. Helen Dewar of the Washington Post has written, "Their ambitions have far outstripped their legislative achievements, resulting in one of the least productive sessions in modern history, a session long on promise and short on results." Similarly Kevin Phillips, who is a partisan, a Republican analyst, has noted, "The 104th Congress may be the worst in 50 years."

First we can examine the number of bills that have been enacted, and as of June 11 this Dole-Gingrich Congress has enacted a total of 150 public laws, the lowest total at this point in the Congress going back to World War II. Second, not only have they failed to pass a number of laws, but what they have succeeded in doing is doing harm to men, women, and children in this country.

If we do not want to take a look at the numbers and numbers of laws that have been passed, that is fair. But what we do need to do is take a look at policy, and what kind of policy have they implemented and what kind of policy have they tried to derail. Let us take a look at that. By pursuing an extremist agenda, the Dole-Gingrich Congress has failed to deliver any kind of results to the American people.

Specifically, no health insurance reform, no minimum wage increase, no balanced budget, no expansion of access to educational opportunity, as a matter of fact, cutting off avenues of educational opportunity to young men and women in this country and cutting a school loan program. I could not have gone to college without student loans. Why do others who have them and had them in coming here want to let them go for others in this country? No welfare reform. No tax cuts. No improvements in pension security, and no improvements in environmental protection.

Let me tell my colleagues one specific area in which they will do and are contemplating doing great harm to the American public, and that is in the area of Medicare and Medicaid, hurting seniors in this country. All they are asking, after a lifetime of work and playing by the rules, is a decent and a dignified and a secure retirement.

Today on this floor we will discuss a budget resolution that has come back after being debated by the House and the Senate, and the stakes are high in this debate today because Medicare and Medicaid are going to be cut in a sweeping way if the Republican majority has its way, if Mr. GINGRICH has his way. Today 37 million seniors depend on Medicare, and we in the Congress have a solemn obligation to make sure that they can count on it. Medicare must be protected.

Medicare and Medicaid once again are on the chopping block, with a $168 billion cut in the Medicare Program, $72 billion in the Medicaid Program. Let me just say that today 99 percent of our seniors are covered through the Medicare Program. They have health insurance because of Medicare.

□ 0945

There are people here who would tell you they are not going to cut this program, and in fact that is precisely what they are going to do. They are going to remove the restrictions that are now placed on doctors and hospitals, where they cannot overcharge seniors. Those will be gone.

I implore the American public, listen to the debate today, and do not allow this Gingrich Congress to do harm to seniors in this country.

RECESS

The SPEAKER pro tempore (Mr. SHAW). Pursuant to clause 12 of rule I, the House stands in recess until 10 a.m.

Accordingly (at 9 o'clock and 45 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Reverend Dr. Donald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer.

Almighty God, You are the giver of all that is good and the provider of all that is needed, so we offer our gratitude this day for Your many gifts and blessings. For the diversity of Your created order seen all about us in the animal, vegetable, and mineral worlds, for the beauty of life which can be observed in plants, the places, and the people of Your kingdom, our voices join together to proclaim our gratitude. Yet, we must also confess that we have sometimes allowed Your gift of diversity to divide us and thereby allow animosity, hatred, and even bigotry to enter our lives and Your world. We acknowledge, that our sometimes frantic activity has permitted us to be less than grateful for nature's beauty of color and its symphony of music provided without cost to one and all alike. Good Lord, forgive us. So, we begin this day, with bowed heads and humble spirits accepting our dependency upon You, offering our gratitude for Your kindness, and seeking mercy for our shortcomings. Amen.

THE JOURNAL

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

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

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. TRAFICANT. 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. Pursuant to the provisions of clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

LET US GET TO THE TRUTH NOW ABOUT WHY THE WHITE HOUSE OBTAINED FBI FILES ON 349 REPUBLICANS

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

Mr. BOEHNER. Mr. Speaker, by now we all know about the White House's FBI files, background files, on some 349 Republicans here in Washington. A couple of them happened to be staffers that work for me. Now, only the White House knows why they asked for these files, and only the White House knows what they have done with these files over the last several years.

Mr. Speaker, I think it is time for the White House to come clean, to work with the FBI so that we have no more coverups, and that we get to the bottom of this truth on this issue now, not after the election in November.

AFRICAN-AMERICAN CHURCH ARSON

(Mrs. CLAYTON asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, there have been 32 suspicious fires at African-American churches across the United States since 1995. It is time for Congress to stand up and speak out.

Last Thursday, when the Matthews-Murkland Presbyterian Church in Charlotte, NC, became another one of the churches to be burned over the past 18 months, the shock and amazement of this deed left me dazed and numb.

How could anyone violate what is most precious to our society? That is why I want to urge all of my colleagues to use this week to rise in swift and resounding voices to condemn this evil and to demonstrate that it will not be tolerated.

First, we should all support the bipartisan legislation introduced by our colleagues, Mr. CONYERS and Mr. HYDE. That legislation would make it easier to bring prosecutions and stiffen the penalties against those who target houses of worship.

Second, I would urge support for a resolution I am introducing, calling on the collective outrage of Congress and condemning the arson. And, finally, we should all, work within our respective communities to help prevent future arson.

There is a time to keep silence and a time to speak. Now is a time to speak.

THE ANSWERS AND EXCUSES, MY FRIENDS, ARE BLOWING IN THE WIND

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

Mr. FUNDERBURK. Mr. Speaker, how many FBI files must a President search before he becomes a President? The answers and excuses, my friends, are blowing in the wind, the excuses are blowing in the wind.

How long must 341 files be kept until the Clinton administration has a chance to read them? The answers and excuses, my friends, are blowing in the wind, the excuses are blowing in the wind.

How many White House employees does it take to gather an enemies list? The answers and excuses, my friends, are blowing in the wind, the excuses are blowing in the wind.

Finally, how long does it take before the Clinton administration puts an end to all the coverups? The answer, Mr. Speaker, appears to be blowing in the White House wind.

OUR VETERANS DESERVE BETTER THAN EMPTY REPUBLICAN RHETORIC

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

Mr. FILNER. Mr. Speaker, for over 50 years veterans' programs and benefits have been viewed as matters far too important for partisan bickering. Democrats and Republicans worked together to create the most generous and successful array of veterans' programs in the world.

Unfortunately, this bipartisan tradition supporting veterans' matters is in the process of being destroyed by our colleagues on the other side of the aisle. We have all heard and read the rhetoric put out by our Republican colleagues asserting their strong support for our Nation's veterans, and they have implied that President Clinton does not care about veterans; in fact, that he would balance the budget on the backs of veterans.

But, Mr. Speaker, let us look at the facts. The Republican budget that has been presented for fiscal year 1997 slashes the President's request for veterans' funding by $573 million. Our Nation's veterans deserve better than empty Republican rhetoric. They have more than earned our real support and respect.

Mr. Speaker, let us quit playing games with this special group of citizens and get down to the hard work of establishing and maintaining meaningful programs and benefits for our veterans.

IT MAKES YOU WONDER, DOESN'T IT?

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

Mr. HEFLEY. Mr. Speaker, during the 1992 campaign, Bill Clinton was asked to sign a waiver that would have authorized the FBI to make public any files that revealed his anti-Vietnam war activity. He refused. In fact here is what his press secretary said at the time: "It's a personal file. He's not going to do it."

But after the election, after Bill Clinton was in the White House, suddenly all of his anxieties about looking through other people's FBI files disappeared into thin air. Someone at the White House authorized a search of 341 Reagan and Bush administration employees, including James Baker, the Secretary of State.

So, let me get this straight. The President who was morally indignant at anyone wanting to look at his FBI file, is now looking through the FBI files of his political opponents.

It makes you wonder, doesn't it, Mr. Speaker?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALKER). The Chair reminds Members that they are not to use personal references to the President of the United States.

WHITE HOUSE MISTAKENLY OBTAINS SECRET FBI FILES

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

Mr. TRAFICANT. The White House said they made a mistake when they improperly obtained secret FBI files on 339 Americans who just happened to be friends of Mr. Reagan and Mr. Bush. Mistake? Who is kidding whom here? This was a deliberate political act. It is disgusting. It is wrong.

But what really grabs me is how many ways can you destroy a family? Billy Dale, the boss of the travel office, targeted, fired, acquitted in less than 90 minutes. Shame, ladies and gentlemen. Whether it is a Democrat or a Republican, anyone who uses the power of the FBI and the IRS to target political opponents is not only wrong, they may have committed a crime.

There should be an investigation. And, as a Democrat, I say when we play partisanship with political machinations like this, we throw the Constitution out.

WHITE HOUSE "SO WHAT" RESPONSE

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

Mr. WATTS of Oklahoma. Mr. Speaker, it was reported over the weekend that the Clinton administration had used the FBI to obtain the confidential records of former Reagan and Bush administrations employees. The White House passed this off as a mere bureaucratic mistake; an oversight not to be repeated; really, just a small matter that is not worthy of a serious examination.

Mr. Speaker, I long ago stopped trying to figure out the Clinton administration. Their response to any accusation of improper or illegal activity is always the same: So what.

It goes something like this; Whitewater, so what. Troopergate, so what. Cattle futures, so what. Travelgate, so what. Cabinet members resigning in disgrace, so what. Twenty-two White House officials with legal defense funds, so what. Paula Jones, so what.

Mr. Speaker, the White House's "so what" response to the improper or illegal use of the FBI only confirms that they are hiding something from the American people.

REPUBLICANS SERVING WARMED-OVER VERSION OF REJECTED MEDICARE PLAN

(Ms. WOOLSEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I, for one, give the new majority credit for finding creative things to do with cold leftovers.

You see, the budget they're serving today is nothing but a warmed-over version of the same misplaced priorities that the American people rejected last year.

Take away the sugarcoating, and you've got crucial education programs targeted for deep cuts or elimination.

Minus the garnish, you've got a Medicare plan that will make seniors pay more for less, while their hospitals close.

And, when you remove the trimmings on their budget, you end up with huge tax breaks for the wealthy special interests we simply can't afford.

Mr. Speaker, this is not a blueprint for balancing the budget—it's a recipe for disaster. So, I say to the new majority: Keep your cold leftovers.

It's time to give the American people what they want—a balanced budget that moves our Nation forward without leaving behind those who depend on us most—our children, seniors, families, and our environment.

ANOTHER CLINTON SCANDAL BREWING: FBI FILES RAIDED

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

Mrs. SEASTRAND. Mr. Speaker, the paper shredders over at the White House are abuzz with activity. Yet another Clinton scandal is brewing involving a coverup and the abuse of power.

Evidently, the Clinton administration raided the FBI files of 341 Bush and Reagan employees. Not only were these people investigated, but their files were kept inside the vault of the White House security office.

Information gleaned from these files was passed along to Clinton appointee Craig Livingstone, whose boss was Associate Counsel William H. Kennedy, a former Rose law firm partner with Hillary Clinton.

Mr. Speaker, why did the White House want these files? What kind of information were they after? Are there other people who were investigated?

In 1992, Bill Clinton refused to make public any FBI files about his anti-Vietnam activity. But as President he has no reservations whatsoever about raiding the FBI files of his Republican opponents.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair again reminds Members that personal references to the President are not supposed to be made.

REPUBLICAN MEDICARE PLAN: SECOND VERSE, SAME AS THE FIRST

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

Mr. GENE GREEN of Texas. Mr. Speaker, here we have the second verse same as the first but with a lower in tone.

Mr. Speaker, the Republican majority is continuing its attack on Medicare. Last year they wanted to cut the growth in Medicare $270 billion and provide for a tax cut of $245 billion. While they still have their sights set a little lower this year, they still want to cut Medicare $168 billion.

□ 1015

Now they say that it is cutting Medicare or that it is cutting the growth of Medicare, but again let us reason that if you have more people getting to be 65 and people 65 living longer, you have to have growth even more than inflation that they say. At the same time they want to give this tax cut of $176 billion only to some of the wealthiest. For the second year in a row the Republican majority is using the trustees' report to talk about how bad they need to do it.

If Medicare is in trouble, then let us take that savings and plow it back into Medicare, and not use it to give tax cuts or to balance the budget. I hope that our Republican majority will change their second verse.

THE CARE FOR HUMAN LIFE IS THE OBJECT OF GOOD GOVERNMENT

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

Mr. STEARNS. Mr. Speaker, I had a town meeting Saturday in Hampton, FL, and Janice Sanford was there at the town meeting and she gave me hundreds of petitions dealing with the partial-birth abortion veto by the President. President Clinton has once again demonstrated that he favors legal, unrestricted, and easily available abortions on demand, even in the ninth month of pregnancy.

Mr. Speaker, Thomas Jefferson once said,

> The care of human life and happiness, and not their destruction is the first and only legitimate object of good government.

I share this commitment to actively support legislation that sustains the Federal Government's traditional goals in family planning.

Members of both Houses of Congress already voted to promote these goals when we said no to partial-birth abortions. I strenuously oppose President Clinton's veto of the ban, and urge my colleagues to say no once again when we have the opportunity to override this veto.

Once again, I congratulate Janice Sanford for her active efforts to demonstrate this by the petition she gave me last Saturday.

AMERICA NEEDS A NEW GARDENER

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

Mr. DOGGETT. Mr. Speaker, America needs a new gardener. When Speaker GINGRICH insists that Medicare should be permitted to wither on the vine, it is time to find a gardener who knows the difference between strengthening Medicare and allowing it to shrivel.

That is not EverGrow that Speaker GINGRICH is proposing to pour on the vine of Medicare; it is the salt of neglect, of decades of neglect of the health care security of American families. That is not a green thumb that the Speaker is offering; it is the darkened green thumb of neglect of the health care security of American families.

Mr. Speaker, we should focus on the Medicare trustees' report, for the real issue is trust. Should we trust the people who want to let Medicare shrivel on the vine, or should we trust those who overcame the opposition of BOB DOLE and the Republicans of that era to build Medicare into a garden whose fruits of health care security are available to every American?

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule: Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Transportation and Infrastructure; Committee on Veterans' Affairs; and the Permanent Select Committee on Intelligence.

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

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

There was no objection.

REPORT ON H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

Mr. YOUNG of Florida (during consideration of H.R. 2909) from the Committee on Appropriations, submitted a privileged report (Rept. No. 104-617) on the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. WALKER). All points of order are reserved on the bill.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE EMINENT DOMAIN PREVENTION ACT

The Clerk called the bill (H.R. 2909) to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that act only by donation or exchange, or otherwise with the consent of the owner of the lands.

The Clerk read the bill, as follows:

H.R. 2909

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 "Silvio O. Conte National Fish and Wildlife Refuge Emminent Domain Prevention Act".

SEC. 2. RESTRICTION ON METHOD OF ACQUISITION OF LANDS FOR PURPOSES OF THE SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT.

Section 106 of the Silvio O. Conte National Fish and Wildlife Refuge Act (Public Law 102-212; 16 U.S.C. 668dd note) is amended by adding at the end the following new subsection:

"(e) RESTRICTION ON METHOD OF ACQUISITION.—The Secretary may acquire lands for purposes of this title only by donation or exchange, or otherwise with the consent of the owner of the lands.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Massachusetts [Mr. STUDDS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

MODIFICATION OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that on page 2, line 5 of the bill, the word "Emminent" be corrected to read "Eminent."

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

There was no objection.

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

Mr. Speaker, H.R. 2909, the Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act, was introduced by Congressman CHARLES BASS on January 31, 1996. The bill directs the Secretary of the Interior to acquire lands for the Silvio O. Conte Refuge only with the consent of the landowner. Unlike many refuges, the Conte refuge spans four States—Vermont, Connecticut, Massachusetts, and New Hampshire. Landowners surrounding the refuge are concerned that eminent domain will be used to condemn their properties, so the Fish and Wildlife Service will be able to purchase the properties without the owners' consent. At the subcommittee's legislative hearing, the Fish and Wildlife Service did acknowledge that there is precedent for similar willing seller language already set in law. The Service also maintains that it does not intend to use eminent domain as a land acquisition tool for the Conte Refuge. That being the case, codifying this prohibition into statutory language would not adversely affect Fish and Wildlife Service operations. It would, however, serve the useful purpose of quelling landowner concerns.

I urge an "aye" vote on this bill in support of property owners' rights.

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

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

Mr. Speaker, believe it or not, I rise in opposition to H.R. 2909, because it is both an example of bad policy and bad process. When the Corrections Day Calendar was originally proposed, it was touted as a way to address bureaucracy that is particularly dumb, or to address obviously silly, redundant Government regulations in a rapid fashion. H.R. 2909 does not address silly Government regulations or bureaucracy, it addresses one of the fundamental powers granted to the Federal Government by the Constitution—the power of eminent domain. Supporters of this bill may claim that it is about protecting private property. But there is a world of difference between uncompensated takings of private property and the rare and judicious use of eminent domain to acquire private property, for fair market value, to protect public wildlife resources.

The Corrections Day Calendar was ostensibly created to expedite the passage of noncontroversial, bipartisan legislation. This legislation is controversial. I and a number of my colleagues on the Resources Committee oppose it. The administration opposes it. And environmental groups such as the Sierra Club, the Wilderness Society, and the Audubon Society oppose it. Lastly, I believe that if our late friend and colleague, Silvio Conte, were alive today, he would join me in opposing this legislation. Since the Fish and Wildlife Service has no intention to use eminent domain to acquire land for the refuge, H.R. 2909 is a solution in search of a problem.

It is my understanding that corrections day legislation should be narrow in scope. But, since H.R. 2909 sets a bad precedent for the entire 92 million acre National Wildlife Refuge System, it is much broader in scope than the problem it purports to address.

The Corrections Day Calendar was never intended to circumvent the committee process. However, the Corrections Day Advisory Group considered H.R. 2909 for placement on the Corrections Day Calendar a month and a half before the Resources Committee reported the bill.

The Silvio Conte National Fish and Wildlife Refuge represents a new kind of wildlife refuge that will protect a total of 78,000 acres using a combination of conservation easements, cooperative agreements, and cost-sharing partnerships. This approach minimizes the need for Federal land acquisition: Only about 6,500 acres, spread over the States of New Hampshire, Vermont, Connecticut, and Massachusetts, will be under Federal ownership. And how is this innovative approach rewarded? By the adoption of punitive legislation that restricts the ability of the Fish and Wildlife Service to protect public wildlife resources when they are threatened.

The Fish and Wildlife Service is entrusted with the power of eminent domain to acquire lands for the greater public good. Although eminent domain authority is a tool of last resort for the Service, without it there is ultimately no way to protect land already purchased with taxpayer dollars from adjacent harmful development or to prevent the destruction of critically important wildlife habitat. If we deny the Service this tool, we make it that much more difficult to protect effectively the public interest in habitat conservation.

Furthermore, this bill exclusively ties the hands of the Federal Government in protecting the public interest in fish, game, and wildlife habitat. I am not aware of any attempts to restrict eminent domain authority when it is applied to highways, dams, or other public works projects in New England. In establishing a differential standard for application of the power of eminent domain, H.R. 2909 relegates wildlife habitat protection to second-class status. That is wrong.

For these reasons, I oppose H.R. 2909 and feel that it was inappropriately placed on the Corrections Calendar. I urge the House to reject this legislation.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the

gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I rise in support of this piece of legislation. I would like to thank the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Alaska [Mr. YOUNG] for moving this bill promptly, in an expeditious fashion. I believe that their understanding of the time-sensitive nature of this matter in allowing H.R. 2909 to move in an expeditious manner is important.

Mr. Speaker, simply put, as we have heard, this bill will smooth the road for the creation of the Silvio O. Conte Refuge by reassuring local residents, and folks who live in the affected areas, that their land will not be taken by eminent domain as a result of efforts to create this very important refuge.

The Conte refuge was established in 1991, and subsequently went through 4 years of hearings and input. The result of the plan, which seeks to protect the entire Connecticut River Valley from its headwaters in northern New Hampshire to the area in southern Connecticut where it flows into the Atlantic Ocean, is the scope of the bill.

In undertaking this task, the Fish and Wildlife Service has identified virtually all water sources that empty into the Connecticut as potential areas to protect. Consequently, nearly 50 percent of my district, which is a large rural district, and clearly close to half of the district of the gentleman from Vermont [Mr. SANDERS], will be potentially affected by this refuge, including, I might add, many major metropolitan areas, cities, towns, rights-of-way and so forth.

Mr. Speaker, it is important to realize that the Connecticut River, which flows through many diverse regions of New England, has many different characteristics in different areas. I might use the analogy, if I could, to the shape of an oak tree in describing the Connecticut River.

Like any river, near its mouth on the Long Island sound it is like a pencil line, but as it gets farther north it branches out and branches out and branches out until finally up in Coos County, and in Essex County over in Vermont, it covers the entire county. In my district, half of Grafton County, all of Sullivan County, and all of Cheshire County. It is a huge area which it covers.

Mr. Speaker, I am not here today to take issue with protecting the Connecticut River. It is a very important project, and I fully support the Silvio O. Conte Wildlife Refuge. However, I feel that there are efforts that need to be undertaken in order to assure that there is cooperation between not only the folks that live along the river's edge and will be affected, and as I said it is more than just folks living along the edge of the river, but also the respective legislatures in New Hampshire and Vermont and potentially Connecticut and Massachusetts.

There have been bills introduced in New Hampshire that would create considerable restrictions on the ability of the Fish and Wildlife Service to effect this important refuge project, and it is all based upon the fact that there is fear on the part of landowners that the Fish and Wildlife Service will use their eminent domain power to take property unnecessarily away from people who are trying to make a living off of it.

Mr. Speaker, the fact remains that this is not good for the future creation and growth of the wildlife refuge, but it is also not good for farmers and other individuals who depend, and have depended now for generations, upon the land to make a living.

Mr. Speaker, I would also point out that the gentleman from Massachusetts [Mr. STUDDS], my good friend, has pointed out that this bill does not qualify or may not qualify for the Corrections Day Calendar. I would point out that this bill codifies U.S. Fish and Wildlife's intent using statutory authority of eminent domain for the purposes of the refuge. The potential financial burden, underlined, of large scale eminent domain takings could be high on the taxpayers of America.

The refuge plan represents a new approach by the U.S. Fish and Wildlife Service in that it does not have well-defined boundaries. It is not an island or specific area, it is a watershed. Therefore, areas that could be affected by eminent domain are ambiguous.

The bill protects the average family and small business by ensuring that the U.S. Fish and Wildlife Service does not arbitrarily take their land for the purposes of a refuge that is not clearly defined. And, last, the bill promotes the well-being of everyone by removing one of the final stumbling blocks to the successful creation of this refuge to protect the Connecticut River for all of New England.

Mr. Speaker, I would also point out that there is ample precedent for this change in the law. There are 33 different precedents in law in which eminent domain as a mechanism for acquiring land has been inserted; I think the most notable of which is the wildlife refuge in Massachusetts known as the Atchafalaya, or something like that, wildlife refuge in which the exact same language is in law there.

Mr. Speaker, I would point out that as one who supports the Silvio O. Conte Wildlife Refuge, as one who was personally acquainted with Congressman Silvio O. Conte, I would take issue with my distinguished colleague from Massachusetts and I would say that Congressman Conte would have wanted to see the wildlife refuge developed with the full cooperation and consent of the Federal Government, Congress, as well as the people who would be affected by this wildlife refuge.

Now, as a former State senator and a member of the legislature in New Hampshire, I was pleased to have sponsored shoreline protection legislation in New Hampshire, rivers protection laws in New Hampshire, as well as serving 2 years on the Land Conservation Investment Program, which is a program similar to what is envisioned by Silvio O. Conte Wildlife Refuge, in which $50 million was allocated to protect key pieces of real estate that are environmentally sensitive and important for the State of New Hampshire.

□ 1030

Not once did we, we did not have eminent domain in the law obviously, and we never needed it. The fact is we do not need to have the hand of Federal Government taking people's property away from them against their will when there is plenty of property available and more than the Federal Government will ever have the money to purchase to begin with.

What we need here is cooperation, which is in the New Hampshire tradition, and I think in the tradition that will be beneficial to the creation and long-term preservation of this very important ecosystem, the Connecticut River.

Mr. STUDDS. Mr. Speaker, in the spirit of corrections, let me say to the gentleman from New Hampshire, the Atchafalaya Refuge is in Louisiana, which is a very long way from Massachusetts and New Hampshire. May I also say that things must be blissful indeed in the Granite State if the biggest thing you have to worry about is the specter of the Federal Government grabbing an acre in the name of Silvio Conte. I think it must be a lovely existence you have up there. Some of us can think of real problems that need solutions.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, when this new Congress led by its antienvironmental zealots came here they said they were going to do business in a new way. And sure enough, we find business in a new way. We solve problems that do not exist. What we have here is not simply an assault on the Federal Government or an opportunity to try to create barriers to protect what I think virtually all of our citizens recognize is a heritage that we want to pass on to our children and grandchildren, but what we have is an attempt to hobble the Government from being able to defend itself. Should we have a refuge area and suddenly someone comes in and has a pollution problem that they refuse to remedy, the Federal Government would have no legal ability to enjoin that action. They would have to sit by and watch the entire refuge be decimated because we are about to take away the legal

rights that Government has always had from time immemorial.

I guess I am somewhat confused. If we are fighting the Civil War over again on States rights, then it seems to me that maybe we ought to have a real bill that just disbands the Federal legislature. But if we are going to continue to have a Federal role, and let me assure you that many of these States with this anti-Federal attitude come rushing here for Federal resources, much as the Freemen did for their farms. We do have one country; do we not? National resources are worth protecting. What we are going to do here is not so much protecting any individual or State right. What we are doing is taking action to prevent something that is virtually never used but to ensure that, if Federal land is in the process of being degraded, the Federal Government will have no legal ability to protect its investment and the taxpayers' investment.

Mr. SAXTON. Mr. Speaker, I yield myself 1 minute.

I just would like to say to the gentleman from Connecticut that I am kind of surprised hearing his opposition this morning, particularly since the gentleman is from the State of New Jersey and inasmuch as the chairman of the full committee, the gentleman from Alaska [Mr. YOUNG], offered the gentleman an opportunity to take Connecticut out of this bill. So it surprises me that the gentleman declined the opportunity to take Connecticut out of the bill, saying that apparently Connecticut ought to be included. And now the gentleman is opposed to the bill. I do not understand, Mr. Speaker.

Mr. STUDDS. Mr. Speaker, if the gentleman will promise to be nice, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I think that this is an important principle. Frankly, if I did not think it would violate that principle, I would have been happy to accept an agreement to exempt Connecticut. I would be happy to accept that.

Mr. SAXTON. Mr. Speaker, if the gentleman will yield, let me reoffer, we have decided on our side that we are happy to grant the gentleman unanimous consent to take Connecticut out.

Mr. GEJDENSON. Mr. Speaker, if the gentleman will ask unanimous consent to exempt Connecticut, I will accept that exemption.

Mr. SAXTON. Mr. Speaker, it is the gentleman's State. I will not ask unanimous consent.

Mr. GEJDENSON. I will ask unanimous consent to exempt Connecticut from the bill.

The SPEAKER pro tempore. The gentleman will have to have his unanimous-consent amendment in writing.

Mr. GEJDENSON. Mr. Speaker, I will return.

Mr. STUDDS. Mr. Speaker, if I may briefly observe, before yielding to my colleague from Massachusetts, I look forward with great anticipation to the gentleman on the other side offering analogous language on all future public works and highway bills so that the power of eminent domain may not be waived to frighten the good people of New Hampshire or of any other State.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. OLVER] who holds the seat once held by out late esteemed colleague, Silvio Conte, who, if he were here today, I suspect would be in the well with a pheasant or a moose mocking all of us.

Mr. OLVER. Mr. Speaker, today I rise as the Member of Congress who has had the honor of following in office one of the greatest Members of this body in this century on his legacy of environmental protection and conservation for the people of the first district of Massachusetts.

Out of all of Silvio Conte's great successes and legislative accomplishments, perhaps his legacy of conservation is what he will be remembered for more than anything else. Which is what makes the Conte Fish and Wildlife Refuge so fitting for this man who has had such a tremendous impact on the people of the Connecticut River Valley.

Sil Conte was a sportsman and a conservationist and he understood the interrelationship between the two.

He knew that, like most resources, you can't just continue to draw from it without renewal and continual reinvestment.

That's what conservation is all about.

Silvio Conte's favorite pastimes included fishing and bird watching. And he knew that as a Member of this body, he was in a position to ensure that future generations would have that opportunity.

Sil Conte was wise enough to know that waterfowl and other migratory birds, as well as anadromous fish, know no boundaries or man-made borders.

Which is why the bill before us today is a sneak attack on the concepts of conservation. This bill permanently removes the authority of the Fish and Wildlife Service to prevent activities that negate the purposes of the refuge.

After 130, yes, 130, public meetings, the 3 Members sponsoring this legislation, and the 7 from Massachusetts and Connecticut even more affected by it, know perfectly well that the Fish and Wildlife Service is keenly aware of the concerns that this bill aims to address.

We also know that the Service cannot proceed effectively to secure the purposes of Public Law 102–212, the Silvio Conte National Fish and Wildlife Refuge Act, without full cooperation from private citizens.

The cooperative arrangements the Conte Refuge includes is what makes this refuge a model for the National Wildlife Refuge System.

The problem with this bill is that it forever ties the hands of the Fish and Wildlife Service in its management in carrying out its responsibilities.

This bill mocks the constitutional protections already provided against takings. The Constitution was not meant to be offered a la carte. We can't just pick the sections we like and ignore those we don't care for.

The people of the first district are fiercely independent in the proud Yankee tradition. However, they also have a proud tradition in believing in government and the good that it can do.

The Connecticut River is today swimmable and boatable because the Federal Government took action under the Clean Water Act back in 1972.

When we passed the Silvio Conte fish and wildlife legislation we affirmed the purposes of conserving, protecting, and enhancing important fisheries habitat, important wetlands, and other habitat for a broad variety of plants and wildlife.

These species are held in the public trust. the public trust depends on the Federal Government to act as its guardian. I believe that the people in my district depend on the Fish and Wildlife Service to guide the protection of the natural environment.

The choice is simple. You can either vote with those who have been swayed by rumor and distrust of the Federal Government. Or you can vote for the environment, for the refuge, and for its inhabitants—the 2 million people but also the black bear, moose, the bald eagle, red fox, bobcat, coyote, beaver, lynx, salmon, shad, striped bass, herons, egrets, piping plover, osprey, and the kingfisher.

And so today we're again faced with making choices for the Silvio Conte Refuge. It is a refuge. Let it live out the true meaning of its name.

And as for its namesake, let the refuge continue to honor him in the legacy of conservation on which he spent his life's work.

As the Member now serving the first district, the district that Silvio Conte served so well for more than 30 years, I ask that you vote against this bill—so that the House can take up this matter in a more appropriate forum outside of the Corrections Day Calendar.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON].

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON: Page 2, line 16, after "lands" insert "in New Hampshire and Vermont".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut to amend the bill?

Mr. SAXTON. Reserving the right to object, Mr. Speaker, I do not plan to object. I would like to point out that I am not quite sure what is different about the constituencies that live in the 2 States which will be exempted under this unanimous consent request.

In the case of Mr. BASS' constituents, he is concerned, the gentleman from New Hampshire, Mr. BASS, is concerned that his constituents feel comfortable with the process that will be ongoing. And apparently Mr. GEJDENSON and the gentleman from Massachusetts do not share the same concerns or their constituents do not share the same concerns as to how the process will proceed without the protection which will

be eliminated by virtue of this unanimous-consent request.

Mr. BASS. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from New Jersey but also point out that the nature of the districts through which the Connecticut River runs in Massachusetts and Connecticut is considerably different geographically than that of New Hampshire and Vermont. So as a result, I believe that there is justification for this amendment in that the sheer territory covered by the potential for eminent domain proceedings in Massachusetts and Connecticut is substantially smaller than in New Hampshire and Vermont. I certainly would not object to this amendment.

Mr. SAXTON. Mr. Speaker, continuing my reservation of objection, I would just conclude by saying that inasmuch as the gentleman from Connecticut and the gentleman from Massachusetts apparently do not wish to afford their constituents the same protections that Mr. BASS does, I will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut to amend the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

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

I am sorry this debate has gone this long. I would think all of us would be more than a little embarrassed by having devoted the amount of time we have to this matter. There is no problem here that needs solving, none whatsoever.

I am prepared to concede to the gentlemen from over there that New Hampshire and Vermont are larger than Connecticut and Massachusetts. I am prepared to concede for some reason they have a more profound paranoia than southern New England. I could care less whether one State or another is covered. I never mentioned my own State in my own remarks. My objection is to the principle involved here as to whether we will allow the Federal Government to have as a last resort the constitutionally sanctioned provision of eminent domain in the public interest.

I noted with some interest not that it was a particular State or States but that it was only at wildlife legislation, not at highways, not at public works, but the paranoia seems to be finely focused in this instance in the hills of northern New England.

□ 1045

It is beyond me. I do not understand it. I do not know why we have to discuss it here. I do not know why it rises to the level of being considered by this House. I think we should apologize to our colleagues for the amount of time we spent on this. It is more than a little bit silly. No one thinks it is going to become law. It will die in the Chamber of the winds across the hall, and, anywhere else, it will die by other means.

So, Mr. Speaker, with apologies to my brethren and sisters for the amount of time we have taken, I yield back the balance of our time.

Mr. SAXTON. I yield myself such time as I may consume.

A, I do not apologize; and, B, this is not silly. This is a protection of people's right to own property without having to be afraid of Big Brother coming along and taking it from them.

I would say further, Mr. Speaker, that the refuge system, as chairman of the Fish and Wildlife and Ocean Subcommittee, the refuge system is something that I have taken great pains to protect and to enhance the process through which it works. That is why we passed a bill earlier this year to reform the process so that people will want the process to continue to move forward so that they will not be afraid that refuges and refuge managers and the Fish and Wildlife Service will become Big Brother and take over their property.

And so, Mr. Speaker, I do not apologize in any sense of the word, nor do I believe this is silly. I think it is a very serious issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON] for yielding this time to me, and I would only say that there are, and I have here, precedent after precedent after precedent in public works for the type of exemption that we are talking about in this particular piece of legislation.

What is most significant about this effort is that it is going to help preserve the Connecticut River basin. It is going to create an environment of cooperation amongst all of the parties involved, and all we are saying is that the Fish and Wildlife Service's promise not to use eminent domain in any instance in this particular project, we are going to hold them to their word.

Now, it happens to be important to me that we preserve the Connecticut River basin, but it is also important to me that we protect the rights of landowners and that we prevent this bill, this problem, from slowing the long-term process.

Mr. Speaker, I would also like to ask for unanimous consent that my colleague from Vermont [Mr. SANDERS] be recorded in support of this bill and be allowed to place a statement in the RECORD in support of the bill.

The SPEAKER pro tempore [Mr. WALKER]. Would the gentleman from New Hampshire modify his request regarding a statement in the RECORD? The gentleman cannot have a request that the gentleman be recorded in favor.

Mr. BASS. A statement in the RECORD, to amend my unanimous-consent request.

The SPEAKER pro tempore. Without objection, that will be covered under general leave.

Mr. SAXTON. Mr. Speaker, there are a couple of Members on the other side who would like to have time at this time. I would be either happy to yield to them myself or to ask unanimous consent to have the gentleman's time restored.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts [Mr. STUDDS] can reclaim the balance of his time.

Mr. STUDDS. Mr. Speaker, it never occurred to me anyone else would want to speak on this matter.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank very much the managers of this bill for giving me an opportunity to speak, and I do not come here to speak on the substance of the bill, but the process.

When the whole idea of the Corrections Day Calendar was proposed, I raised a lot of concern about it because I thought it might be a vehicle for special interest proposals, for controversial matters cloaked, perhaps, in a cover that maybe they are not as controversial as they otherwise would be perceived to be. I thought my misgivings were misplaced when I went on the corrections day advisory committee and participated in the process where up to now we have never produced a bill that is controversial except for the very first one. All the others have been noncontroversial, bipartisan, clear-cut corrections of Federal law.

But this bill is a controversial matter. It affects the gentleman from Massachusett's [Mr. OLVER] district, and he is opposed to the bill, the administration vigorously opposes it, the gentleman from California [Mr. MILLER], as a ranking Democrat on the Committee on Resources, and the gentleman from Massachusetts [Mr. STUDDS], the ranking Democrat on the subcommittee, oppose the bill; Sierra Club and other environmental groups oppose the bill.

Mr. Speaker, this is not appropriate for the Corrections Day Calendar, and I am very disappointed that this bill has been put on as a corrections day matter. When it came before the corrections day advisory committee, no Democrat was present, there was a ballot

vote where the Republicans voted one way and whatever Democrats voted the opposite way.

The person who was in charge of the corrections day advisory committee was advised that this was controversial and that had Democrats been at the meeting, we would have opposed the idea of being on the Corrections Day Calendar. The fact that this bill is on the calendar as a corrections matter undermines the whole idea of the validity of a Corrections Day Calendar.

So I wanted to speak out on this issue, opposing this proposal not only in substance, which others can speak more articulately about, but in terms of the process itself.

Mr. STUDDS. Mr. Speaker, I yield 2 more minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for his indulgence. I just wanted to respond to comments made on the other side and, in fact, in part to agree with them.

The gentleman from New Hampshire points out and agrees that the nature of the territory is quite different. Of the 2 million people living in the Connecticut River watershed area that is the subject of the Silvio Conte Fish and Wildlife Refuge Act, 80 percent of them live in Massachusetts and Connecticut, whereas 80 percent of the land involved in that area is in New Hampshire and Vermont, at least 80 percent of the total land area involved. And in terms of the amount of acreage that has been proposed after 3 years of study with hundreds of meetings, all of them public meetings, all over the Connecticut River basin, less than 20 percent of the very tiny amount of land being proposed as possible refuge sites actually occurs in the States involved, in the States of Vermont and New Hampshire. So the territory is very, very different.

In our area, the support for the original language of the Silvio Conte Fish and Wildlife Act is extremely strong and extremely deep, and so for that reason it is appropriate, and we believe that it should certainly be possible, that if there is a critical bog, one of those critical areas under consideration or a critical fish habitat area, that we should not be in a position where one owner may negate the purposes of the protection under the Silvio Conte Fish and Wildlife Refuge Act, one owner may completely negate the purposes of the public interest.

So in that sense this is an appropriate kind of an amendment, and I might point out that there is a very similar case. And I will let the gentlewoman from Connecticut speak for herself.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I just like to say that in response to my distinguished colleague from California, as he well knows, just prior to his arrival here on the floor we did exempt by unanimous-consent amendment the States of Massachusetts and Connecticut, which was so eloquently advocated by my distinguished colleague from Massachusetts [Mr. OLVER] in mentioning that 80 percent of the people involved by or covered by this wildlife refuge live in the States of Massachusetts and Connecticut, whereas 80 percent of the land is in New Hampshire.

Although just a small portion of the total area has been designated thus far to be part of the wildlife refuge, the fact is that this is an open-ended project, as it should be, and there are, as I recall, some 80,000 acres potentially affected by it. So it does have the potential to become quite a bit more substantial, which is not all that bad.

I would also point out that the New Hampshire Forest Society, the Appalachian Mountain Club, and other environmental groups based in New Hampshire strongly support the passage of this legislation.

Mr. SAXTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I have real concerns with this legislation. The Conte Refuge is unique. It is an urban refuge. Its goal was never to be achieved through the acquisition of large tracts of land. Rather, its goal was to restore the Connecticut watershed through partnerships, conservation easements, cooperative agreements, environmental education with the Fish and Wildlife Service providing technical expertise and serving as the catalyst for the effort, and in fact it is moving along very well and holds enormous potential for the whole Northeast as being a very positive contribution to the preservation of our wilderness areas and the quality of our life in the Northeast.

As my colleagues know, we have preservation laws not only to preserve lands, but to preserve historic buildings, and whenever we try to preserve something, people do give up certain rights because preservation carries with it certain responsibilities.

Now, in my district the Appalachian Trail runs right through it, and the Government does have the right of eminent domain, if they need it in that instance, and we had to go through a very painful relocation of a portion of the trail for very good reasons of safety and so on. And in the course of those negotiations with various property owners we were able to negotiate good solutions with all but one, and that one person simply could not see the public interest, but could only see the private interest. And if the Government had not had the right of eminent domain, which they never had to exercise, but if they had not had that right, that citizen would never have been required to stay at the table. And by staying at the table we did finally get a negotiated solution that was satisfacotry to the citizen and satisfactory to the Government in terms of achieving the public goal of a safe and beautiful trail across the eastern seaboard.

So eminent domain is rarely used by the Government, but it does provide clear and convincing, in a sense, elbow to remind the individual citizen that there is a larger public interest that the Congress recognized in establishing the Conte Refuge. I think the goals of the Conte Refuge can be achieved without any eminent domain actions; I am absolutely convinced of that. But to withdraw that from the law for this particular project I think is to set a precedent that is very destructive and also fundamentally counters the public interest that lies behind not only this designation, but other designations, and also underlies our belief in things like historic preservation tax credits.

So I oppose this bill.

Mr. SAXTON. Mr. Speaker, I would ask the gentleman does he have any further speakers?

Mr. STUDDS. Not to my knowledge, I would say to the gentleman.

Mr. SAXTON. Mr. Speaker, with that understanding I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS] for his closing statement.

Mr. BASS. Mr. Speaker, I thank the gentleman from New Jersey for yielding this time to me, and I would just like to point out that there is an enormous difference between an effort to preserve a trail and an undertaking that will potentially affect 80,000 acres of property.

I would also point out that the scope of this piece of legislation is now, by unanimous-consent amendment, limited to the States of New Hampshire and Vermont. Now, this is a very critical issue for folks in New Hampshire and Vermont, and the gentleman from Vermont [Mr. SANDERS] and I have joined together in a bipartisan effort to create a modicum of protection for folks who make a living off of the land that might be affected by this potential wildlife refuge.

Nobody opposes the idea of the Silvio Conte Wildlife Refuge. We want it to go ahead. But we feel that this amendment, which is supported by numerous environmental groups in my home State of New Hampshire, and I suspect also in Vermont, is important to us. I would point out that there are 33 other precedents for use of this limitation on eminent domain proceeding, and to the best of my knowledge it has worked very well in all of those instances.

So I would urge the body to support this bill along with its unanimous-consent amendment. It is important for Vermont and New Hampshire, and it is important for the future of this very significant wildlife refuge.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 2909, the Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act, prevents the Fish and Wildlife Service from purchasing land for inclusion in the Conte Refuge without the consent of the owner.

I served with Silvio Conte for nearly 20 years, and I know that he cared deeply about the protection of migratory bird habitat and the creation of this refuge. This bill will further both of those goals by increasing public support for this refuge.

Local residents want to see important habitat protected, but some fear the Federal Government's sometimes heavy-handed land acquisition policies. This bill allows the Service to preserve important habitat, but also protects property owners from overzealous bureaucrats. The protections in this bill will enhance the public's support of the refuge since surrounding property owners will know that their property cannot be taken without their consent.

H.R. 2909 would allow condemnations for the purposes of settling title issues and determining price as long as the property owner consents to such actions. There is precedent for this bill. In 1988, Congress enacted a law, Public Law 98–548, which established a Federal wildlife refuge in Louisiana and stipulated that the Fish and Wildlife Service could only obtain lands for inclusion in this refuge from willing sellers.

Furthermore, in the testimony of the Department of the Interior on H.R. 2909, the administration witness stated that "since 1989, the Fish and Wildlife Service has not used condemnation without the consent of the owner, and does not intend to use if for this unique refuge". The testimony went on to say that "no condemnation is planned for any aspect of this project." Putting the force of law behind this policy will clearly enhance public support for this refuge.

This bill is widely supported by environmental and conservation groups in New Hampshire, including the Appalachian Mountain Club, the New Hampshire Farm Bureau, the New Hampshire Timberland Owners Association, and the Society for the Protection of New Hampshire Forests.

I commend Congressman BASS for introducing this measure, and I urge an "aye" vote on this important property rights bill.

Mrs. VUCANOVICH. Mr. Speaker, I understand the concerns of the gentleman from California [Mr. WAXMAN]. If he will recall, the advisory group met on March 20 of this year to consider five bills for the Corrections Calendar. While no members of the minority were present at that meeting, all members of the advisory group are allowed, and were allowed following that meeting, to participate by expressing their views even though they may not be able to attend our meetings.

Following our March 20 meeting, we reviewed the input from all our members and a consensus was reached to recommend H.R. 2909 to the Speaker for placement on the Corrections Day Calendar when reported out of the committee of jurisdiction, in this case the Resources Committee. Once recommended, all corrections day legislation must travel through the regular legislative process and be reported.

I recognize that the corrections day process is new to many and that we all have demanding schedules. However, being a member of a panel such as the Corrections Day Advisory Group requires members' attendance in order that we may be able to carry out its purpose.

Mr. FAWELL. Mr. Speaker, I rise in opposition to H.R. 2909, the Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act. This bill seeks to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to require that the Fish and Wildlife Service may only acquire lands for the refuge through donations, exchanges, or otherwise through the consent of the landowner.

As a former practicing attorney involved in eminent domain cases, I have concerns about the precedent set by this legislation. The Fish and Wildlife Service, like any other agency, has the power of eminent domain. This power, derived from the fifth amendment, assures citizens that their land will not be taken for public use, without just compensation. Current Fish and Wildlife Service policy directs such acquisitions only from willing sellers. In the last 10 years, less than 2 percent of the Service's acquisitions nationwide were acquired through the use of eminent domain. The Fish and Wildlife Service is not abusing the power of eminent domain. I see no reason why Congress should take away the legitimate power of the Fish and Wildlife Service to act in the public interest.

Mr. Speaker, I am opposed to this bill. I strongly support the establishment of the Silvio Conte National Fish and Wildlife Refuge, and the enactment of cooperative efforts to preserve the Connecticut River watershed. However, I urge Members to reject this measure which ties the hands of the Government to act in the public interest.

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

Mr. STUDDS. I have no further requests for time.

I want to close by commending the gentlewoman from Connecticut on the eloquence of her lesson in civic responsibility.

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2909, the bill just passed.

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

There was no objection.

□ 1100

THE JOURNAL

The SPEAKER pro tempore (Mr. WALKER). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. STUDDS. 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 347, nays 50, not voting 37, as follows:

[Roll No. 225]

YEAS—347

Ackerman	Chenoweth	Farr
Allard	Christensen	Fawell
Archer	Chrysler	Fields (LA)
Armey	Clayton	Fields (TX)
Bachus	Clement	Flake
Baesler	Clinger	Foley
Baker (CA)	Coble	Forbes
Baldacci	Coburn	Fowler
Ballenger	Coleman	Frank (MA)
Barcia	Collins (GA)	Franks (CT)
Barr	Collins (MI)	Franks (NJ)
Barrett (NE)	Combest	Frelinghuysen
Barrett (WI)	Condit	Frisa
Bartlett	Conyers	Frost
Barton	Cooley	Furse
Bass	Cox	Gallegly
Becerra	Coyne	Ganske
Beilenson	Cramer	Gejdenson
Bentsen	Crane	Gekas
Bereuter	Crapo	Gilchrest
Berman	Cremeans	Gilman
Bevill	Cubin	Gonzalez
Bilbray	Cummings	Goodlatte
Bilirakis	Cunningham	Goodling
Bishop	Danner	Gordon
Bliley	Davis	Goss
Blumenauer	de la Garza	Graham
Blute	Deal	Green (TX)
Boehlert	DeLauro	Greene (UT)
Boehner	DeLay	Greenwood
Bonilla	Dellums	Gunderson
Bonior	Deutsch	Gutierrez
Bono	Diaz-Balart	Hall (OH)
Boucher	Dickey	Hall (TX)
Brewster	Dicks	Hamilton
Browder	Dingell	Hancock
Brown (OH)	Dixon	Hansen
Brownback	Doggett	Hastert
Bryant (TN)	Dooley	Hastings (WA)
Bryant (TX)	Doolittle	Hayworth
Burr	Doyle	Hefner
Burton	Dreier	Herger
Buyer	Duncan	Hinchey
Callahan	Dunn	Hobson
Camp	Edwards	Hoekstra
Campbell	Ehlers	Hoke
Canady	Ehrlich	Holden
Cardin	Emerson	Horn
Castle	Eshoo	Hostettler
Chabot	Evans	Houghton
Chambliss	Ewing	Hunter

Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torres
Traficant
Upton
Velazquez
Vento
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—50

Abercrombie
Borski
Bunn
Clay
Collins (IL)
Costello
DeFazio
Durbin
Engel
English
Everett
Fazio
Filner
Flanagan
Foglietta
Fox
Funderburk
Gephardt
Geren
Gillmor
Gutknecht
Hefley
Heineman
Hilleary
Hilliard
Hutchinson
Jacobs
Jones
LaFalce
Lewis (GA)
Markey
Martini
McDermott
Menendez
Pickett
Pombo
Rush
Sabo
Sanford
Schroeder
Smith (MI)
Taylor (MS)
Thompson
Towns
Visclosky
Volkmer
Waters
Weller
Yates
Zimmer

NOT VOTING—37

Andrews
Baker (LA)
Bateman
Brown (CA)
Brown (FL)
Bunning
Calvert
Chapman
Clyburn
Dornan
Ensign
Fattah
Ford
Gibbons
Harman
Hastings (FL)
Hayes
Hoyer
Johnson, Sam
Kleczka
Largent
Lincoln
McCrery
McDade
Meehan
Molinari
Moran
Nethercutt
Peterson (FL)
Pryce
Riggs
Roukema
Schiff
Schumer
Torkildsen
Torricelli
Zeliff

□ 1120

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3103, HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT OF 1996

Mr. ARCHER. Mr. Speaker, pursuant to clause 1 of rule XX and by direction of the Committee on Ways and Means, I move to take from the Speaker's table the bill (H.R. 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Texas [Mr. ARCHER] is recognized for 1 hour.

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

Mr. Speaker, this is the customary motion to go to conference. I believe the minority has a motion to instruct conferees.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Mr. DINGELL moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the House bill H.R. 3103 be instructed—

(1) to recede to the Senate amendment except with respect to section 305 of the Senate amendment; and

(2) with respect to such section (A) to consider whether the enactment of such section would result in an increase in premiums for private health plans and (B) if so, to provide for concurring with such section with an amendment that adjusts such section to provide for the maximum coverage of mental health services under health plans without increasing such premiums.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. DINGELL] will be recognized for 30 minutes in favor of his motion. Does the gentleman from Texas [Mr. ARCHER] wish to be recognized in opposition to the motion?

Mr. ARCHER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes in opposition to the motion.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, here we go again. Once again our friends and colleagues on the Republican side have spent days and weeks behind closed doors. Our colleagues have been negotiating with themselves. They have been excluding Members on this side of the aisle. They have been excluding the President. They have been using their usual highly partisan style, strategy and technique.

They have stuck a controversial and objectionable medical savings account provision in their bill to serve the Dole for President campaign and to assist special interest friends in the health insurance industry.

Mr. Speaker, our motion to instruct is simple: It tells the House conferees, "Do not reinvent the wheel." We have before us a good bill which came from the Senate. It was totally noncontroversial. It properly rejected a broad medical savings account provision as unwise and fiscally irresponsible. The instruction tells House conferees that with the exception of one provision on which further analysis may be needed, simply recede to the Senate.

On that one provision, an important bipartisan amendment to provide mental health parity offered by our friends and colleagues, Mr. DOMENICI and Mr. WELLSTONE, it instructs the conferees to study the issue and to consider whether the provision would raise health insurance premiums. If the provision is found to raise premiums, the motion tells the conferees to do their best to adjust it to provide for the maximum possible mental health coverage without raising premiums and within the scope of the conference.

Make no mistake, my colleagues: The conference committee is about to be appointed, but it is one which already has its decisions made. All the important decisions are in place. Once more, the extremist Republican majority has told the American people and the President of the United States, "It's our way or the highway."

The Congress has an opportunity this year to enact a noncontroversial, a bipartisan, a consenus health insurance reform bill, a small one but an important one, a bill that would make health insurance more widely available to the American people. Some 28 million people will benefit from the enactment of this legislation. It is a bill which would

assure portability, guaranteed access and renewal. It would limit preexisting condition exclusions, and set up purchasing pools for small business.

This is a bill which was so broadly supported that it passed the Senate of the United States 100 to nothing. The Republican majority is not content, however, to stop here with a good bill. They could not resist playing politics with the health and security of the American people. And in spite of the President's good faith offer to negotiate a carefully constructed pilot program on MSA's, they just could not resist sending a bill that will have to be vetoed.

The beneficiaries of this will be the health insurance industry, and then only a part of it. The people who will suffer from this choice are the American people. Some 28 million Americans will not get the benefits of this legislation.

My Republican colleagues locked the doors. They locked out the American people. They ignored the will of the other body, which voted against MSA's, and they crowbarred this curious provision into the bill.

As they have done over and over again in this Congress, they bent the rules and, quite frankly, they are in the process of making a mockery of the conference structure of the two bodies.

Mr. Speaker, who is going to pay in the end for this partisanship? It is going to be the American people, 28 million of whom will be denied the benefits of significant improvements in health insurance and major reform.

Let us have a real conference with genuine bipartisan dialog and negotiation. Bring the President into the process in good faith, not by distorting the process by making the agreement beforehand and then telling the President to fly off.

A Presidential signature is going to be difficult. Let us get the Presidential signature. Let us enact the legislation. Let us support the motion to instruct.

□ 1130

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. THOMAS], the respected chairman of the subcommittee of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, it is with great pleasure and a certain amount of pride that I take the floor this morning, finally, as we appoint the conferees to meet with the Senate on our health insurance package.

I find it somewhat ironic that this package passed the House some time ago, passed the Senate on April 16, but it is not until June 11 that we are naming conferees. That is simply because the Senate stalled. The Senate would not go forward. The Senate Democrats wanted to play politics with health care once more.

We discovered, Mr. Speaker, that the President's mediscare tactics over the last year cost the American people more than $100 billion when we compare the 1995 Medicare trustees report with the 1996 Medicare trustees report. If we follow the wishes of the former chairman of the Committee on Commerce and pass this motion to instruct, we are once again going to be part of an operation that delays and obfuscates.

Mr. Speaker, the gentleman said that the negotiations that we have been carrying on with the Senate tried to crowbar provisions into the package. One man's crowbar is another's compromise and accommodation, and I just find it totally ironic that the gentleman from Michigan, given his history of rather cavalier and arrogant management of conference reports, would, in fact, make such a comment.

He alluded to the fact that the Senate package passed the floor 100 to 0. If that is the case, why is the motion to instruct not to go with the Senate program? Oh no, he knows there were flaws in the Senate bill. So on the one hand he says we have to go with the Senate, they are wise, they were bipartisan, they passed it 100 to 0, but, oh, by the way, in the motion to instruct, we do want to make changes in the Senate provision.

Well, let me tell my colleagues, the House and the Senate coming together has created historic legislation. We believe the President will be compelled to sign this package. We changed the language in the fraud and abuse area so that someone committing a bookkeeping error would not be liable to the penalties. Rather it is deliberate ignorance or reckless disregard of the law, rather than a simple bookkeeping error.

Mr. Speaker, we have cleared away a lot of the paperwork logjam that has been there way too long. We cleaned up the long-term care insurance area, changing the Tax Code to allow seniors to deduct this off of their medical expenses. That has been left to languish far too long. And on MSA's, the agreement between the House and the Senate is to begin on January 1 with employers of less than 50 employees. Currently, out of the 29 million in that category, only 3 million have health insurance. The MSA's will afford health insurance for millions of Americans if we disregard the motion to instruct.

Mr. DINGELL. Mr. Speaker, I yield myself 30 seconds.

The distinguished gentleman from California has referred to me in a most kindly fashion. He has also alluded to the fact that the deal has already been cut. I would note that this is interesting from the standpoint of the business at hand.

He has also said some other things. He has tried to blame the Democrats in the Senate for the action of the Republican Presidential nominee, the gentleman from Kansas, Mr. DOLE, who is the majority leader over there until this afternoon, I am told, at which time he will be leaving. But it will be noted that this good majority leader has not, during the time that the gentleman from California complains, appointed the conferees.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the press reports indicate that Republicans have reached a deal among themselves and at long last, after 2 months, they want to appoint conferees, which I presume is for taking pictures and presenting us with a done deal. Not exactly what I would consider an open and fair legislative process.

My colleagues across the aisle have purposely turned their backs on the best opportunity of the year for a bipartisan bill that would have been developed openly and fairly. It is completely backward from the normal process and is designed to end run the will of a majority of the Senate in opposition to medical savings accounts.

Mr. Speaker, we do not know many, many of the important deals of the back room deal. If it is like previous ones that handed billions of dollars to the American Medical Association in exchange for support of an ill constructed and conceived Medicare bill, or if it is similar to a payoff of the supporters of GOPAC and the Republican Party to pay off the Golden Rule Insurance Co., we can be pretty sure that those deals are in there.

The Senate passed a good bill. It did a better job on mental health amendments, which provided parity, which I assume the Republicans do not care about mental health. It did not deal roughshod with malpractice, and recognizes that 80,000 people are killed in hospitals each year. It weakened antifraud, or the Republican bill weakens antifraud and the Senate did not. The Senate did away with the MEWA's and is a better bill all around.

The Senate bill provides 80 percent deductibility for the self-employed. It covers all companies, not just those with less than 50 workers, and it is a better protection for the purchase of an individual insurance policy.

Mr. Speaker, for individuals, for U.S. citizens, the Senate is a better bill. The House bill is better for large contributors to the Republican Party. The House bill is a better bill for rich doctors. The House bill is a better bill for insurance companies. It is not as good a bill for individuals in this country.

It would be in the best interest of our constituents, of all people in this country, to go back, accept the Senate bill and recognize that we have thereby done a good job.

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

rise in opposition to the motion to instruct.

Mr. Speaker, it seems ironic to me that the minority wants us to abandon all of the bipartisan work that occurred in the House of Representatives and simply accept the Senate bill. It is also interesting that the only part of the Senate bill that they do not want us to accept at face value is the provision on mental health.

Amazing. They want us to dump malpractice reform, which is driving up the cost of health care for all Americans. But, of course, that is what the trial lawyers want. So they want that to be totally dumped.

They want us to dump the ability of small businesses to be able to pool together to get their insurance prices down so that they can compete with large companies. They want that thrown overboard.

They want all of the revisions that will help to cut the cost of paperwork and administrative redtape dumped.

They want us to dump the provisions that will help those who are in terminal illness from being able to have accelerated death benefits out of their insurance policies, like those on AIDS, so that they can expend that money for their health care in the last 2 years of their lives.

They want the elderly to be dumped and the ability that we provide in the House bill for them to be able to have long-term care deductibility on their insurance premiums.

They want all that to be thrown over and accept at face value everything in the Senate bill except the provision that the Senate put it to help those who have mental illness.

Mr. Speaker, this is a weird motion to instruct, and I think the House should clearly turn it down because it exposes the minority for what they really are. They do not want real health care reform, they just want issues.

We have a very good bill in the House, passed overwhelmingly by a bipartisan vote, and we will work from that to negotiate with the Senate so that we can end up with a better bill than what the Senate has created.

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

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, it is a sad day today in the House of Representatives on health care reform. We know that this process began in the President's State of the Union address where he called upon this House, on a bipartisan basis, to pass the Kennedy-Kassebaum bill, with the goal essentially of expanding insurance coverage basically for people who have preexisting conditions, who have not been able to get health insurance, or for those who have trouble because they lose their health insurance when they lose their job or transfer from job to job.

We had a bipartisan consensus to move on these two issues, portability and preexisting conditions, to expand insurance coverage. But, instead, from the very beginning, the Republican leadership insisted on these medical savings accounts, which is nothing more than a special interest way of providing catastrophic health care coverage that most Americans, except for the healthy and the wealthiest among us, will not be able to take advantage of.

It was all done because essentially it was a payback. The Golden Rule Insurance Co. has made big contributions to the GOP, and they would reap big profits if the MSA proposal becomes law. They have given about $1.2 million basically to various GOP causes. So from the very beginning there were not conferees appointed because we know that the other side, the Republicans, wanted to include the MSA's, and they still have.

Mr. Speaker, with this proposal today, our understanding is that when the conference is done they will simply ratify a proposal that still allows these MSA's to be included. It is a shame, because the Kennedy-Kassebaum bill was crafted to keep premiums affordable because it would not impact the insurance risk pool by encouraging healthy individuals to drop coverage.

The MSA provision does the opposite. It is the poison pill. It basically makes it so that only the healthy and the wealthy can take advantage of this catastrophic coverage, and Americans who do not choose to join the MSA's, because of the high risks involved, will see their health insurance premiums increase.

The end result then, Mr. Speaker, is health insurance premiums increase for the average American. And instead of having more people insured, which was the very purpose for the President's call back in his State of the Union address, we will have less Americans insured.

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

The gentleman's comments are just not founded on facts. The Rand Corp. has done a study about medical savings accounts, the Journal of American Medicine has come out with a study, and both of them say there will not be adverse selection. Both of them do not support in any way the gentleman's comments that this would help the rich or this would help only those who are healthy. Not so at all. All of the empirical data puts that down.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], the respected chairman of the Subcommittee on Oversight of the Ways and Means Committee.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is an extraordinary opportunity for this House and this Congress. We have the opportunity in the conference process to come to agreement on a bill, and we can already see the agreement out before us that will guarantee to the working people of America the right to move from job to job without losing their health insurance due to preexisting conditions.

Why would we want to limit conferees' ability to merge the fraud and abuse provisions of the House and Senate bill and choose those provisions that are really strongest but also most protective against small minor mistakes and making those as criminal?

Why would we want to tie the conferees' hands and not let them include administrative simplification provisions worth billions and billions of dollars in savings to our health care system?

Why would we not want them to consider a compromise in the medical savings account that does not open up the right to medical savings account to the big givers of the Republican Party, as my colleague, the gentleman from California [Mr. STARK], claims, but rather only opens it up to the employees of small businesses, 50 or under?

Frankly, Mr. Speaker, those folks are not big givers to either party. They are just folks who do not have health insurance and need an opportunity to have this choice.

□ 1145

It is a small, modest compromise. It requires a study, and it requires a congressional vote after 3 years before an expansion. It is just the right kind of compromise that the House and Senate are capable of coming to to move forward with the public business so that we can guarantee portability to America's workers, so that we can guarantee long-term deductibility of long-term insurance premiums; truly the right answer to controlling Medicaid spiraling costs, absolutely the right answer to make long-term health care premiums deductible.

That is in this. As important a reform as this Congress has ever considered in the health care area. We have the opportunity to serve the public well.

Mr. Speaker, I oppose the special instructions of the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I congratulate the gentleman from Michigan [Mr. DINGELL] for the work he has done on health care reform. I am pleased that we are finally going to conference on this health reform bill.

Since the President's State of the Union Address, there has been bipartisan support in passing legislation that would eliminate preexisting conditions for people who lose their jobs and need to change from one group plan to another, or from a group plan to an individual plan.

We have wanted portability, both Democrats and Republicans have asked for us to move this legislation, and I am pleased that at last we are going to conference in order to get this done.

Mr. Speaker, I support the motion of the gentleman from Michigan to instruct the conferees, and let me give two reasons that I hope that the final bill that we will vote on will contain.

First, mental health parity. Mental health parity is important to help start to remove the historical discrimination against mental illness in this Nation. There has been a lot of talk that that may increase the premium cost. Let me give the experience of the State of Maryland.

Mr. Speaker, we have enacted mental health parity in our State that is effective against State-regulated health insurance plans. We have found no appreciable increase in premium costs as a result of establishing parity.

Mr. Speaker, when consumers have reasonable access to health care, we find that we have more cost-effective health care; we do not force people into more costly circumstances. We have found in-patient care actually decline as a result of providing mental health parity. We would hope that the final bill that comes to the floor from conference will include mental health parity.

The second reason I support the gentleman's proposal is the MEWA provision that allows employers to join together but preempts the abilities of our States to regulate. We talk about we want the States to do more, but the MEWA provisions in the House bill would prevent our States from regulating. The State of Maryland has enacted small market reforms. The MEWA provisions would prevent that.

Mr. Speaker, I urge my colleagues to support the motion.

Mr. ARCHER. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. HASTERT], a gentleman who has contributed so much to the development of health care policy in the House.

Mr. HASTERT. Mr. Speaker, it is interesting to hear the debate, especially from the other side of the aisle. It is also interesting to hear the rhetoric from the other side of the aisle that tries to create a class warfare on a piece of legislation that is really for what the American people want.

If my colleagues would look at this bill, this does not treat any special interests, it does not take any upper-income group and give them a special deal. What it does is allow working Americans, people who work for small businesses, people who are self-employed to, have a choice.

Is that so wrong to do, to give people choices on what they want with their health care future; what they want to do to choose a health care policy that best suits them and their family? A health care choice that they have the opportunity to begin to take care of their long-term health care future if they wish to do that? That is exactly what is in this bill.

Mr. Speaker, we give portability and affordability. That was our goal: To let people have the ability to get health care insurance, even when they change jobs, group to group or group to individual. That they are not denied health care because they or their family have a preexisting condition. That is out of this bill. We are there. They have the ability to have that portability. They have the ability to move from job to job.

Also, one of the things that we do here is long-term care so seniors who worry about their golden years and beyond those times when maybe they are able to take care of themselves, that they are not thrown out into the issue that they have to give up all of their resources that they are able to take their life insurance, in fact if they had a catastrophic health care problem that they could convert that life insurance tax free into long-term care insurance, and also treats long-term care insurance in a tax issue that is just like any other health care insurance. It is tax deductible. Does that not make sense? I think it makes a lot of sense.

Deductibility, for those people who have never had the break in small business, where big businesses can go and deduct their health care insurance as an expense against their business, small business has never had that. Sometimes we have given them 25 percent; sometimes it has been zero, because the Congress has not acted, and then now it is 30 percent.

Mr. Speaker, we try to move that to parity. We try to give those people, and we do in this bill, 80-percent deductibility, so small-business people have the ability to go out and buy insurance and get the same break that big businesses get.

Fraud and abuse: The American people know that fraud and abuse is one of the biggest issues out there, that one out every 10 health care dollars gets wasted. Wasted. And any senior citizen will tell you that waste, fraud, and abuse is rampant in our system.

Mr. Speaker, we address waste, fraud, and abuse in this issue. We take that issue down and say that we are going to draw the line of those few people in the health care providers that take advantage of the poor, that take advantage of the old, that take advantage of people who need health care and get slicked into something that they cannot afford.

Mr. Speaker, I have to say that the gentleman from New Jersey [Mr. PALLONE], who spoke a few minutes ago, made this big issue and talked about class warfare and something for the rich. I just have to say that that is just not so.

Now, I would never accuse that gentleman of not telling everything that he knows, but let me say this: He offered the same motion on the floor when we discussed health care reform, this same piece of legislation, and it was defeated overwhelmingly in this House. And now he is coming back from a second bite of the apple, I think that is a little bit much.

Mr. Speaker, let us talk about medical savings accounts. Medical savings accounts in this bill give the people who are small-business people the ability to give their employees a choice. Now, I thought in a democracy such as the United States of America, that choice is really what democracy is all about, small "D" democracy.

Choice is what people can choose. Choice puts the market in. Choice gives the ability to go out and buy the best program for the best amount of money.

Now, if we think government is smarter than the people, if we insist on big government programs, then we would want to deny people choice. We want to deny them the ability to do the right thing. This piece of legislation gives people choice. It allows them to do the right thing for themselves and their family.

Mr. Speaker, I salute the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, and the gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce, for doing the right thing in this bill, coming out with a piece of legislation that really gives us true health care reform, something that we have not seen in this Chamber for 20 years. It is time we pass it and it is time we pass it in the House version.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey [Mr. PALLONE] will be recognized to yield the time previously allocated to the gentleman from Michigan [Mr. DINGELL].

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, what we are engaged in here today is basically a sham. The Republicans have met by themselves and decided what this bill is going to contain. And much of what the gentleman from Illinois [Mr. HASTERT] says is correct. There are a lot of good things in this bill.

But, Mr. Speaker, this proposal is designed to be vetoed by the President. Now, if we answer 10 issues and all of them are good, we have portability, and we make it so that preexisting conditions cannot prohibit consumers

from getting insurance and so forth, if we had 10 issues that were good and we knew we could get them, but we had one other issue that the President said, "If you put that in, I am going to veto it," why would we put it in except unless we wanted the President to veto it?

The Republicans have no intention of passing this bill. They stuck that poison pill of medical savings accounts in simply because they know the President has given his word. He has told them in advance, "If you put that in, gentleman and ladies, I am going to veto this bill." So, they do it anyway.

Now, the question then is why, after 2 years of fighting, do they have a secret conference committee make the decisions and put a bill out here on the floor that they know the President is going to veto?

Mr. Speaker, my answer is that they have no intention of doing anything to fix the American's problem with health care in this country. There are now 44 million people in this county, and the number is growing every single day, and yet they refuse to make the very small changes of portability and getting rid of preexisting conditions.

In fact, Mr. Speaker, they are going to kill the mental health provisions. As a psychiatrist, I know that people who have mental health problems in their family have a very difficult time getting coverage. And this bill that the Senate put together was a good proposal. It ought to be accepted, but, in fact, they have put in a poison pill.

Mr. ARCHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would ask the gentleman from Washington why is it that in this motion to recommit the only thing in the Senate bill that is not protected is the mental health provisions? The only thing that this motion to recommit says to the conferees that they can take out of the Senate bill is the mental health provision, the very thing that the gentleman says is so important? Why is that in this motion to instruct?

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman for giving me an opportunity to respond to that. On our side, we figured out that we have to make compromises to get things through.

Mr. ARCHER. Mr. Speaker, to say that the gentleman wants to compromise that, and not take the Senate language, but not compromise anything else, why is that the only part that the Democrats are willing to compromise? That seems very strange.

The gentleman, particularly because of his background, I would think would want that to be taken out of this motion to instruct.

Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I would ask the gentleman from Washington if he would like to come to the mike. I will give him time on my time to respond to a question I would like to ask him, because in his statement he was quite emphatic that if the medical savings accounts as we are beginning to work them out with the chairwoman on the Senate side from Kansas, that if, in fact, we work out something that is acceptable to the gentlewoman from Kansas, that the President is going to veto it.

Mr. Speaker, the gentleman from Washington spoke with such certainty that this was a poison pill. I guess I would ask the gentleman if it is included and the President signs it, what does it tell the gentleman about the President? Why is he so certain the President is going to veto the package if it has the compromised MSA language in it?

Mr. McDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, I think the President has made it pretty clear that if my colleagues on the other side of the aisle put the medical savings accounts in, and this proposal is not some kind of pilot program. The gentleman knows that. It goes for 3 years, then it becomes open to the whole world. My view is that the gentleman is going to continue and——

Mr. THOMAS. Mr. Speaker, reclaiming my time, I was amazed as to how certain the gentleman from Washington was that the President would veto it. I think that certainty does not come from knowledge; it comes from fear that the President will, in fact, sign the legislation because it is a reasonable compromise and is going to leave a lot of people who have been very unwilling to be reasonable out on the limb.

Mr. Speaker, we are going to test that hypothesis very soon because I believe the President will sign this very responsible health insurance reform package.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

□ 1200

Ms. DELAURO. Mr. Speaker, today will be remembered as a sad day in this Congress, a day when we missed an opportunity to help millions of working families. Once again congressional Republicans serve up legislation to help wealthy special interests. This bill, which started off as a good bipartisan bill that would have helped working families, people who move from job to job, to maintain their health insurance, prohibit preexisting condition, add parity for mental illness, this bill has been hijacked by Speaker GINGRICH and by Majority Leader DOLE.

Under the banner of reform, the House passed a bill that raises health care costs, hurts consumers and increases the number of uninsured. By including medical savings accounts, skimming the healthy and the wealthy out of the traditional insurance pool, we will see in fact insurance costs go up. Do not take my word for it. Take the American Academy of Actuaries, not a liberal group by any stretch of the imagination. They estimated that this skimming process would result in a 61-percent increase in health care premiums for those who remain in traditional plans.

Let me tell my colleagues why do we have such bad policy here in the House. We will find out in a second here when we know that the company that provides most of these medical savings accounts, the Golden Rule Insurance Co., has been the third largest donor to Republican political campaigns, more than a million dollars to the Republican Party over the last 4 years. That is why we see this addition to this bill.

Sadly, this is a bad piece of legislation. Let me repeat, under the banner of reform this bill as passed will raise health care costs. It hurts consumers and it will increase the number of uninsured. We had a wonderful opportunity to pass help for working families in this country. Because of special interests, the Republican majority has denied that opportunity to working families today.

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I rise in support of the motion to instruct because it puts us on a fast track to real bipartisan market-based health care reform by adopting the Senate bill.

Mr. Speaker, my Republican colleagues have been negotiating amongst themselves and would now have us buy what we might call a pig in a poke, sight unseen, take it or leave it. We do not know but we think they have made some beneficial corrections to the original Republican bill, including the dropping of MEWA's or an unregulated small business insurance product and allowing for full deduction of health insurance costs for the self-employed which was actually in the Democratic substitute which I offered along with the gentleman from Michigan [Mr. DINGELL] and the gentleman from South Carolina [Mr. SPRATT]. We think that is good, but we do not know if it is real in there.

Unfortunately, we have fiddled away several months in order for the Republicans to force an iffy and untested, unsure tax incentive on the entire Nation. While there may be merit in the

medical savings accounts, we really do not know and we should not hold up portability and preexisting condition discrimination for a pilot project. That is why the Republican Senate rejected the Dole MSA amendment when this bill was considered in the other body.

It is unclear and we do not know whether MSA's will result in a dilution of the insurance pool. We do not know whether or not employers will choose to substitute lesser benefits for their employees. We do not know what the real fiscal impact will be. So it comes down to a basic fact of why not pass what we all agree upon and get it done and come back and look at that. But our colleagues do not want to do it.

I would also add, Mr. Speaker, that we do not know whether or not this bill would still contain duplicative medigap insurance premiums which would cause senior citizens who pay twice for what they are getting only once. Quite frankly, what we ought to do is to go back and pass a guarantee of issue of medigap insurance for senior citizens since the Republican Medicare plan seeks to force seniors to managed care anyway. But we do not know what that bill is going to do with that. Mr. Speaker, the fact of the matter is they have been dealing amongst themselves. Let us pass a bill that we all agree upon and let the American people have a victory for once.

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

As I listen to the comments from the other side of the aisle, I can only conclude that the Democrats really want to have it both ways. They want to talk about special interests, but they do not want to talk about the special interests and the trial lawyers who will not let us have medical malpractice reform. They do not want to talk about that. They want to talk about secret agreements. Yet the reason that we have not gone to conference after all these weeks is because in the other body one Senator has prohibited, prevented the appointment of conferees. In the other body, we are told, well, you have to reach an informal agreement amongst yourselves before we can consider the appointment of conferees.

We should not be able to have this argument both ways.

Then their argument is that, oh, well, of course, this is going to be vetoed because there is a poison pill in here, and that poison pill is medical savings accounts. God forbid that we let people choose their own health care and spend their own money in order to determine what the best value of health care is for each individual, the ultimate in portability. When you have a medical savings account, if you do change jobs, you clearly carry it with you. It is yours. It is the ultimate in portability.

If it is a poison pill, how can it be that 80 percent of the American people by polls, survey after survey, support medical savings accounts? Why is it poison when 80 percent of the people say, give me that choice in my individual life?

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, there is a lot of smoke screening going on here. The issue is not malpractice insurance. I think the Republicans are ready to drop that. The issue is MSA's and whether they will be included. There is a good reason. The reason it was held up, the whole conference on the other side, was because the majority leader, as I understand it, wanted to stack the conference with Members who are in favor of MSA's.

Let me just indicate the problems with MSA's, as they came through the House. First of all, there is a health policy issue. That is, if you allow people to go into these, the healthier people, they are likely to raise the premiums for everybody else. That is the problem. There is a second problem and that relates to tax policy.

As they passed the House, here is what people could do, and I understand the gist of this remains in the agreement that none of us have seen. That is, people, especially wealthier people who would benefit, could put moneys into MSA's, they could accumulate income from those investments; they would not be taxed. At a certain age they could withdraw that without penalty. I think it was 59 here. Maybe it has been raised. If they kept the moneys until death, it would not be subject to taxation upon death.

So essentially what we have is an incentive for wealthier people. It is kind of an IRA for wealthy people.

By the way, they could take the money, they could keep it in there and spend other income on health care. That is why we say, just as my colleague tied Medicare to tax breaks for very wealthy people, we are tying what is needed here, and that is portability and protection against preexisting conditions to a proposal that is mainly going to be a tax benefit for wealthier people. It is not a choice issue. It is that issue. And my colleague has never faced up to it.

That is why we are questioning MSA's in addition to the health policy. We need to respond to this. Otherwise we are going to have our opposition and a veto from the President.

Mr. ARCHER. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I have a great deal of respect for the gentleman from Michigan, but he is just uninformed or he does not know what he is talking about. When he talks about smoke screen, it is the incredible smoke screen that is coming up on the other side of the aisle.

Medical savings accounts can accrue, true. But when you withdraw, if you withdraw that medical savings account for anything except health care, you pay a 15-percent penalty. Nobody is going to try to accrue this money and then try to pull it out with a 15-percent penalty. That is far above what advantage they get in the tax benefit. Also it is not for rich people. This is for small business people and self-employed people. That is the way the bill was written. Those people who work day in and day out with the sweat of their brow so that they can afford health care for their family and they can have a choice of health care for their family.

Finally let me say, when a person is 65 years of age, yes, he can withdraw that money and pay his taxes on it or he could withdraw that money and put it into long-term care. Boy, is that not a problem in this country? Or he can withdraw that money and pay for a catastrophic health care problem in his family. That is certainly a problem, especially if you are over 56 years of age. What the Members on the other side of the aisle are doing is trying to deny senior citizens the ability to have health care security and long-term health care security. That is where the smoke screen is, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, these are very simple instructions. It says, say yes to Kennedy-Kassebaum. Say yes to portability. Say yes to a ban on preexisting conditions. That is what our instructions here today are to the negotiators. Let us get this done.

It says no to medical savings accounts and no to medical malpractice caps. It says no to all of the special interest feeding frenzy which is now building up around this bill.

American families are concerned about job lock; they cannot move with their medical insurance. They are afraid that they have preexisting conditions that will make it impossible for them to ever get new insurance, so we are trying to protect them. But now what happens is all the special interests ride in with this very important bill and they try to turn it into a goodie grab bag for all of their special interest concerns.

Kennedy-Kassebaum is not perfect, but it is a very good bill; and it is what the American people want: portability, preexisting conditions protected against.

My mother always said that half a loaf is better than none. I support Kennedy-Kassebaum, even though it is really a couple of slices and I know that the American people want a whole loaf so that they have not only health insurance which is accessible but also

affordable. But we cannot get that done this year. There will be no bill.

Unfortunately, the leadership, the House and Senate leadership has taken a couple of good, wholesome slices of health insurance reform and slapped a whole lot of extraneous junk food on top, creating a health care hoagie of medical savings accounts, caps on medical malpractice awards and other unhealthy additives. These anchovies and olives and onions are certain to tickle the taste buds of a very few special interests but cause heartburn for millions of consumers.

Mr. Speaker, the House and Senate Republican leadership has taken a noncontroversial health care bill and turned it into a special interest feeding frenzy. That is wrong, just plain wrong.

We should put the needs of American families above the demands of the gluttons of Gucci Gulch outside the Committee on Ways and Means.

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

Again, it would be very good if we could stick to the facts. What this motion to instruct does is it takes a whole Senate bill, dumps everything in the House bill, takes the whole Senate bill, except for one thing, help for the mentally ill. It says, no, the mentally ill can be thrown overboard, but everything else that is in the Senate bill, you have to accept.

□ 1215

It says no to small-business pooling that will let them compete with major corporations. That is what it says no to. That is in the House bill, not in the Senate bill. It says no to paperwork simplification. It says no to fraud and abuse. We cannot attack fraud and abuse. We got a very touch good provision in the House bill; the Senate does not. Says no to long-term care facilitation so people can protect themselves in that way.

It says yes to the trial lawyers; no malpractice reform.

This will likely be the only health care bill that passes the Congress this year.

Why should the American people be kept waiting for things that they want, that are so popular with them?

The American people need this bill. For the first time, working Americans will be able to leave their jobs without having to worry about losing their health insurance due to a preexisting condition.

We should move quickly to enact a conference report that powerfully fights fraud and abuse in the health care system. It has often been said that could be as much as 10 percent of health care costs. The Senate bill does not have that; the House bill rightfully does in this one health care train that will leave the station this year.

This bill can create new criminal penalties against those who engage in health care fraud and a national health care fraud and abuse control program to coordinate Federal, State, and local law enforcement actions.

We can end the discrimination in the Tax Code against more than 3 million small self-employed business people, increasing the deductibility of health insurance to 80 percent for the self-employed and giving them the opportunity to select, if they wish, medical savings accounts.

We can make health care more affordable to senior citizens by passing into law two of the Contract With America items that allow tax deductions for long-term health care needs, like nursing home and health care coverage in long-term care. Also, terminally ill patients receive benefits by allowing them to receive tax-free, accelerated death benefits on their insurance policies while they are terminally ill.

And, finally, we can pass a bill that includes the ultimate and best in portability, which is medical savings accounts. MSA's are a valuable option in the health care market because they put people in control of their own health care decisions. They are popular with 80 percent of the American people. The only reason I can believe that they have been made so controversial by the other side, because they are not controversial with the American people, is because they are the single biggest bulwark to the Federal Government taking over our entire health care system, and so many on the other side would like nothing more than what President Clinton proposed in the last Congress, which is a complete Federal takeover of the health care system. The American people do not want that.

MSA's have a bipartisan history in the House. Over 40 Democrats voted for them here in the House. They were originated in the first bill by myself and the gentleman from Indiana [Mr. JACOBS], a Democrat. And Democrats over and over again have supported them.

Under a compromise that has been informally agreed to at the demands at the Senate prior to going to conference, which it should not have been that way, and had the Democrat Senators not held up the appointment of conferees in the Senate we would have this done some time ago, but under that informal agreement MSA's would be available to people to work in small businesses with employment of under 50 employees and to the self-employed, and employers with bigger numbers of employees and individuals would have to wait for 3 additional years. But 29 million Americans work in companies with 50 or fewer employees, and just 3 million, only 3 million, have health insurance.

Mr. Speaker, we should open the door to then, and we will with this bill. Our MSA option will for the first time give the uninsured access to health care. For too many working Americans, health insurance is not even an option; it simply is not offered at all, especially for those who work in small business.

So I am bewildered to hear the critics of MSA's who would rather keep people without health care than allow this important option to be enacted into law, and it is only an option, not a mandate.

MSA's stand for medical savings accounts, but MSA's really stand for Medical Security Act. With MSA's people can be secure in the health care needs knowing that they can take their health insurance with them, and for those without insurance, MSA's represent a wonderful way to be safe and secure for illness.

We should delay no further. We have appointed conferees or authorized the appointment of conferees. Let us reject this motion to instruct. Let us work this out. Let us add good features that are in the House bill in this one-time-only health care reform package that can move into law this year.

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

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding this time to me.

What has happened on this very simple bill? Kassebaum-Kennedy was a simple bill that dealt with two problems. It dealt with the problem of preexisting condition and the problem with portability. Then Speaker GINGRICH and Republican leaders have chosen to attach to this bill all kinds of special-interest provisions for the largest insurance companies in America. All we are asking simply is that the House pass, that we instruct conferees to do what the Senate did when the Senate passed this bill unanimously a hundred to nothing and when the Senate defeated medical savings accounts. All we are asking is that Kassebaum-Kennedy be dealt with cleanly and simply, that we have a ban on preexisting condition and that we deal with the problems of portability so people can move their insurance from one employer to another employer.

All Speaker GINGRICH wants to do, what he wants to do is load up this bill with special-interest provisions to pay back big insurance companies that have helped Republican campaigns in the last couple of years.

The choice is clear. Vote "yes" on health reform. Vote "yes" on the motion to instruct.

Mr. HASTERT. Mr. Speaker, I move to take the words of the gentleman down.

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Ohio [Mr. BROWN] will suspend, and the gentleman from Illinois [Mr. HASTERT] has demanded the words be taken down.

The gentleman from Ohio will be seated while the clerk transcribes the words.

□ 1240

Mr. HASTERT. Mr. Speaker, I withdraw my demand.

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Illinois withdraws his demand. The time of the gentleman from Ohio [Mr. BROWN] has expired.

Without objection, the gentleman from Illinois [Mr. HASTERT] will control time.

There was no objection.

Mr. HASTERT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we heard a lot of rhetoric back and forth in this Chamber today. I think there has been some good discussion of issues. I think that we should talk about medical savings accounts and get the facts out about medical savings accounts and other issues in this bill. But I think this House does not do itself any honor when in my opinion we try to impugn a Members' motives of why an issue is included or an issue is not included. I guess we could go back and forth in this Chamber and point fingers at each other for this issue or that issue or this support or that support, but I think we really need to focus on what those issues are and the positives and negatives, and I will just say that I will continue to watch and in my opinion when we impugn other Member's motives, of either side of this aisle, I do not think that should be tolerated in this Congress, and I will try to make sure that it does not occur.

Mr. PALLONE. Mr. Speaker, I would inquire about the time that remains.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. PALLONE] has 7 minutes remaining and the gentleman from Illinois [Mr. HASTERT] has 3 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise in support of the motion to instruct conferees offered by the gentleman from Michigan [Mr. DINGELL] and in opposition to the partisan agreement reached last night.

I oppose this agreement because a small band of Republicans have insisted on including a provision sure to provoke a Presidential veto.

The medical savings account provision favors their wealthy patrons over those citizens in dire need of health insurance reform.

This legislation began as true bipartisan effort in both houses of Congress.

The bill's twin goals of affordability and portability were also supported by the President. On the night of the State of the Union address, almost 5 months ago, he promised to sign this bill in its original form.

Indeed, the other body passed their version of this bill by a 100-to-0 margin. But this extremely rare example of bipartisanship was hijacked by Republicans in the House who do not seem to want reform.

The MSA provision allows the healthy wealthy to opt out of the insurance pool and build up their own medical savings accounts.

The result of this is that conventional insurance pools are broken up and those who are both sick and unable to afford MSA's are potentially left to fend for themselves.

The long-term effect of this double affliction is to increase the number of Americans who must go without health insurance. This provision completely defeats the purpose of health insurance reform.

There is a saying in the other body, "99 is never enough." Unanimity is required. If 100 U.S. Senators can agree on health insurance reform legislation, why can we not?

I urge my colleagues to oppose this reported conference agreement and pass a bill that we can all agree on and that the President will sign. The American people need health insurance reform. Let us not snatch it away from them for partisan political gain.

Mr. HASTERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means.

Mr. ARCHER. I thank the gentleman for yielding time.

Mr. Speaker, this is like a broken record. There is no empirical data to support what the gentleman from California just said.

Apparently the other side of the aisle has decided that they want to kill the opportunity for freedom of choice on the part of individuals and small employers to be able to select their own doctor and to pay their own medical bills. I do not know why they want to do that, but they have made that decision.

Now they have come up with this phrase that it benefits only the healthy and the wealthy. There is no data to support that. In fact, just the reverse. Both the Journal of American Medicine and the Rand Study showed just the opposite. The empirical data that we do have shows that there will be no adverse election.

We cannot continue to listen to this patented rhetoric of it only helps the healthy and the wealthy with no empirical data to support it.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HASTERT] has 1¾ minutes remaining, the gentleman from New Jersey [Mr. PALLONE] has 5 minutes remaining, and the gentleman from New Jersey has the right to close.

Mr. PALLONE. Mr. Speaker, may I inquire as to how many speakers they have on the other side that remain?

Mr. HASTERT. We only have one.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Rhode Island [Mr. KENNEDY].

□ 1245

Mr. KENNEDY of Rhode Island. Mr. Speaker, you do not really need a lot of empirical information to understand that insurance companies only make money off of healthy people, and that if they had a choice in this world of profit making, sick people cost them money. It is a given. It is common sense.

So what we were able to do in this Kennedy-Kassebaum bill is get two things that kept insurance companies from blocking health insurance to all kinds of people, even people who needed health insurance: Preexisting condition and portability.

There is agreement on it, and it is wonderful that even Republicans on the other side of the aisle agreed with this concept, that we needed to rein in the insurance companies on this issue.

We have agreed to come this far. Why do we need to jeopardize something that has already been agreed on because we want to put in this medical savings account? We have agreed on all this. Now what do they want? The Republicans in the House want to add this medical savings account.

Guess who supports this? Insurance companies. Guess why? Because, again, it allows them to only insure healthy people and block out health insurance for sick people that is going to cost them money.

Just think about who is behind this, and I think you will be able to understand why you do not need any empirical evidence to know why medical savings accounts are going to be the killer of health care reform.

Mr. HASTERT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to review this and say we have had a lot of rhetoric, as I said before, back and forth. The gentleman from Rhode Island talks about class warfare, how only the rich. That is completely false. There is no empirical data. That is why we have a study in this bill to look at what medical savings accounts actually do.

For the party on the other side of the aisle that supports big government decisions, that blocked out medical savings accounts because they do not want people to make choices, that they do not want people to test the market for themselves and to see what price and what services are best suited to themselves and their families, I think this is a crazy argument. But so be it.

What we need to do is to pass this legislation. We need to appoint the conference committee. We need to go ahead and meet as a conference, and then work out what differences there are. It is surprising to me that the same party that blocked in the other

body the ability for us to name conference committee members so that we can sit down and discuss this issue is now saying, "Well, this is an inside, clandestine, bipartisan agreement."

We had to sit down and go through the conduits to talk to the White House, to talk with the other side in the other body, in order for us to be able to name conferees. It that is not a stalling of the process, when one Member in the Senate can stall and hold up the process for the American people, having portability, having health care choice, having long-term care for senior citizens, when that happens, that is not democracy. We need to pass this bill today.

Mr. PALLONE. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. BONIOR] the distinguished minority whip.

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Michigan [Mr. BONIOR] is recognized for 3½ minutes.

Mr. BONIOR. Mr. Speaker, I rise today to urge my colleagues to support this motion to instruct, to restore the simple straightforward bill to protect people's health care which passed by the Senate by a vote of 100 to 0.

Mr. Speaker, I am not arguing for some partisan position only by my party. If this motion passes, we will have a bill that all Republicans, all Democrats, all Americans can support. It is not that we are supposed to come here and try to figure out this health care bill in an hour's debate. We are supposed to work across party lines.

Are my colleagues on this side of the aisle so ideologically driven, so completely out of touch with the real lives of the American people, that they would destroy any chance for health care reform with this partisan, divisive amendment?

The clock is ticking, and if we do not act soon, this will go down in history as one of the least productive Congresses in the history of this country. So far, not a single thing has been done to improve the lives of ordinary Americans. Is that something my colleagues want to live with on this side of the aisle? The minimum wage, we passed it here, it is going to die. Pension reform, nothing happening. Education reforms, nothing is happening.

Now we are at the goal line and have a chance to put across a bill that will guarantee coverage for people, so if they lose their jobs or change their jobs they will have health insurance, and we have this medical savings account, which the Washington Post, the New York Times, Consumers Report, even the Wall Street Journal, has indicated is for the healthy and the wealthy. Yes, Mr. ARCHER, the healthy and the wealthy, driving everybody else's rates up in regular insurance pools.

Mr. Speaker, I urge my colleagues, on behalf of the 637,000 Michiganders who will benefit by this bill, minus this medical savings account, to vote for the motion to instruct and to send a message to the country. This is the least we can do in this do-nothing Congress, is pass a small, scaled-down health care bill that will protect them and this country.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this motion to instruct will almost certainly insure the signing into law, of this badly needed health insurance reform legislation which will help millions of working American men and women. The House Republicans have the hubris to include in their version, elements which they know will provoke a veto by the President. In particular, the special interest medical savings accounts and malpractice liability provisions have corrupted this legislation and condemned it and the millions it would help. It seems to be obvious that my Republican colleagues are much more interested in scoring political points with their special interest friends than actually passing legislation which will greatly help the actual people they were elected to represent.

By adopting the slightly modified Senate bill as our own, we can send to conference a clean and trouble-free bill that the President has stated he will indeed sign. It will be free of the untested and unproven medical savings accounts. While we can all speculate as to what will happen if we let loose upon the Nation, this new health insurance creature, we do not really know. And before we radically change how the men, women, and children receive their fundamental health care, I believe that more time and study should be applied to the issue and possibly a pilot experiment done. I say this because MSA's have the potential to drive up premiums for those who can least afford it and drive others into the ranks of the uninsured. The devil is in the details and the details I have seen are very devilish to be sure. This issue is so controversial, the Senate cannot even appoint its conference committee members. That fact alone should cause my colleagues to stop and reassess their priorities and their intentions—whether it is to pass real legislation which will help all Americans or to repay their political debts.

The citizens of this country want this reform, clean and unspoiled. If this Congress does nothing else, this reform bill is one of the most important things we can do during this session. This legislation will remove from the nightmares of millions of Americans the fear they are now plagued with—loss of health insurance benefit and costly medical bills they cannot pay. I urge all Members to vote for this motion and secure the health rights of all Americans. Passing the Senate version cleanly will help Texans and Americans to obtain health insurance in spite of preexisting condition and be able to carry their health insurance with them when they leave their job.

Mrs. LINCOLN. Mr. Speaker, I rise today to share my views regarding the motion to instruct conferees on H.R. 3103, the Health Coverage Availability Act, offered by my friend from Michigan, Mr. DINGELL.

I support coverage of mental health benefits by insurance companies, as long as the coverage does not cause a large increase in premiums for everyone else in the insurance pool. Mental health illnesses are a significant problem in this Nation, and if left untreated, can cause serious harm to the patients as well as their loved ones. In addition, it is fiscally responsible to provide mental health treatment because proper preventive measures allow many patients to lead productive lives without having to be admitted into expensive long-term-care facilities. Mr. DINGELL's motion asks for the maximum level of mental health coverage that does not drive up the premium costs for others, and I am supportive of this motion.

In addition, the motion deletes medical savings accounts [MSAs] from H.R. 3103. Although I supported final passage of H.R. 3103 in late March because of the importance of providing workers health insurance portability, I did not support the MSA provisions as written in the bill. If we are going to include MSAs in this legislation, I believe that we should implement them on a demonstration basis so we can test the cost effectiveness of MSAs as well as the impact they would have on the insurance pool as a whole. We must ensure that the health and well-being of all Americans is the most important consideration regarding the establishment of MSAs, not just the health of those who can afford a special account.

Mr. Speaker, H.R. 3103 has many important provisions. It prohibits insurance companies from denying health care coverage to workers who move to another company, or who lose their jobs or become self-employed. The legislation also bars insurers from excluding coverage of preexisting illnesses for more than a year. In addition, this bill increases the tax deduction for health insurance costs paid by the self-employed, and it expands the opportunity for small businesses to form coalitions to provide them with health insurance.

Enactment of these measures is too important to be held up by disagreements on mental health benefits and MSAs. Therefore, I hope that we will move swiftly toward compromise on these issues so that we can provide our constituents with quality health insurance reform legislation.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. PALLONE. 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 182, nays 235, answered "present" 2, not voting 15, as follows:

[Roll No. 226]

YEAS—182

Abercrombie	Andrews	Baldacci
Ackerman	Baesler	Barcia

Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NAYS—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
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
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—2

Goodling
Jacobs

NOT VOTING—15

Bateman
Brown (FL)
Calvert
Deutsch
English
Gejdenson
Gibbons
Harman
Hastings (FL)
Hayes
Lincoln
McDade
Schiff
Stenholm
Torricelli

□ 1315

Messrs. SAXTON, ROEMER, HORN, and HOSTETTLER changed their vote from "yea" to "nay."

Mr. GILMAN changed his 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.

□ 1315

The Speaker pro tempore (Mr. WALKER). Without objection, the Chair appoints the following conferees: Messrs. ARCHER, THOMAS, BLILEY, BILIRAKIS, GOODLING, FAWELL, HYDE, MCCOLLUM, HASTERT, GIBBONS, STARK, DINGELL, WAXMAN, CLAY, CONYERS, and BONIOR.

There was not objection.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 3540, and that I may include tabular and extraneous material.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 445 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3540.

□ 1316

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 further consideration of the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 5, 1996, the amendment offered by the gentleman from Indiana [Mr. BURTON] had been disposed of and the bill had been read through page 97, line 8.

Pursuant to the order of the House of Thursday, June 6, 1996, no amendments to the bill are in order except the following amendments, if offered by the member specified or a designee: amendments Nos. 54, 58, and 76 by the gentleman from Wisconsin [Mr. OBEY]; amendment No. 10 by the gentleman from Massachusetts [Mr. FRANK]; amendment No. 69 by the gentleman from Indiana [Mr. SOUDER]; and amendment No. 75 by the gentleman from New Jersey [Mr. ZIMMER].

Debate on each amendment and all amendments thereto will be limited to 20 minutes, equally divided and controlled by the proponent and an opponent, except that amendments Nos. 54 and 10 shall each be debatable for 45 minutes.

Consideration of these amendments shall proceed without intervening motion except one motion to rise if offered by the gentleman from Alabama [Mr. CALLAHAN].

AMENDMENT NO. 58 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 58 offered by Mr. OBEY: On page 97, after line 5, insert:

"SEC. 573. None of the funds made available under the heading "Foreign Military Financing Program" may be made available for any country when it is made known to the President that the government of such country

has not agreed to the Department of Defense conducting during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign government and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency."

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes in support of the amendment, and the gentleman from Alabama [Mr. CALLAHAN] will be recognized for 10 minutes in opposition to the amendment.

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

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

Mr. Chairman, this amendment restores through a limitation a requirement that foreign countries agree to an outside audit as a condition of receiving FMF grants from the United States. It was included in the foreign operations bill some time ago as a result of several rather notable bribery cases involving U.S. funds and foreign officials.

It is my understanding that the chairman is prepared to accept this amendment because it is drafted as a limitation. Its effect is slightly different than current law. I can assure the chairman I have no intention to change current law, and would work with him in conference to restore the language of current law in the appropriate place in the bill.

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

Mr. Chairman, I accept the amendment. I have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

AMENDMENT NO. 76 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. OBEY: On page 97, after line 5, insert:

"SEC. 573. Not more than 100,000,000 of the funds made available under the heading "Foreign Military Financing Program" may be made available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt."

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 10 minutes in support of the amendment, and the gentleman from Alabama [Mr. CALLAHAN] will be recognized for 10 minutes in opposition to the amendment.

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

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

Mr. Chairman, again, this amendment restores language, again through the device of a limitation which has been carried in the foreign operations bill for several years. It limits to $100 million the amount that can be spent for direct commercial contracts, except for Egypt and Israel. Its effect is to limit the extent to which countries can contract on their own for goods and services and thereby escape the oversight requirements of the Export Control Act.

Mr. Chairman, it is again an antifraud safeguard. I attempted during debate on the bill last week to restore this language in identical form in the appropriate place in the bill, but the gentleman from New York [Mr. GILMAN] made a point of order against the amendment because it was legislative in nature. Because I feel so strongly about the need to include this provision in the legislation, I am now offering it in the form of a limitation.

Again, because of the requirement to do so in this form, its effect is slightly different than the current law, but it is my understanding that the chairman will accept the amendment. I can assure him I have no intention of changing current law, and will work with him to bring it into compliance as we meet in conference.

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

Mr. Chairman, I do intend to accept the amendment, but before the vote, I had agreed with the gentlewoman from Texas [Ms. JACKSON-LEE] that we would enter into a colloquy. She has a committee hearing that she has to attend to, and I agreed to let her come in at this point to have a colloquy.

Mr. OBEY. Mr. Chairman, if the gentleman would yield for just a second before doing that, I also have an agreement to yield to the gentleman from Texas [Mr. WILSON] on the remainder of my time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Chairman, I simply rise to read into the RECORD a letter that I received from the Turkish Ambassador early this week:

DEAR MR. CONGRESSMAN: Yesterday's House action in adopting two anti-Turkey amendments to the FY 1997 foreign aid bill is not fitting for U.S.-Turkish relations. I cannot overemphasize the importance of these issues in Turkey. It was inevitable that House passage of these amendments would provoke a strong reaction from the Turkish people, who question anew the benefits of our five decades of alliance with the United States and self-sacrificing support for U.S. policy.

The initial step we have taken in response is to inform the U.S. Government that Turkey declines U.S. economic assistance. The basis of our friendship with the United States has never been foreign aid, even in years past when the amounts were much greater. Rather, our friendship has been based on shared interests, interests which are gravely jeopardized by yesterday's developments.

Nevertheless, I do want to recognize that many Members stood up for strong U.S.-Turkish friendship. I want to express my appreciation to you for your leadership against these pernicious amendments. I hope you will continue to work to ensure that these provisions are not enacted into law, and offer you my total cooperation.

Mr. Chairman, I read that into the RECORD just to emphasize one more time what I consider to be the grave consequences that resulted from what I considered to be unwise action.

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

Mr. WILSON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I think the gentleman makes an excellent point that many times we get wrapped up in debate on the floor of this House and we do not recognize what an audience worldwide we have. Last week the House sent a strong message to Turkey about something that took place decades ago and yet we do not chastise or demand certain apologies from other countries who have committed atrocities, even in later years.

I agree with the gentleman from Texas about his concern. I have the same letter from the ambassador, and I think that the Congress made a mistake in the language that we inserted in the bill. I hope that it will not cause any injury to the fact that Turkey is a tremendous ally of ours in any NATO endeavor, and I hope that this Congress will not forget that during the Persian Gulf war and during other wars, Turkey has always been there, and that we have bases that we are utilizing in Turkey that are strategically important to our national defense and to the defense of other allies of ours throughout the world.

So I think we made a mistake. But the debate was heard, and it is a lesson to all of us that what we say here is very important.

Mr. WILSON. Mr. Chairman, that is right.

Mr. CALLAHAN. Mr. Chairman, what we say on the floor of this House is taken very seriously by countries all over the world, and I hope that some day we will be able to convey our appreciation to the Turks for the contributions that they have made in the past.

Mr. WILSON. Mr. Chairman, I thank the gentleman from Alabama very much, and I would simply remind him that if the Turks wanted to today, they could open the spigot on the Iraqi pipeline and bust the embargo, just as one example.

Mr. CALLAHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, at this time I would like to

enter into a colloquy with the gentleman from Alabama regarding human rights in Ethiopia, as the House continues to consider this foreign aid bill.

Let me thank the chairman, first of all, for the work that he has done with my office as we have worked on this, even last year, as the gentleman may recall. I think it is very important that we move forward on this issue.

Mr. CALLAHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I am happy to enter into a colloquy with the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman of the House Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs for participating, as I said, in this colloquy, especially in light of the limited time that we have remaining to debate this important legislation.

There are numerous reports that the Ethiopian Government is harassing and unfairly detaining journalists, academicians, opposition party officials and other citizens. These events raise questions about freedom of speech, freedom of the press and the independence of the judiciary within Ethiopia.

I know that we have come a long way, Mr. Chairman, but I would ask the question, does the gentleman think that the United States Government should do more to support human rights in Ethiopia as we move this foreign operations bill forward?

Mr. CALLAHAN. Mr. Chairman, yes. I encourage the State Department, as a matter of fact, to carefully assess the situation in the country and use its influence with the Ethiopian Government to encourage them to improve human rights. I would note that the current government in Ethiopia is light years ahead of the former regime in terms of human rights.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the gentleman recalls, I successfully offered an amendment to the 1996 foreign operations appropriations bill which requires the State Department to closely monitor human rights progress in Ethiopia as it monitors funds for Ethiopia. We have been in dialog with the State Department, I have had a briefing, and that is why I rise again today. We realize that all is not well, even though possible progress may have been made.

The gentleman supported my amendment. As the State Department obligates the funds for Ethiopia in fiscal year 1997, I think that it is still critically important that the department continue to carefully monitor the country's human rights progress. Some progress has occurred but much remains to be done.

I strongly believe that Congress should be on record in the debate on H.R. 3540, the foreign operations appropriations bill for fiscal year 1997, as encouraging the State Department to continue this monitoring of Ethiopia. Does the gentleman from Alabama agree?

Mr. CALLAHAN. Mr. Chairman, yes, I do agree. I believe that it is our role as Members of Congress not to dictate foreign policy to the executive branch but to express strong messages of concern to the State Department on human rights violations by countries who receive U.S. foreign assistance.

□ 1330

I am pleased that we have had this opportunity to discuss this important issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness in allowing me to again bring this very important issue to the Congress. I appreciate his interest and concern about this matter. The numerous citizens in Houston and around the country who trace their ancestry to Ethiopia and all Americans who believe in democracy and human rights appreciate as well the opportunity to focus the Nation's attention on this issue.

I do believe with the ability of the State Department to continue to monitor these human rights violations that we will find ourselves better placed to assist the Ethiopian people and those of Ethiopian ancestry.

Mr. CALLAHAN. Mr. Chairman, I have no objection to the Obey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ZIMMER

Mr. ZIMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ZIMMER: Page 97, after line 5, insert the following:

PROHIBITION ON DEVELOPMENT OF SHOPPING CENTER NEAR THE FORMER AUSCHWITZ CONCENTRATION CAMP

SEC. 573. It is the sense of the Congress that the Government of Poland should prohibit development of a shopping center within the 500-yard protective zone surrounding the former Auschwitz concentration camp in the town of Osweicim, Poland.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. ZIMMER] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ZIMMER].

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

The amendment I am offering is very straightforward. I would put the Congress of the United States on record opposing commercial development within the internationally recognized protective zone surrounding Auschwitz, the former Nazi death camp in Poland. I know that a point of order is being reserved because of technical rules rather than substance by the chairman of the subcommittee, but I strongly believe that the voice of Congress should be heard on this matter. The foreign operations appropriations bill before us is an appropriate vehicle given the nearly $70 million in assistance that we give to Poland.

Mr. Chairman, this is a very timely amendment. Last year, a developer put into motion plans to construct a shopping mall immediately opposite the Auschwitz main gate and within a 500-yard protective zone that surrounds Auschwitz. The proposed mall included retail stores, a supermarket, a fast food stand, and a large parking lot.

In March, the Polish Government officially halted the project after worldwide criticism denouncing it as desecration of the world's largest Holocaust site. The Government at the time said its decision was final. Yet just last week, wire services reported that the project developer had resumed construction in defiance of the Government's order and continued work for 2 days before construction was again suspended.

Mr. Chairman, Auschwitz is a place of profound significance. It is a haunting reminder of the depravity and corruption that humanity at its worst is capable of. That reminder is the most powerful protection we have against such horrors occurring again.

Auschwitz is also a precious memorial to the lives of 1½ million people, mainly Jews, whose lives were so horribly sacrificed to that depravity and that corruption.

The idea of stores, a supermarket, and fast food stands being built within the protective boundaries of Auschwitz assaults both intellect and sensibility. It is an insult to those who died in the Holocaust. It is an insult to those who survived the Holocaust, ant it is an insult to all of us the world over who believe that the significance of Auschwitz must never be distorted or lost.

The Government of Poland has stated emphatically that it will not allow such commercial development to go forward. I applaud that promise and the efforts the Government has made to keep it. I hope the entire Congress will go on record joining this opposition to what is nothing less than an act of sacrilege.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, first let me commend the gentleman for bringing this amendment to the floor today.

I think it is of great importance and my personal thanks to him for doing so.

Mr. Chairman, I have often been amazed during my time in the Congress by some of the incredible events that occur from time to time that are brought to our attention. I have seldom been appalled. Today I am appalled, appalled at the proposal of a developer in Poland to build a commercial development right next to Auschwitz death camp. Imagine if you will for just a moment a strip mall built at a place, for example, inside Arlington Cemetery, just about the same thing. I cannot believe that you can honor the millions of Catholics and Gypsies and Jews slaughtered by the Nazis with this kind of development.

This is desecration and, frankly, I think it pretty sick.

I call on the Polish Government to honor its commitment to disallow this project, and I call on the United States Government to use its full authority to assist the Polish Government in this endeavor.

Once again, I want to commend the gentleman from New Jersey [Mr. ZIMMER] for bringing this to the floor today.

Mr. CALLAHAN. Mr. Chairman, further reserving my point of order, I would also like to thank the gentleman for bringing this issue to the attention of this Congress. Many Americans and a lot of Members of this House share the concerns that the gentleman has expressed. However, since the amendment is legislative in nature and should be addressed by the Committee on International Relations, I hope be brings this issue to the attention of the gentleman from New York [Mr. GILMAN], the chairman of the authorizing committee.

Since the amendment is legislative, I would hope the gentleman would withdraw his proposal. If this issue has not been resolved to the gentleman's satisfaction or at least fully considered by the appropriate committee of the House by the time of conference with the Senate, I pledged to the gentleman that I will do my best to include language in the statement of the managers similar to his amendment. But once again, I thank him for bringing his amendment to the attention of the House and his willingness to hopefully withdraw the amendment.

Mr. ZIMMER. Mr. Chairman, based on those assurances, I will withdraw the amendment. Before doing so, I yield such time as he may consume to the gentleman from New York [Mr. ENGEL] who has introduced freestanding legislation on this subject some months ago.

Mr. ENGEL. Mr. Chairman, I thank the gentleman from New Jersey for yielding me the time.

I just wanted to comment on this. I have, as the gentleman says, submitted a resolution talking about the events outside of the Auschwitz death camp. I want to make just a couple of very brief points. That is, I think we all agree that it is totally inappropriate to think about any kind of mall or commercial development at actually such a place that should almost be sacred ground with so many people murdered and martyred there.

I think it is an absolute outrage that this mall would even have been contemplated being built. It violates agreements that the Polish Government has made internationally, stating that within a certain amount of feet or meters from the Auschwitz death camp that nothing like this could happen. It is absolutely an outrage that one would even consider. And when you consider that the town is 7 kilometers away, it is even more insulting to think that a mall could not have been built in the town or near the town but would be built at the entrance, to the infamous entrance to the death camp where those horrible words, those lies, Arbeit Macht Frei, work makes you free, were put by the camp.

So many of us have been trying for many, many months to point out this outrage and to get the assurance from the Government of Poland that this would not continue. I must say the Government of Poland, to its credit, has shown that it does not want the mall to be built, has attempted to give me assurances that it will not be built. And I would hold them to their word. I think it is very, very important that a government that makes these international agreements adheres to them.

I just want to say to my colleague from New Jersey and to others who have expressed similar concerns and outrage with the thought of this happening that I intend to pursue my resolution which is cosponsored by the other gentleman from New Jersey [Mr. SAXTON]. We will pursue it in the Committee on International Relations. We think it is appropriate that Congress goes on record as opposing it.

I do, again, want to say that I am happy that we have been getting positive responses from the new leaders of Poland and from the Polish Government who have told us that this will not be built. With those assurances and the fact that it is bipartisan and we are going to work to pass my resolution, I welcome the help and support of the gentleman from New Jersey.

Mr. GILMAN. Mr. Chairman, I want to take the opportunity to commend the gentleman from New Jersey [Mr. ZIMMER] for his pending amendment, which would express the sense of Congress that the Government of Poland ensure that construction never takes place at the site of the infamous Auschwitz concentration camp.

Although we have received commitments from the Polish Government that they will not permit development at Auschwitz, periodically there are problems with local developers. Accordingly, the Polish authorities are to be commended for their commitment to the sanctity of Auschwitz and the memories of the millions of innocent men, women, and children who crossed its portals.

However, as our concern is still appropriately registered on this sensitive matter, I am pleased to cosponsor this amendment with Mr. ZIMMER. Under leave that will be obtained I would request that the statement issued last week by the Polish Government be made a part of the RECORD.

EMBASSY OF THE REPUBLIC OF POLAND,
Washington, DC, June 5, 1996.

As regards the latest Reuter release on the alleged resumption of the construction of a shopping center near the state Museum of Auschwitz-Birkenau, please be informed of the following—as received from official sources in Warsaw:

1. No construction work has been resumed.
2. There is no change in the clear position of the Government of Poland, as well as of the local authorities concerning the decision to halt the construction made on March 22.
3. The press spokesperson of the Government called the announced intention of the developer to resume the project "the investor's lawlessness". Moreover, the Chief of the Office of the Council of Ministers while confirming the previously undertaken decision of the Government, emphasized its firmness to execute the decision by administrative measures.

Mr. ZIMMER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 97, after line 5, insert:

"SEC. 573. None of the funds appropriated under the heading 'International Military Education and Training' may be made available for Cambodia and Thailand."

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 22½ minutes and a Member in opposition will be recognized for 22½ minutes.

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

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. ROEMER] who has some comments he wants to make about an amendment that was left out of the agreement.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding his time to me.

I will not offer this amendment. I am precluded from offering this amendment due to the UC that was arrived at last week, but I think that this was a noncontroversial amendment that both Republicans and Democrats would have agreed to. We had it in the June 5 RECORD last week, amendment number,

it was actually H.R. 3540, amendment No. 78, page 97. This amendment dealt with the ongoing conflict between the Russians and the Chechens.

Certainly on last year's foreign operations bill, we got up and we spoke about the need to bring an end to this war that has killed probably over 30,000 Chechens and maybe close to 5,000 Russians. This ongoing war threatens not only the human rights situation in Russia. It threatens their economic stability, when they are transferring so much money that we are loaning through the IMF, trying to bring their economy back to stability and back to growth, when they are now taking this money to fight a war and kill Chechens day after day in a brutal and inhuman manner.

We attached some successful legislation last year to the foreign operations bill that cut $5 million out of aid to Russia, saying we must bring an end to this war. And this is a signal from the American people and the U.S. Congress that we want to see it end now. No longer will this war go on. We are not going to subsidize this war.

I think it was successful. Now they have entered into successful negotiations where they have exchanged protocols over the weekend, where they have agreed on exchange of prisoners. They have agreed on a cease-fire. This resolution simply says they have broken half a dozen cease-fire agreements already, stick to this one.

The Congress applauds you. Republicans and Democrats applaud Mr. Yandarbiyev and Mr. Yeltsin for this agreement. Stick to it and stick to it after the June 16 election in Russia. I know the gentleman from Virginia [Mr. WOLF] has been over to Chechnya and seen this conflict and this tragedy go on and on and on, when the Russians first engaged the Chechens and thought they could overrun this country in a period of a couple days.

Well, 18, 19, 20 months later we still see this brutality going on. So this resolution simply says, keep up the good work on diplomatic negotiations. Please abide by the two protocol agreements signed over the weekend. Please try to come to some kind of resolution on the territorial status of Chechnya and after the elections continue this good will and this diplomacy.

I would hope that in conference that the distinguished chairman would continue to bring this kind of issue before the State Department and make this a priority. I hope that in some way with this dialog and hopefully with the colloquy and Members with like interests, the gentleman from Alabama [Mr. CALLAHAN] and the gentleman from Virginia [Mr. WOLF] and others, that we can keep this issue as a vital part of foreign policy between the United States and the Russian people.

□ 1345

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

Mr. Chairman, in response to the gentleman from Indiana [Mr. ROEMER], let me say that I am glad that he brought this to the attention of the House. It is rather amazing to me how we can pick on a little country like Indonesia and at the same time be sending millions of dollars to Russia and letting them slaughter 30,000 people in Chechnya and not even mentioning it in this bill.

So I think that the gentleman is absolutely correct in bringing this issue to the attention of the Congress, and we will certainly address this issue at some point in conference.

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

Mr. CALLAHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. WOLF] for a colloquy.

Mr. WOLF. Mr. Chairman, I just wanted to bring to the attention of the body there is a man named Robert Hussein who was converted to Christianity in Kuwait. As a result of his conversion to Christianity on May 29, a court in Kuwait has found him guilty, and the punishment is potential death. And the endangered species in this world today that we talk about so much are Christians. Christians are being persecuted around the world more today than any other time in this century, and I just wanted to urge the gentleman from Alabama if he would follow this because, if he recalls, and I know he does, during the 1980's we in a bipartisan way, Republicans and Democrats, stood firm with those of the Jewish faith who were persecuted in Russia. In fact, I am concerned that the persecution will begin again after this election. They are basically privatizing anti-Semitism in Russia.

So it is important for us to rally to the defense of those who are being persecuted, and because of so many Christians being persecuted in the Middle East and other places, and Robert Hussein, who has been potentially sentenced to death, and the fact that the United States Government sent hundreds of thousands of troops in defense of Kuwait and 300 Americans died, if the gentleman from Alabama would be sympathetic in following this issue, particularly later this year, but next year if this does not change, or if anything should happen to Mr. Hussein.

Mr. CALLAHAN. Reclaiming my time, Mr. Chairman, let me say that I just found out about this atrocity that is evidently going to take place, or possible could take place in Kuwait, and I cannot fathom any government in any land condoning the execution of an individual for switching religions, especially to Christianity. And for me to hear this is most appalling.

I should remind the Kuwait Government, just as we reminded the Turkish Government, erroneously so I think, about something that took place. A great majority of the people that came to defend Kuwait, that granted them the sovereignty over their nation, were Christian people. It is an insult, in addition to being absolutely morally wrong, it is an insult to the American people to have that government at this point begin to condemn to death people who choose a certain religion.

So I appreciate very much the gentleman bringing the mater to the attention of the floor. I hope that some Kuwaiti representatives are listening somewhere, and I hope that they hear our message, that this is not something that we in the United States can or should tolerate.

Mr. WOLF. I thank the gentleman from Alabama [Mr. CALLAHAN] for that very strong statement.

Mr. Chairman, on May 29, 1996, a judge in the Kuwaiti family court declared Robert Hussein to be an apostate. The judge, Amar Al-Sabiti, also gave a written ruling stating that Mr. Hussein's wife should be divorced from him and his possessions should be distributed among his heirs and he could be killed. "The Imam [ruler] should kill him without a chance to repent."

Hussein Qambar Ali, a convert from Islam to Christianity, is in the midst of a national court case. This decision by the court sets a precedent as to whether or not the Kuwaiti Constitution will be interpreted under Islamic Sharia law. This would mean that the constitutional religious freedom guarantees would be void and a convert—or apostate—could be killed with impunity.

Hussein has changed his name to Robert Hussein. Robert got into this situation through a court case over the custody of his children. His estranged wife, a Muslim, will not allow him to see his children despite his winning custody of them in court. Robert returned to court to have the decision enforced, and everything has been in an uproar as Hussein publicly confessed his conversion to Christianity.

Several Muslim lawyers have filed cases against Hussein wanting him to be charged with apostasy. Members of Parliament have called for his death. Hussein has had to live in hiding, has lost his family business due to his family not allowing him to be part of it as he is no longer a Muslim. The Sharia family court is looking at the case to see if it has jurisdiction or if this is a civil matter because it deals with Hussein's civil rights: child custody, inheritance, and most importantly, freedom of religion.

The United States still has troops in Kuwait. American troops died while fighting to protect Kuwait from Iraq and Saddam Hussein.

We should urge the Kuwaiti Government to make a public statement supporting Hussein's constitutional rights and his freedom of religion and guaranteeing his protection from death threats from those who want to kill him. Also, the Kuwaiti Government should ensure that their judicial process has integrity, both in the legal representation Hussein should have,

which he does not have, and in showing the legitimacy of Kuwait's Constitution—Will it stand?

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman for bringing to the floor's attention this violation of human rights. Any time we find intolerance with regard to religion is something the entire Congress should stand up and fight against, and for that reason I commend the gentleman for his efforts and want to join with him in expressing abhorrence of what Kuwait has done with regard to this case.

Mr. CALLAHAN. Reclaiming my time, Mr. Chairman, I once again rise reluctantly in opposition to the amendment that the gentleman from Wisconsin would offer, because I deeply respect his vast knowledge of world affairs.

However, while I hold my friend's foreign policy views in high regard, I must tell him that I do not think that this amendment will achieve his objective. It will simply undermine, I think, our relationship with a key friend in South Asia.

The United States has an extensive security relationship with the Government of Thailand. Our military conducts numerous joint exercise programs with the Thai military, including frequent port visits by the United States Navy. The United States also actively collaborates with the Thai military.

In addition, the prepositioning of munitions and other military equipment improves the readiness and logistical reach of United States forces in this region.

Thailand's cooperation and reconnaissance support for our counterdrug effort is essential to the United States ability to cut drug trafficking in Asia.

And finally, Thailand is equally essential to the success of the Joint Task Force for Full POW-MIA Accounting and its effort to answer the remaining questions about Americans missing in action.

IMET training itself is invaluable for the Thai military. In my opinion, it improves professional conduct and capabilities of the Thai military while training them to improve, at the same time, their human rights performances.

So I hope that the gentleman will see my view on this. Recognizing how I respect him, I will also assure the gentleman from Wisconsin [Mr. OBEY] that I will work closely with the gentleman to strengthen language to emphasize the message he is trying to give and that I will work with him to put strong language in the bill in conference.

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

Mr. Chairman, let me first of all take just a moment to comment on the remarks of the gentleman from Virginia [Mr. WOLF] with respect to Kuwait. I am certainly not familiar with the incident to which he referred, but let me say that, as one Member of Congress, I have to say that I have never in my life found a government or a royal family as arrogant or as condescending as the Kuwaiti Government and royal family, and I have never seen a government more quick to pursue its own personal and political interest above the interests of its own people more than the Kuwaiti Government.

I will never forget going to Kuwait City after Kuwait had been liberated by NATO and United States forces, talking to a good many Wisconsin GI's who were in Kuwait who told me that, when the first United States aid came into Kuwait City, that we had Kuwaiti officials saying to them, "Yes, do send it into this neighborhood; no, don't send the aid into that neighborhood," because the latter neighborhood had been populated by people who were not political supporters of the royal family. So they were perfectly willing to see loyal Kuwaiti citizens denied assistance after that war simply because of their political beliefs.

So I would certainly join with the gentleman from Alabama [Mr. CALLAHAN] in expressing the desire to do whatever can be done from the outside to affect the conduct of that government, which I found to be incredibly arrogant and insufferable through the years that I have had any experience dealing with them.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. WILSON] before I make my statement on the amendment that is before us, after which I will withdraw the amendment.

Mr. WILSON. Mr. Chairman, I would like to have a colloquy with the gentleman from Virginia [Mr. WOLF].

Notice has been given of a hearing before our subcommittee chaired by the gentleman from Alabama [Mr. CALLAHAN] on which we all serve, and this concerns Kuwaiti business practices, this hearing. I believe it is in about 2 weeks, and I would be curious to know, and I would encourage, that perhaps we might expand that hearing on this business practices to include this matter that the gentleman brought before the House.

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

Mr. WILSON. I yield to the gentleman from Virginia.

Mr. WOLF. That would be wonderful because I am very concerned about the man's life. He has been threatened and sentenced to actually death, so I think it would be good if the gentleman and Mr. CALLAHAN would do that.

Mr. WILSON. Mr. Chairman, it is, of course, up to the gentleman from Alabama, but the hearing is scheduled for June 19; that is next week.

Mr. CALLAHAN. Mr. Chairman, would the gentleman yield?

Mr. WILSON. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I have no reservation whatsoever about including this subject matter in the hearing that we have scheduled. The hearing we have scheduled is to discuss some of what I think are unfair business practices by the Government of Kuwait. But we can include human rights as well, and certainly this is a gross human rights violation, and I think that we should, and I will, after consultation with the gentleman, be happy to include in our hearing or part of our hearing a discussion of this execution that is pending there.

Mr. WOLF. Mr. Chairman, if the gentleman would continue to yield, I want to thank the gentleman from Alabama [Mr. CALLAHAN] for doing that, and the gentleman from Texas [Mr. WILSON], I thank him for bringing that to our attention.

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

Mr. Chairman, having dispensed with all of that, let me new explain what it is that has motivated me to bring this proposal before the body.

Mr. Chairman, I will acknowledge that choosing the route of limiting IMET funds in order to get at this problem is a blunt instrument. The problem is that there are no other instruments available at this point. We have a very serious problem in that we are concerned about continuing timber sales by the Khmer Rouge, sales which are occurring with the complicity both of the Cambodian Government and the Thai military.

Last year this committee heard allegations that both the Cambodian and Thai military were cooperating in facilitating the sale of tropical timber from areas controlled by the Khmer Rouge in Cambodia. As a result, last year's bill contained language which is repeated in this year's bill which requires the President to terminate assistance to any country organization that he determines is cooperating tactically or strategically with the Khmer Rouge and military operations or which is not taking steps to prevent a pattern or practice of commercial relations between its members and the Khmer Rouge.

Now, for those of my colleagues who have forgotten, the Khmer Rouge are those people who are responsible for the slaughter, the wholesale slaughter, of millions of innocent people because they were even more fanatic than the Red Guards under Mao Tse-tung in China, and they just wiped out millions and millions of people.

Mr. Chairman, the problem with the language that was contained in the bill last year is that it was worded in a way as to be worthless because it does not fit the facts of what is going on. In fact, the Thai military is allowing private Thai companies to develop commercial relations with the Khmer

Rouge to buy their timber and then allow its transport through their territory. So the pattern of commercial relations takes place between the companies themselves and the Khmer Rouge, not the military in the Khmer Rouge; and therefore the language of the bill last year was circumvented.

I am told that that means that the Khmer Rouge are, through this device, through this ruse, are obtaining $10 million or $20 million a month. Now, I do not think Americans want to see the Khmer Rouge get a dime, and I certainly do not think they want us to have an aid relationship with a country, with a government, which is facilitating the delivery of that kind of assistance to some of the most blood thirsty people in the history of the planet.

And so I offer this language because it was the only way that we could reach either of the governments in power.

I would say that the Prince of Cambodia himself was recently quoted in the press as saying, quote, "Thai traders in the Khmer Rouge would surely find a way to make a deal to export felled logs from its controlled area so the legitimate Cambodian Government would lose income." So I guess what he is saying is "If you can't beat them, join them." It seems to me that we have got to find a way to shut this down, and that is why I suggested this amendment.

But I know the administration has great concerns about going after IMET; in this case for other reasons. And so what I would like to do is to withdraw the amendment, with the understanding that the subcommittee chairman would help in conference so that we can try to strengthen the language which is in the existing bill so that we do not, to the greatest extent possible—we end the fact that government to which we are providing aid seems to be cooperating in a device by which money is allowed to flow to the hands of some of the bloodiest fools in the history of this world.

□ 1400

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

Mr. OBEY. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the distinguished ranking member of the Committee on Appropriations for yielding.

Mr. Chairman, I certainly share the gentleman's concern about the activity that is going on and the complicity, at least among commercial interests there, perhaps involving the governments as well. I do appreciate the gentleman's statement that the IMET tool is a blunt instrument and probably not the way to proceed. I think we have perhaps a more effective way to pressure the parties concerned, and that might be through the international community's massive financial support for the Government of Cambodia.

There is an op-ed piece in today's Washington Post on this very subject. In fact, this gentleman brought a resolution to the floor which was passed last March expressing the concern of what is happening in Cambodia.

What I think we might focus on is that July 11 and 12 donors meeting, a donors conference on Cambodia. I think that offers the international community a golden opportunity.

We could call on the United States to take the lead at this meeting to impress upon the leaders in Phnom Penh who clearly play a part in this continuing problem of logging the KR-controlled territory. We could call on them for the recognition that there is a need for sustainable logging practices and transparency in government contacting that I think could help resolve the KR's logging issue, and therefore avoid problems with Thailand and with the Government of Cambodia.

So I offer that suggestion which I think all of us should pursue, and advance it here for the administration to consider making it a priority at that July 11 and 12 meeting.

Mr. OBEY. Mr. Chairman, I thank the gentleman for his comments. Let me simply say, I think we need to understand that in addition to everything else I have said, in the meantime the Khmer Rouge are continuing to plant new land mines every blessed day they can. That further displaces innocent Cambodians, and it just seems to me that the worldwide community has an obligation to respond to this problem.

I would say that, with the concurrence of the subcommittee chairman, I will withdraw this amendment with the understanding that if we cannot get some language that really does the trick this year, and if we cannot get other action coming in other ways as the gentleman from Nebraska suggested, then blunt instrument or no, it will leave me with no alternative but to go after IMET next year and I intend to do it with a vengeance.

Mr. CALLAHAN. Mr. Chairman, if the gentleman will yield before withdrawing his amendment, let me just say that I share the goal of the gentleman from Wisconsin. I think that we cannot tolerate the type of activity for which he is concerned. However, I do not think that this is the way to do it.

I appreciate very much the gentleman's position. I do pledge to work with him to ensure that our amplified message is given to those governments, that we are not going to tolerate this and that indeed, if they do not change or unless they show some indication of nonsupport, that we are very seriously going to consider next year the possibility of reducing the IMET Program there. But I appreciate very much the gentleman withdrawing the amendment.

Mr. OBEY. I thank the chairman. As I say, I recognize that IMET is a blunt instrument to use, so it may be the wrong way to proceed. We will now have a year to find out, and if we do not get some real action that affects things in real ways on the ground, we will have no choice but to go back at it next year.

Mr. BEREUTER. Mr. Chairman, H.R. 3540 allows continued International Military and Education Training [IMET] for Thailand and Cambodia. The Obey amendment would prohibit IMET for these countries. Passage of the Obey amendment will not save the taxpayers one dime, but would merely force the administration to move the IMET funds to some other countries.

This Member considers such a prohibition unwarranted and unwise. Here is why.

Thailand is a long-time treaty ally with a democratic form of government, located along key strategic international waterways. American forces conduct more than 40 joint exercises with Thailand each year—more than any other country in Asia. These exercises are important to the readiness and training of American, as well as Thai, forces in Asia. Moreover, Thailand provides the Seventh Fleet with easy access to its military facilities when needed, most recently during Desert Shield and Desert Storm. Particularly in light of the closure of our basis in the Philippines, use of Thai facilities allows us to maintain our forward deployed presence in the crucial Southeast Asia/Indochina region.

The close military-to-military ties we enjoy with Thailand are fostered by the fact that so many military leaders in Thailand have been trained in the United States through the IMET program. Not only does this American training provide us access to key Thai leaders, but it also engenders a natural preference for U.S. military hardware and supplies. The sale of defense equipment to Thailand allows important interoperability with U.S. forces in the region and creates high-paying American jobs in the important manufacturing sector. Just recently McDonnel Douglas won a $600 million contract for fighter aircraft to Thailand.

THAI-KR COOPERATION

The basis for today's Obey amendment is evidence of continued commercial cooperation between some Thai companies and the genocidal Khmer Rouge forces in neighboring Cambodia. This Member's staff has been fully briefed on this issue, and I know it would be naive to suggest that no such cooperation exists, particularly in the logging industry. Despite this commercial cooperation, however, there remains some question about the extent of Thai Government involvement and complicity in this trade.

In this Member's view, the use of IMET funding, both for Thailand and Cambodia, as a stick against commercial cooperation with the KR is misguided. A much more effective way to pressure the parties concerned is through the international community's massive financial support for the Government of Cambodia.

The upcoming July 11–12 Donors' Conference on Cambodia offers the international community a golden opportunity. This Member calls on the United States to take the lead at

this meeting to impress upon the leaders in Phnom Penh—who clearly play a major part in the continued problem of logging in KR-controlled territory—of the need for sustainable logging practices and transparency in government contracting which would contribute much to resolving the KR logging issue. The international community still provides 40 percent of the national budget of Cambodia and should use this leverage to promote more responsible policies on Cambodia's leaders.

CAMBODIA HUMAN RIGHTS

This Member also believes we should use the Donors' Conference to improve human rights and democracy in Cambodia. On March 26, 1996, this body passed House Resolution 345, which this Member introduced, which expresses serious concern about deteriorating human rights conditions in Cambodia. This Member remains concerned about government repression in Cambodia, particularly in light of the recent murder of an outspoken Cambodian journalist. We should not, however, use IMET as a club against Phnom Penh. Instead we should insist that the IMET courses offered to Cambodia contribute to human rights training for Cambodia's military and use the July Donor's Conference to pressure the Cambodian Government for a return to openness and respect for dissent.

This Member urges his colleagues to vote "no" on the Obey amendment.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 69 offered by Mr. SOUDER: Page 97, after line 5, insert the following:

LIMITATION ON ASSISTANCE TO MEXICO

SEC. 573. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the Government of Mexico, except if it is made known to the Federal entity or official to which funds are appropriated under this Act that—

(1) the Government of Mexico is taking actions to reduce the amount of illegal drugs entering the United States from Mexico; and

(2) the Government of Mexico—

(A) is taking effective actions to apply vigorously all law enforcement resources to investigate, track, capture, incarcerate, and prosecute individuals controlling, supervising, or managing international narcotics cartels or other similar entities and the accomplices of such individuals, individuals responsible for, or otherwise involved in, corruption, and individuals involved in money-laundering;

(B) is pursuing international anti-drug trafficking initiatives;

(C) is cooperating fully with international efforts at narcotics interdiction; and

(D) is cooperating fully with requests by the United States for assistance in investigations of money-laundering violations and is making progress toward implementation of effective laws to prohibit money-laundering.

The CHAIRMAN. The gentleman from Indiana [Mr. SOUDER] is recognized for 10 minutes in support of his amendment.

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

Mr. Chairman, this amendment will prohibit any funds available in this bill from going to Mexico unless the agency receiving the funds certifies that Mexico has taken specific antinarcotics actions.

I want to thank the cosponsors of this bill: Chairman BILL ZELIFF of New Hampshire, who has been a leader in our Congress' effort to reduce drug abuse, cosponsored this last year with me; also International Relations Committee Chairman GILMAN us a cosponsor. Other original cosponsors include my friend from Florida, Mr. MICA, who has been active on the subcommittee; the gentleman from Massachusetts, Mr. BLUTE; the gentleman from Washington, Mr. METCALF; the gentleman from Indiana, Mr. MCINTOSH; the gentleman from North Carolina, Mr. FUNDERBURK; the gentleman from Arizona, Mr. SHADEGG; the gentleman from Oklahoma, Mr. COBURN; and the gentlewoman from California, Mrs. SEASTRAND.

The problem is real simple. The State Department's 1996 Narcotics Control Strategy concluded that no country in the world poses a more immediate narcotics threat to America than Mexico. Mexican drug lords now supply more than 70 percent of the cocaine sold and 80 percent of the marijuana imported into the United States, as well as growing quantities of heroin and methaphetamines. Drug seizures in Mexico lagged for most of 1995, and the final seizure total remained flat and well below the record level. They are making progress but they need to make more.

At the same time the DEA administrator, Mr. Constantine, and the State Department have recently expressed serious concern that Mexico has, "become the money laundering haven of choice for initial placement of U.S. drug cash into the world's financial system." Drug dealers are literally packing 18-wheel trucks full of cash and driving them to Mexico for laundering. Up to 90 percent of drug cartel profits move through Mexico.

I was very privileged to go with the CODEL from this Congress to Mexico, as well as Panama, Colombia, Peru, and Bolivia, and we met with President Zedillo as well as the foreign minister and members of the House and Senate of Mexico. I was convinced, as were the others with us, that President Zedillo and the leadership of Mexico has a strong commitment to trying to reduce the narcotics flow to America.

I also understand their point that it is our demand that is propelling much of the growth of coca leaves around the country, the distribution, and what is coming into our country. We do have to work on our internal problems but they also must work on the exporting of drugs into America.

I also understand the difficulty of patroling the long borders we have with Mexico, particularly as we open trade. That is all true. Few issues are as explosive as the immigration issue and the NAFTA issue as well as the drug issue, the support of the peso and the environmental questions along the borders.

If our two great nations are to work together, we have to have a strong continued commitment from the Government of Mexico not just to talk but to crack down on the drug lords.

This particular amendment passed last year 411–0 when we asked for a rollcall vote. It is the actions that must be changed and stiffened in the future. I want to continue to point out that I am impressed with the sincerity of the Government of Mexico and I am particularly impressed with their commitments, but we need to see additional and continued progress on this issue.

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

Mr. SOUDER. I yield to the gentleman from New York, the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Souder amendment and commend the gentleman from Indiana for this initiative.

Illicit drugs are an international threat to all countries: corruption, addiction, and lawlessness exact an enormous price. Because drug cartels have extraordinary resources, no country can fight this problem alone. Producer countries, transit countries, and consumer countries all share in the costs of the drug scourge and, therefore, must all share the responsibility for solving the problem.

One very conservative estimate places the annual cost of drug abuse to U.S. society at $67 billion—in terms of crime, lost productivity, and health care. Other estimates run as high as $500 billion. Another tangible impact is on U.S. youth. Data suggest that if cocaine abuse were listed on death certificates, it would constitute the leading cause of death of people 14 to 44 years of age in New York City.

Experience proves that concerted efforts that attack each link in the drug chain can produce dramatic results. For example, new levels of cooperation have led to significant strides against the Cali cartel kingpins. With a vigorous program that addressed each of the pillars—eradication, interdiction, enforcement, education, and treatment—cocaine use in the United States dropped 80 percent in that period, from 5.8 million users down to 1.3 million.

According to the United States Drug Enforcement Agency, drug trafficking groups in Mexico have become the primary suppliers of drugs abused in the United States. Up to 70 percent of the cocaine available in the United States transits Mexico; 50 percent of marijuana is produced in Mexico; Mexican traffickers are now the largest suppliers of methamphetamine sold in the United States; and Mexican heroin is the predominant form of that product found in the Western United States.

Several years ago, Mexican drug organizations partnered with Colombian producers to smuggle cocaine into the United States. As their expertise and operational capabilities grew, Mexican cartels began to demand 50 percent of the shipment as payment for their smuggling services; as a result, the wealth and reach of these local criminal bands grew dangerously as they gained an independent foothold in the lucrative wholesale business in the United States.

In addition to taking control of the methamphetamine trade, drug organizations in Mexico have also become major figures in the diversion of precursor chemicals that are used to produce methamphetamine. It is apparent that these Mexican cartels have used the largesse of the cocaine trade to develop the capacity to manufacture as well as transit their own product, methamphetamine, whose use in major cities in the Western and Southwestern United States is on the rise.

With the fall of the Cali cartel, their Mexican partners may be uniquely positioned to fill the void, given the proximity to the United States market, our 2,000-mile common border, and the political and economic disruptions in Mexico, both countries may suffer dramatically in the very near term.

In March, President Clinton certified Mexico as fully cooperative with United States antidrug efforts. The administration asserted that the Mexican Government had pledged a major offensive against the drug cartels and drug-related corruption and, in 1995, had intensified antinarcotics efforts, prosecuted corrupt officials, and sought to expand cooperation with the United States and other governments.

Some in Congress disagree emphatically with President Clinton's certification of Mexico's antidrug efforts, in light of infamous, well-publicized examples of corruption. They note that, although the Mexican Government may have the political will to fight illicit drugs, corruption is common enough to undermine good intentions.

All sides can agree that drug cartels have become so wealthy and powerful that they can undermine the best efforts of any government. In the United States, we fight internal corruption through strict internal inspection and integrity controls and generally well-paid, professional police forces. We also rely on a professional, independent prosecutorial system that deters and detects corruption in law enforcement services.

Law enforcement experts note that Mexico's antidrug efforts do not have these tools at their disposal. They are hampered by weaknesses in their legal structure: the law does not provide for the use of wiretaps, confidential informants, or witness protection programs; prosecutors cannot build cases for conspiracy to break the law; and money laundering is not a criminal offense.

These experts assert that these tools are indispensable to efforts to fight organized crime in the United States and they are needed badly by Mexico's law enforcement agencies. United States cooperation, including the sharing of vital law enforcement intelligence, can be expanded further if Mexico strengthens its own antidrug units.

It should be noted that the Mexican Government has moved within the last few months to adopt some of these legislative measures to strengthen their capability to pursue and prosecute drug traffickers.

The Souder amendment is simple and straightforward. It conditions United States aid to Mexico on efforts by the Mexican Government to reduce the amount of illegal drugs entering the United States. It also expects that government to apply its own law enforcement resources and cooperate fully with us to break up the drug cartels operating in Mexico and to fight money laundering.

By passing this amendment, we do not prejudge Mexico and we do not excuse our own country from doing all that it can to fight drugs. As a matter of fact, many of my colleagues and I would like to see greater funding for antidrug cooperation in this legislation—and we will be working to achieve that objective.

Mr. Chairman, the drug cartels pose an international threat. We must work with Mexico and other friends throughout the world to meet this deadly challenge.

Once again, I commend Mr. Souder for his amendment and urge my colleagues to fully support his amendment.

Mr. SOUDER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. I thank the gentleman for yielding me the time.

Mr. Chairman, the amendment offered by the gentleman from Indiana should be adopted overwhelmingly by the House of Representatives, and I commend the gentleman for his leadership on this issue. We serve on the same investigations and oversight subcommittee of the Committee on Government Reform and Oversight. We have looked at the lack of a national drug policy. We heard the chairman of this committee speak just a minute ago about 70 percent of the hard drugs coming into this country, we found in our committee examination, are coming in through Mexico.

The United States has bent over backward to help Mexico and this Congress has aided Mexico with a trade agreement. I did not agree with some of the provisions of that particular trade agreement. This administration bailed out Mexico. I cannot think of a nation who has done more to help an ally, to help a partner in the Western Hemisphere than the United States or this administration or this Congress.

And what do we get in return? Seventy percent of the illegal drugs. We even went so far as to certify Mexico as compliant and we decertified Colombia, yet the onslaught of hard drugs coming through Mexico is absolutely appalling. The results should astound every Member of Congress and every American.

Look at this chart showing what has happened here since 1992 when this administration extended this helping hand. Our 12th graders, our 10th graders, our 8th graders are getting slaughtered. Cocaine is coming in record amounts, heroin is coming in, marijuana is coming in.

This amendment sends a message to Mexico that this Congress, this administration, these representatives of the people who are seeing their children slaughtered in the streets, who are seeing juvenile crime skyrocket through the ceiling are saying, "Hey, wait a minute, Mexico, we have taken it all we can and we are going to send you a message that we want this stopped."

It is a very clear message. The latest data by DAWN is absolutely startling. Cocaine-related emergencies increased 12 percent; heroin-related episodes increased 27 percent. This is for the first half of 1995. Marijuana-related episodes, 32 percent. Methamphetamines, 35 percent. Designer drugs are killing our young people and creating crime; 70 percent of the crimes in my district are committed by people who are involved in narcotics and they are coming through Mexico. This sends a message: Stop. And we mean it.

Mr. SOUDER. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona [Mr. KOLBE].

The CHAIRMAN. The gentleman from Arizona is recognized for 30 seconds.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition so that I may have more time to speak.

The CHAIRMAN. The gentleman from Arizona is in opposition?

Mr. KOLBE. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Arizona [Mr. KOLBE] is recognized for 10 minutes.

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

Mr. Chairman, I will not use the entire 10 minutes and I think this amendment is going to go by voice. But let

me say about this amendment that, while I think that no one disagrees with the intent of this amendment that we should have cooperation with Mexico, that I do think that it at least bears mentioning here on the floor what is happening, and the, I think, positive things that have happened with Mexico.

I just listened to my colleague from Florida. I could not agree with him more that what is happening in this country is terrible and what is happening with the rise of drug addiction among young people and youth using drugs, hard drugs, is a very serious problem. There is no question that we should be very concerned about it, and there is no question we should be concerned about both the source of these drugs and how they get to this country.

It is the how they get to this country, the channel, that we are talking about here today, because for the most part the hard drugs we are talking about, the cocaine, the heroin, are not produced in Mexico but they become the transit point, the place from which these are transported into the United States. As we have been more effective in south Florida in cutting off the drugs coming in from South America, we have now found that Mexico and Central America are the key places in which these drugs come in.

□ 1415

Let us not in a sense blame the messenger, blame the people who are simply there geographically at our doorstep, because of our problem we have. I think clearly Mexico has a responsibility to work with us on this, and I think they are. That is what I wanted to take this time, just to mention some of the things that have happened in Mexico under the Zedillo administration.

Not long ago, just a few months ago, the Mexican Government, at our request, arrested and expelled very promptly from Mexico to the United States so we could try the individual, Juan Garcia Abrego, the head of the Gulf cartel, one of the key people we had been trying to get apprehended and get into the United States for drug violations. That was a major step by the Mexican Government to cooperate with us.

I might say as the chairman of the United States-Mexico Interparliamentary Meeting just a few weeks ago in Mexico, I heard from Mexican parliamentarians about how they thought this was outrageous because they had violated their own legal procedures and protections in extraditing this individual so promptly and quickly to the United States, and yet it is what we requested. I think we should at least acknowledge when we are talking about this there have been positive steps that have taken place.

At the end of May, a couple of weeks ago, the Mexicans arrested and expelled Jose Luis Pereyra Salas, a major Bolivian drug trafficker. So they are picking up some of these major drug traffickers, they are getting at the head of this Hydra of drug cartels that is operating there in Mexico.

They recently extradited two Mexican nationals, something they were not able to do before, to the United States, who were wanted for heinous crimes. That is an important departure from their past procedures on extraditions. Under the extradition treaty, we have been able to get American nationals extradited to the United States, but never Mexican nationals. Now, the two that were extradited, they were not extradited on drug-related crimes, but they were heinous crimes, one of which has been talked about in this body on several different occasions by one of our colleagues. So that was an important step.

But I think the most important thing that I think should be mentioned today is the passage in Mexico within the last 6 weeks of the most important, the first and most important, money laundering legislation to counter money laundering, and the first time that Mexico has taken up this issue.

There is no question, the Mexican banks, as has happened with banks all over the world, whether in the Cayman Islands or whether sometimes in Switzerland or often in the United States, banks inadvertently, or sometimes through sloppiness or carelessness or sometimes because they do not care, allow themselves to be used for money laundering. That is why you need to have tough laws that make it clear to the banks what their responsibilities are in money laundering.

This legislation was drafted and worked on, they asked us for some assistance on it, we gave them technical assistance. This is their legislation. But we think it is a very good piece of legislation. Now they have to go through the process of making it work, of getting all the rules to implement it, the specifics to the banks, what they must do. But it is a very tough piece of legislation. It is what we have been asking the Mexicans to do for a long period of time.

I rise only to mention this, because I think it is important at the same time we say, and I think it is appropriate that we say that money under this law should not go to the Mexican Government, or any government for that matter, that is not cooperating with us on drug interdiction and interdicting drug trafficking. We would not be sending money to those countries. But I think it is important at the same time that we say that, that we do acknowledge that there have within some important steps that have been made by Mexico.

Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama [Mr. CALLAHAN].

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

Mr. CALLAHAN. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this deals with another slightly different subject, but I rise to engage the chairman of the Subcommittee on Foreign Operations, Mr. CALLAHAN, in a colloquy.

I would like to ask, Mr. Chairman, that earlier I had intended to offer an amendment to increase funding for the Micro and Small Enterprise Development Program. Although I did not offer that amendment, I strongly support this program. This is a highly successful program that helps people help themselves.

By helping poor people to increase their income and assets, we are enabling them to improve their own welfare, health, housing and education, all at a very small cost-effective investment. This is a program that works, and this is the type of activity that we as a Congress should be encouraging.

Mr. Chairman, when the opportunity presents itself, as you go into conference with the other body, it is my understanding you will work with me to support additional assistance for the Micro and Small Enterprise Development Program.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I thank the gentleman from Florida for his observations and share his support for the Micro and Small Enterprise Development Program.

I would be pleased to work with the gentleman, and with others in this body and the other body to support and possibly even expand this program.

Mr. Chairman, we are going to accept the amendment.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SOUDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment pursuant to the unanimous-consent agreement.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: Page 97, after line 5, insert the following new section:

PROHIBITION OF IMET ASSISTANCE FOR INDONESIA

SEC. 573. None of the funds appropriated in this Act under the heading "International Military Education and Training" may be made available to the Government of Indonesia.

PARLIAMENTARY INQUIRY

Mr. WILSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILSON. How much time will there be on this amendment and how will it be allocated?

The CHAIRMAN. The gentleman from Massachusetts, [Mr. FRANK] will be recognized for 22½ minutes, and a Member opposed, the gentleman from Alabama [Mr. CALLAHAN], will be recognized for 22½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I ask unanimous consent, because I will be due in a markup, that I be permitted to turn over the management for our side of the time to the gentleman from Rhode Island [Mr. REED].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would strike out the international military education and training for the country of Indonesia. Indonesia made an international solemn agreement through the U.N. to take over the area known as East Timor. Indonesian rule in East Timor has been one of the most oppressive and brutal we have seen.

East Timor had been controlled by Portugal. This is a case where colonialism looks pretty good to people in retrospect. Indeed it is to the credit of the people of Portugal that they have continuously spoken out against the oppression which the Government of Indonesia has visited on the people of East Timor.

What the Indonesians have done is simply violate their international obligations, agreements they had made, to treat the people of East Timor fairly. There continues to be one of the most oppressive regimes. The people of East Timor, who have sought to preserve their own identity, their freedom of religion, freedom of speech, have been consistently and brutally mistreated.

That is going to be documented in the debate. But I want to deal now with the arguments we are going to hear that will say, oh, yes, the Indonesians have not done what they should do, but this is not the way to do it.

One thing should be very clear. When we are talking to those who specialize in foreign policy, to them there is never a way to do anything. Whatever method anyone puts forward for dealing with any wrong anywhere in the world turns out to be not the right method at a given time. Any effort to try to vindicate human rights will run up against a whole variety of arguments. One is that we must rely on Indonesia, in part for its strategic stability.

One thing that strikes me when we debate foreign policy, we are constantly being told that America must be careful less we alienate, unsettle, destabilize, other nations. How come nobody ever has to worry about what we think?

I do not understand the logic that says because we are quite wealthy and quite powerful, we therefore must accept the fact that our views ought to be disregarded and we must worry about offending others? Is the relationship between the United States and Indonesia useful in preserving stability? I believe it is. I believe it is so useful, that the Indonesians will not jeopardize it based on this.

The argument is always given that we should not take this or that step because we will anger some nation who has been the recipient of our protection, cooperation and investment. None of these nations that I am aware of are doing this as a favor to us. They are doing it because it is even more in their self-interest than ours.

There is a particular reason why I think it is important for us to begin a policy of refusing American assistance to blatant violators of human rights is Indonesia and elsewhere in Asia. There is a distressing pattern in much of South Asia of people, nations, progressing economically, while showing a fundamental disregard for democracy and human rights.

One of the things we like to tell ourselves has been there is some necessary connection between expanding free market economy, between capitalism at its best, and democracy. I wish I were more confident of that. But I think the pattern is emerging in much of Asia where nations are showing a capacity to develop economically while remaining from the standpoint of human rights quite retarded.

Indonesia is a nation with very little democracy internally, a great deal of corruption, and with a terribly oppressive record against East Timor. I believe there are important strategic reasons why they welcome American cooperation sufficiently so they are not going to repudiate it altogether. The question is: Do we do anything whatsoever to effectuate our view that the systematic mistreatment of the people of East Timor must stop? I know we will be told, at least I have been told this privately, we have changed the IMET around. It now becomes a force for good, naked to the eye. I do not understand how that argument can be made when we see a continuation of the pattern on the part of Indonesia of a systematic mistreatment of those people.

Therefore, in pursuance of human rights, in pursuance of the obligation the world has to the people of East Timor who were turned over to Indonesia through international means, and in defense of the principle that human rights cannot simply be disregarded, I hope this amendment is adopted, and that the Indonesian Government will get a strong message from the United States that this behavior is not acceptable.

Mr. Chairman, with that, I reserve the balance of my time, which will hereafter be managed by the gentleman from Rhode Island [Mr. REED].

Mr. CALLAHAN. Mr. Chairman, in response to the gentleman from Massachusetts, I hope his amendment is not adopted.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I regret that I rise to oppose the Frank amendment, which would prohibit international military, education and training [IMET] for Indonesia.

The provision contained in the amendment before us would restrict the IMET program to the more human rights oriented expanded IMET courses. This provision is identical to existing law in the fiscal year 1996 foreign operations appropriations bill, as well as the authorization bill that was adopted by both the House and the Senate.

However, while I am opposing this amendment, I want to make it clear that I continue to have strong reservations about Indonesia's human rights record. Indonesia's military has an abhorrent human rights record. There is no debating that fact. The House needs to speak with one voice in condemning the continuing human rights abuses being perpetuated by the military.

That said, it is my view that continuing an IMET program in Indonesia will enhance rather than diminish United States ability to positively influence Indonesia's human rights policies and behavior. We need to stay engaged with the Indonesian military. Providing IMET will contribute to the professionalism and human rights sensitivity of Indonesia's military.

Accordingly, Mr. Chairman, I urge my colleagues to oppose the Frank amendment.

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

Mr. Chairman, I rise in strong support of this amendment, which is offered by myself and my colleagues, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, and Mr. KENNEDY of Rhode Island. It would prohibit all military education and training funds for Indonesia, IMET funds.

Currently, Indonesia receives expended IMET. Unfortunately, the Indonesian military has not made progress in improving its human rights record. The record is very clear. Indeed, the Department of State's "Country Reports on Human Rights Practices for 1995" states that the Indonesian Government continues to commit serious human rights violations in East Timor.

The report further states:

> The armed forces continued to be responsible for the most serious human rights abuses.

On East Timor, no progress was made in accounting for missing persons following the 1991 Dili incident or the 10 other Timorese that disappeared in 1995.

□ 1430

And finally, "The armed forces used excessive force in making arrests following anti-integration rioting in Dili in October."

Mr. Chairman, our IMET resources are designed to provide training for other military forces around the world. It is not designed to encourage or in any way aid or abet in such human rights abuses. And, in fact, one would hope that these resources and the training that is involved with them would be a strong barrier against such abuses of human rights.

We are not at this juncture criticizing the IMET program. The IMET program, as it is practiced around the world, is a valuable source of American foreign policy and military preparedness and national security strength for our country and our allies. But we cannot, I think, sit idly by, watching these abuses in East Timor against a people who were the victims of an invasion 20 years ago and continue to fund this type of military support for their regime, their military, those people who have been identified by our State Department as being the perpetrators of these types of human rights abuses.

In 1992, Congress, in a sense of shock and outrage, cut off IMET funds to East Timor. In 1991, on film, the British Broadcasting Corp. filmed the massacre of 250 East Timor residents by the forces of the Indonesian Armed Forces. That was such a shocking revolting incident that we acted properly and cut off those funds. We restored those moneys, but we restored those moneys with the idea that the Indonesian military had learned their lesson; that they would not continue these practices of human rights abuses.

Sadly, sadly, Mr. Chairman, that lesson has not been learned. It is incumbent upon us today to once again reiterate our strong opposition to these abuses and to do it in a palpable, tangible way, to do it by eliminating IMET funds for the Government of Indonesia and their armed forces. This is a position which, I think, has strong support in many different quarters.

Mr. Chairman, I will at the appropriate time introduce a letter in the extension of remarks from the Catholic Conference in support of this amendment, and included in that letter is the following language: "Curtailing IMET funding to Indonesia constitutes a small but symbolically important expression by our government of the need for Indonesia to show greater will in resolving these problems." We cannot allow another 20 years of abuses to continue in East Timor.

I would also say for the record, which I think is important, Mr. Chairman, we have spent our the last several days debating this bill, in different guises, talking about Desert Storm and over valiant efforts to liberate Kuwait from the unprovoked aggression of Iraq in 1991.

Well, the similarities in this situation are ironic but associate, but in this situation it was the Government of Indonesia that struck a defenseless country, overran it without any justification under international law, and today not only do we not condemn that invasion vigorously but we continue to assist the Indonesian military. It would be as if we had stood by idly and passively in the gulf and now today continued to assist the Iraqi Armed Forces.

So, Mr. Chairman, I think justice and human rights and sound policy is on the side of this amendment and I hope it passes.

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

Mr. CALLAHAN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. WILSON], the ranking Democrat on our subcommittee.

Mr. WILSON. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to the amendment. Of course, the administration is also opposed to the amendment.

Mr. Chairman, IMET for Indonesia was completely cut off from 1992 to 1995. In fiscal year 1996, as part of a compromise on the issue, Congress agreed to allow for expanded IMET only. This means any training provided has to contain some elements of human rights training. The bill contains the same restriction as last year, that is only expanded IMET for Indonesia which ensures training and human rights.

I would, therefore, vigorously oppose this amendment. The committee has taken a compromise position and it should be sustained.

Mr. Chairman, I would like also to read a couple of paragraphs from a letter that I just received a few minutes ago from Secretary of Defense Perry and General Shalikashvili.

Strategically located Indonesia, with the world's fourth largest population, is increasingly important to United States interests. It is influential regionally, where it has been a force for stability, and globally. As we continue to rationalize and economize on our overseas military deployments, military cooperation with key countries such as Indonesia becomes an ever greater element in our ability to project power and influence. The IMET program in Indonesia enhances rather than diminishes U.S. ability to positively influence Indonesia's human rights policies.

That from the Secretary of Defense.

Finally, Mr. Chairman, I would say that the United States has very, very broad interests in Indonesia, ranging from vast commercial contracts to arms sales. It represents one of Asia's most promising expanding markets for American goods, with the United States occupying 12 percent of total imports. Our aid program helps protect the environment, improve conditions in East Timor, open opportunities for U.S. business, and stop the spread of AIDS. Any of those reasons, I submit, are reason enough to vote against this amendment and I urge the House to do so.

Mr. REED. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise today in support of the Frank amendment to eliminate international military education and training funding for Indonesia.

First of all, I would like to commend Chairman CALLAHAN for his efforts to address my concerns on this issue. I appreciate his support for expanded IMET for Indonesia when I know he might rather have allowed Indonesia to receive full IMET assistance. However, as the chairman knows, I still have very serious concerns about Indonesia's human rights record.

In 1992, we voted to end all IMET assistance for Indonesia because of that country's abysmal human rights record and their continued oppression of the people of East Timor. Despite the lack of improvement in Indonesia's human rights record, and the opposition of myself and many of my colleagues, a modified IMET program was approved for Indonesia in the Foreign Operations Appropriations Act for fiscal year 1996.

When this provision was added to the foreign aid bill last year, we said we would monitor the human rights situation in Indonesia very carefully and act accordingly this year. Well, the State Department's country report on Indonesia was released in March, and according to the report, "The Government continued to commit serious human rights abuses."

The State Department report also said that in Indonesia "reports of extrajudicial killings, disappearances, and torture of those in custody by security forces increased." Not decreased. Not stayed the same. Increased. Should we really be sending Indonesia more military assistance now when they have not addressed these critical human rights issues? I don't think so.

Indonesia's policy in East Timor is about the oppression of people who oppose Indonesia's right to torture, kill, and repress the people of East Timor. It is about the 200,000 Timorese who have been slaughtered since the Indonesian occupation in 1975; 200,000 killed out of a total population of 700,000. It is about genocide.

I urge my colleagues to support this amendment and send a message to Indonesia that we will not tolerate continued human rights abuses.

Mr. CALLAHAN. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], chairman of the Subcommittee

on Asia and the Pacific of the Committee on International Relations, the House of Representatives' most leading expert on Southeast Asia and on trade and American businesses in the region.

Mr. Chairman, I appreciate his coming to the floor and especially waiting for an hour to make his observations.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his kind remarks.

I rise in strong opposition to the amendment by the gentleman from Massachusetts [Mr. FRANK]. We have to remember always, when we approach these issues, what is in our national interest and what is not; what has a positive impact and what does not.

Mr. Chairman, as the gentlewoman from New York began to make clear, Indonesia does not have an IMET Program from us, they have an E-IMET Program or an expanded IMET Program, and there is quite a difference. In fact, an expanded IMET Program is specifically oriented to focusing on improving human rights activities and practices within a military.

We also have to get over the idea that the IMET or E-IMET Program is a grant of assistance to a foreign government. We do it because it is in our national interest to increase military-to-military cooperation, and because it is in our strategic interest to have this relationship.

There are many economic and strategic reasons why the E-IMET Program should be continued for Indonesia, but I would like to focus on the Human rights concerns and why, in fact, the frustrations of the gentleman from Massachusetts [Mr. FRANK] are not well taken. He can certainly be frustrated with the failure, as he sees it, to improve conditions in East Timor, but, in fact, the E-IMET Program is designed specifically to deal with human rights issues and human rights policies within the military. The E-IMET Program improves their performance in that respect. It is to our advantage, if we are interested in improving the human rights conditions.

The E-IMET Program is one of the most effective tools that we have for promoting both our security interests and improving human rights performance in other countries. The IMET or E-IMET Program in Indonesia enhances rather than diminishes our ability to influence the Indonesian military's policies and behavior.

Now, I understand that the gentleman from Massachusetts, and both gentlemen from Rhode Island have very big Portuguese American populations in their districts. These are great people, exceptional Americans, but they have to, in fact, I think be educated to the fact that there are better methods for improving human rights performance than to deny E-IMET.

Mr. Chairman, the E-IMET Program is bringing results within the military, and I will provide an example in a few minutes. The E-IMET Program exposes Indonesia's military students to western values, to civilian rule, and to the role of a professional military in a democracy. It will encourage efforts underway in the Indonesian military to improve professionalism, accountability, and respect for human rights.

The E-IMET Program for Indonesia, which is a product of this gentleman's amendment in a foreign aid bill in the past, is all that H.R. 3540 allows for Indonesia. It is designed to address issues, again, in democracy, human rights, military justice, and the concept of civilian control over the military. We should support human rights training for Indonesia through E-IMET, and this Member urges his colleagues for that reason to vote "no" on the Frank amendment.

As some of my colleagues know, one of the troubled areas in Indonesia right now is a part of the island that is a part of Indonesia called Irian Jaya. The legal adviser on the staff of the Kodam command in Jayapura, Irian Jaya, it has recently been revealed, is the author of a human rights handbook distributed to all troops in the command; it contains his innovations. They have also issued rules of engagement annexes to operational orders, which specifically says what troops should do and, more important, what they should not do when they engage in field operations in that respect.

I am talking very specifically about how they treat the citizens of their country, regardless of religion.

□ 1445

It has been said that since January when he started issuing these rules of engagement annexes, there have been no human rights violations in the Indonesian military in Irian Jaya. When asked where he came up with these innovations, he said it all came out of his experience at the U.S. Army Judge Advocate General's School, where he was an IMET student.

Let me end by reminding my colleagues why the E-IMET Program is a positive step toward improving human rights in Indonesia. The United States engagement with the Indonesian military, through IMET and specifically through E-IMET and other programs, enhances our ability to influence Indonesian human rights behavior and serving our broader interests in the region.

Second, it provides the Indonesian military with the human rights courses in the E-IMET Program that will contribute to their professionalism and the human rights sensitivity of the Indonesian military.

Third, in 1991, Congress established the expand E-IMET Program with four explicit objectives, three of which directly relate to human rights issues: A, to foster greater respect for the principles of civilian control of the military; B, to improve military justice and military codes of conduct in accordance with internationally recognized human rights; and the third of the four points that relates to human rights, to enhance cooperation between the military and local police in the area of counternarcotics.

Mr. Chairman, these elements in our E-IMET Program are exactly what we need to have happening within the Indonesian military. The human rights concerns that we have with Indonesia should be addressed by appropriate means. The E-IMET Program is an appropriate means to address human rights performance within the Indonesian military.

Mr. Chairman, I ask my colleagues, therefore, to reject the Frank amendment. It is not only a questionable amendment in its impact; it is a step in exactly the wrong direction.

Mr. REED. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today as a supporter of IMET. This is a program which is right in the right time and in the right place, but IMET in Indonesia at this time represents the wrong place at the wrong time.

Congress did the right thing in 1992, when at the urging of my predecessor from Rhode Island, Ron Machtley, we cut off IMET to Indonesia. When Congress did that, they sent a clear message to the dictatorship in Jakarta. They said: You need to stop the human rights abuses in East Timor; your record in East Timor does not merit your receiving IMET.

Last year, unfortunately, Congress restored IMET to Indonesia. Since this time human rights abuses have continued and have gotten worse. Another year will just provide more encouragement for those carrying out these abusive practices.

Since Indonesia brutally invaded East Timor 20 years ago, almost one-third of the population has been killed. One-third of the population has been killed. This could not have happened without the knowledge and participation of the military, the very military that we are going to reward if we pass this IMET in this bill and if we do not pass the Frank amendment.

Mr. Chairman, the record of leadership in Indonesia is clear and unmistakable. After the Santa Cruz massacre, General Try Sutrisno, the commander of the Indonesian military at the time, and he is now currently the vice president of Indonesia, was quoted as saying that those who had gathered at the cemetery were disrupters who must be crushed. He said, and I quote, "Delinquents like these have to be shot, and we will shoot them," he said. General Mantriri, the regional commander for East Timor, was quoted just after the Santa Cruz massacre as

saying, quote unquote, that, "The massacre was proper," and, I quote, "We do not regret anything."

These are the words of the military commanders that this U.S. Congress is about to lend assistance to. These very military commanders who are saying these things.

These abuses continue. Just yesterday, just yesterday, there are reports that are yet to be confirmed that East Timorese youths were shot at by police forces in Baucau. They were protesting the destruction of the portrait of the Virgin Mary, and youths took to the streets. There are reports that house-to-house searches were conducted.

My office has learned that Bishop Bello, who is recognized by all as the conscience of East Timor and is one of the most respected human rights leaders in the world and was one of the finalists for the Nobel Peace Prize last year, Bishop Bello was more upset than friends have said they have heard him in years.

Mr. Chairman, I think we need to send a clear message to the leaders of Indonesia that we will not sit by and let these abuses continue. And I urge my colleagues to support the Frank amendment and send a clear message to Indonesia we are not going to sanction continued abuses of human rights.

Mr. CALLAHAN. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I am here in opposition to this amendment not because I condone the human rights policies of Indonesia but because I am very, very strongly committed to our own Nation's defense program. Make no mistake about it, the IMET program is one of the most valuable tools that we use as a Nation to engage in preventive defense on behalf of our country.

This program enables us to bring to this country distinguished military officers from other countries and train them in the way that our military does business, in the way our military relates to the civilian sector, and the way our military works with other militaries around the world. It is a very important program. It is not a program designed exclusively for the benefit of in this case Indonesia or, for that case, any other foreign nation. It benefits the United States of America.

It makes our defense program stronger. It extends the scope of influence of the United States of America.

When these people come and visit in this country, they take back with them characteristics that we cannot communicate or instill any other way. And time and again we have heard the military of our Nation talk about working with other military members that are in foreign countries and having a first-time relation with them because of the fact that these people have come to the United States of America, have worked in our schools here, have worked with our military people, and have taken back with them personal relationships that they continue to build on year after year after year.

It is a magnificent investment that we make, and one that has returned dividends manyfold on the money that has been invested in it. It should not be looked upon as simply a gift over something to trade off for some kind of conduct of another nation. It is much, much too valuable for that. This is a very strong component of our Nation's defense program. And you might ask, well, why is it in the foreign operations bill? And my answer is I do not know. I think it more properly belongs in the defense appropriations bill. But nevertheless we are here with it. But we should not let the fact that it is in the foreign operations bill obscure from us the reality that this is indeed a defense expenditure and one that is a very valuable component of our Nation's defense program and experience has shown that it works well.

For example, the top three military officers in Indonesia have all participated in this program, and they are people that our military works with on a regular basis, based upon the contacts that have been built up as a result of their working with the IMET program.

As has been said before, this program is going to enhance rather than diminish the ability of our Nation to influence the conduct of Indonesia in the way it handles its human rights policies.

I would urge the Members to recognize the importance of this program to our own military and to reject this amendment because I think it will not serve the long-term interests of our Nation.

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

Mr. Chairman, I respect a great deal both the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Virginia [Mr. PICKETT] and their comments.

Mr. Chairman, this is not an amendment attempting to undercut the very important goals of IMET. I spent 12 years in the U.S. Army, and I had the opportunity to actually train with and serve with foreign officers who were brought into this country through the IMET program. It is a very valuable program and a very worthwhile program. And it does, as the gentleman from Virginia indicated, give our country an opportunity to impress upon foreign officers our values, both our democratic values and our professional standards.

But the other side of that equation is that this program gives, in many respects, an imprimatur to the military forces that participate in the program, and I think we have to ask very serious questions at this juncture, given the record in Indonesia, whether we want to give the imprimatur to the armed forces of Indonesia. There have been indications that progress is being made.

But progress in human rights in East Timor is in the eye of the beholder. And I would refer to the letter I made reference to before from the Catholic Conference from Father Drew Christiansen: "Rather than improvements in human rights, there have been over the past year numerous reports from authoritative sources of continued harassment and arrests of many, especially young people, seeking to express in a nonviolent fashion their disagreement with the status quo. There continue to be vicious attacks by gangs of paramiliataries and a climate of fear created by the security forces that at times amounts to a reign of terror."

And so I would argue, based upon the observations of Father Christiansen and his colleagues in the Catholic Conference, that our IMET training has not achieved success yet and, in fact, what it does is provide a symbolic approval of these operations in East Timor by Indonesian security forces. And also it has not yet moved forward the Government of Indonesia together with other world leaders in the world community to recognize their occupation, their illegal occupation of East Timor, and to give justice to the East Timor and to its people. And I think in that regard we have again invoked the leverage of withdrawing IMET from the armed forces of Indonesia.

Now, the gentleman from Nebraska talked about the strategic value of Indonesia. I believe there is strategic value there. But I would point out that in the period from 1992 until about a year or so ago, when we restored expanded IMET, the Government of Indonesia did not turn away from the United States, did not seek to ally itself with other regional powers. And I would suspect that if once again we revoked IMET, they would not turn away from us, turn away from their own self-interest, which is a relationship with the United States in the world community.

We are not at all seeking to undercut the economic ties that we are developing with the Government of Indonesia. Those ties, I think, also are based upon mutual self-interest, but what we are doing is trying to establish very clearly that the Government of Indonesia and its armed forces must act with more sensitivity, more consideration of the people of East Timor, and if they cannot do that, they then would not be allowed to participate in this expanded IMET. And for all of the above reasons, I would urge that this measure be adopted and the amendment be accepted by the committee.

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

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Massachusetts [Mr. FRANK], which would cut off all IMET to Indonesia.

Mr. Chairman, I notice that the gentleman from Massachusetts [Mr. FRANK] had other business and could not be here to hear the extended debate; not here to hear the eloquent statements of people that are knowledgeable in this affair. But I am sure that had he been here, no doubt he might have taken serious consideration to withdraw this amendment.

But since it has not been withdrawn, as the gentleman knows, the subcommittee has been very attentive to this issue and in last year's bill we agreed to provide expanded IMET to Indonesia. Expanded IMET is only for training the military in the areas of democratization, respect for human rights, and the rule of law. It really should be called restricted IMET.

Because our fiscal year 1996 bill was not enacted into law until early this year, Indonesia really has not had the benefit of this type of training. The committee's position this year simply reflects last year's compromise on this issue—it allows the expanded IMET program to work with Indonesian officers to improve their human rights performance. No military training is provided. Personally, I support full military training for Indonesia, but I reached a compromise with my colleagues on the committee and last year I supported the House position in conference.

Currently the administration is planning visits to Indonesia by the U.S. Naval Justice School's Military Justice Mobile Education Team and the U.S. Naval Postgraduate School's Civil-Military Relations Mobile Education Team. Are these really the types of IMET programs that the House should be prohibiting? Well, that is exactly what the amendment by the gentleman from Massachusetts will do.

I strongly oppose this counterproductive amendment which will deny, I repeat deny, human rights training to the Indonesian military. Please vote "no" on the Frank amendment.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of the Frank, Kennedy, Reed and Kennedy amendment to the fiscal year 1997 foreign operations appropriations bill which will prohibit all international military education [IMET] funding for Indonesia.

The Indonesia invasion and occupation of East Timor in 1975 was the beginning of a period of repression and human rights abuses in East Timor that has continued for over 20 years. It has claimed the lives of 200,000 Timorese, one-third of the original population. It has been done in defiance of the U.N. Security Council, which has twice called on Jakarta to withdraw without delay. The United States fully supported these resolutions.

The human rights situation remains serious in East Timor. In this year's State Department Country Report on Human Rights Practices, the Department notes "the most serious abuses, by Indonesia, include harsh repression of dissidents in East Timor * * * Reports of extrajudicial killings, disappearances and torture of those in custody by security forces increased."

Since the November 12, 1991, Santa Cruz Cemetery massacre, in which Indonesian troops armed with American M–16's gunned down more than 200 Timorese civilians, Congress has taken a series of initiatives which have begun to shift the direction of United States policy.

While imperfect, the ban on IMET funding for Indonesia has been one source of leverage. First imposed in October 1992, the ban has sent an important message to Indonesia about our concerns regarding human rights in East Timor. By approving IMET military training funds, Congress turns a blind eye to continued abuses in East Timor and lets Indonesia off the hook.

The political issue in East Timor is a very basic one: The people simply want the right to vote in a U.N.-supervised referendum, in which they would be given the right to choose whether they want to be independent or become part of Indonesia. Without any international pressure on the regime in Jakarta, the ability of the people in East Timor to exercise their right of self-determination will continue to be infringed upon.

Mr. KIM. Mr. Chairman, I rise in strong opposition to the Frank amendment to prohibit the use of international military education and training funds for Indonesia. It appears to me that this amendment is designed only to insult Indonesia and would have only negative effects on United States-Indonesian relations. Furthermore, if enacted, I believe this amendment would actually hinder the kind of changes and increased respect for human rights its proponents claim to seek.

First, let's be clear on what IMET is. IMET is not guns and ammunition. It's not even combat training. The IMET program sponsors up and coming Indonesian military officers to come to the United States to receive either technical training—like accounting—or professional education including military justice and human rights awareness. Thus, IMET participants are exposed to the very issues about which the sponsors of the Frank amendment are most concerned. How better to ensure that the Indonesian military enhances its professionalism and sensitivity to the human rights concerns we've identified than to include this in their training? Especially when the Indonesian military wants this training? They are seeking our help. If the sponsors of this amendment listen to their own words, then they would see that we ought to continue to provide this training.

Second, IMET also plays an important role in improving United States-Indonesian security ties. Indonesia occupies a very central and strategic position in Southeast Asia. Indonesia is a key member of ASEAN and a moderate leader of the non-aligned movement. It is the world's largest Moslem country. Indonesia is very supportive of the United States presence in Southeast Asia and provides us with places in lieu of bases. The modest support the Indonesian military receives from IMET goes a long way in solidifying this relationship. It also provides our own military with exposure to senior and mid-level Indonesian military officers with all of the associated benefits such relations provide.

Third, with 190 million people, Indonesia is a growing market for American goods and services. Last year alone, the United States exported $3.3 billion, an increase of over 20 percent from last year. Indonesia is the host to over $6 billion in United States investments. Whether we like it or not, IMET has, in part, come to represent a bellwether of United States engagement with Indonesia. It has become a symbol of United States attitude toward Indonesia. Therefore, to prohibit IMET will be seen by Indonesians—all Indonesians, not just the Suharto government—as a slap. Unlike most of my colleagues, as a first generation Asian-American, I have a pretty good understanding of how East Asians think. And, I can assure every one of you, this will be interpreted as a direct insult against the Indonesian Nation as a whole.

Such an insult will have a direct and negative affect on all aspects of our relationship, including economic ties. At risk are jobs and incomes of Americans rights here at home. The only ones really cheering for the misguided symbolism of the Frank amendment are our Asian and European competitors.

Finally, I am sensitive to the situation in East Timor. Unfortunately, the history as well as the future of East Timor is not as simple and black and white as proponents of this amendment claim. Progress is being made with regard to East Timor, though I agree that more is needed. However, cutting IMET will have no positive effect on East Timor. The Frank amendment is merely pandering to only special interest in East Timor at great expense overall U.S. interests in the region. In fact, as I pointed out, prohibiting of IMET could actually setback the process of improving human rights in Indonesia.

Therefore, I urge my colleagues to vote for America's best interests and reject this misguided amendment.

Ms. PELOSI. Mr. Chairman, I rise in support of the Frank-Kennedy-Reed amendment to prohibit IMET for Indonesia. I appreciate Chairman CALLAHAN's initiative last year and again this year to limit IMET for Indonesia to expanded-IMET only. Nonetheless, in light of continuing human rights abuses and Indonesia's economic strength I do not believe that the Indonesian military should be trained with United States taxpayers' dollars.

According to the U.S. State Department's country reports on human rights practices for 1995, human rights in Indonesia continued to be a problem. The report notes that—in Indonesia "there continued to be numerous, credible reports of human rights abuses by the military and police * * *." The human rights problems in Indonesia noted by the State Department report include:

The (Indonesian) Government continued to commit serious human rights abuses. The most serious abuses included harsh repression of dissidents in East Timor, Aceh, and Irian Jaya. Reports of extrajudicial killings, disappearances, and torture of those in custody by security forces increased. Reports of arbitrary arrests and detentions and the use of excessive violence (including deadly force)

in dealing with suspected criminals or perceived troublemakers continued.

The State Department's report also states:

Elements of the armed forces continued to be responsible for the most serious human rights abuses. Military leaders in some cases showed willingness to admit publicly abuses by military personnel and take action against them, including in a brutal incident in East Timor. Punishment, however, rarely matched the severity of the abuse.

Some of our colleagues will argue that IMET benefits the United States by increasing the professionalism of the armed forces of other nations. That may, in some cases, be true. Unfortunately, history is now littered with cases of egregious human rights abuses being perpetrated by people who received U.S. military training. In some countries, IMET training endows those who receive it with a mantle of prestige and privilege. IMET provides a seal of approval of sorts for military people who receive it and therefore bestows a seal of approval on their military practices. The United States should not be in a position of supporting repressive or abusive practices either in an explicit or implicit way.

It is clear, to those who are willing to look, that the human rights situation in East Timor is terrible. The State Department's report provides documentation of some of last year's atrocities, many of which were perpetrated by the military. These practices have not ended. I have in my possession a list provided by a reputable human rights organization of 17 East Timorese people who have been arrested, beaten and tortured by the Indonesian armed forces at various locations around East Timor since January 1996. This list is incomplete, but it is representative of the ongoing practices of the Indonesian military.

The repressive activities of the Indonesian armed forces are by no means limited to East Timor, which Indonesia occupies illegally. They also occur in many other places in Indonesia, including Irian Jaya, where NGO and church sources provided eyewitness accounts of over 40 victims of torture by the Indonesian military in late 1994 and early 1995.

I urge my colleagues to express their concern about human rights abuses in Indonesia by supporting the Frank-Kennedy-Reed amendment to prohibit IMET for Indonesia.

Mr. TORRICELLI. Mr. Speaker, I rise today in strong opposition to funding for expanded international military and education training [IMET] for Indonesia. The actions perpetrated by Indonesia against the people of East Timor have been no less than reprehensible and do not deserve to be condoned by this Government. I do not question the efficacy of IMET programs in general, but rather the value to be gained by the United States in providing assistance to the Indonesian Government. As a champion of human rights throughout the world, the United States should make every effort to ensure that systematic aggression, like that against the East Timorese, is not allowed to continue. In order to do this, though, it is imperative that the Indonesian Government receives a firm answer from this country—such behavior will not be tolerated.

Indonesia's invasion of East Timor spawned an era of oppression directed against the East Timorese. Torture, abductions, disappearances, and massacres have all been common occurrences under its rule. The result has been the annihilation of nearly one-third of the East Timorese population. Portugal has strenuously objected to Indonesia's conduct in East Timor, but these objections have gone unheeded. Instead, the international community has silently accepted the situation. However, I refuse to stand idly by as the Indonesian Government is no less than rewarded for its actions with funds from this country.

The violence which has been unleashed against the people of East Timor must be stopped. A restoration of IMET funding to Indonesia, though, does not send this message. Rather, it encourages the Indonesian military to perpetuate the cycle of abuse. The East Timorese must be recognized for the basic human dignity we all share. For this reason, I stand opposed to this country's financial support of the Indonesian regime.

Mr. POSHARD. Mr. Chairman, I support the Frank amendment for the elimination of international military and education training [IMET] funding for Indonesia. I believe this is a focused and unmistakable message to the Government of Indonesia that their strong arm tactics in regard to human rights, especially concerning the people of East Timor, will not be condoned by the United States. At the same time, this action will not adversely affect the strong economic recovery that has increasingly, helped to pull the people of Indonesia out of poverty over the last 30 years.

The State Department has clearly documented the torture and killing of civilians, epecially nonviolent activists for self-determination in East Timor. Until good faith efforts to ensure the safety of the East Timorese are put in affect, talks on the political status of that country between Indonesia and Portugal, under the auspices of the United Nations, cannot go forward. This amendment will help to bring both Indonesia and East Timor in concert with the greater international community.

IMET brings foreign military officials to the United States for military training, which includes instruction in human rights standards. While this is certainly a laudable program, in this case it confers acceptance on the recent practices of the Indonesian Armed Forces. The last decade has seen increased improvement in relations between the United States and Indonesia, and the selected use of such targeted pressure will promote these trends and extend them to the issues of human rights and even workers rights. I support this trajectory and I support this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment, which would prohibit IMET—foreign assistance for military education and training—to the Government of Indonesia.

For over 20 years, international human rights advocates have been calling attention to abuses by the Indonesian Government in its occupation of East Timor. There is evidence that United States military assistance has helped to further the atrocities in East Timor.

Indonesia's armed forces invaded East Timor in 1975, only weeks after East Timor had attained independence from Portugal. Since then, the Indonesian army has carried out a campaign of what amounts to ethnic cleansing against the Timorese through a program of forced migration. Persecution has been particularly harsh against the Christian majority.

More than 200,000 Timorese—out of a total population of 700,000—have been killed directly or by starvation in forced migrations from their villages since the Indonesian invasion.

There are recent reports of a renewed campaign of repression of Catholics in East Timor. These reports include atrocities such as the smashing of statutes of the Virgin Mary. The campaign has also been directed personally against the Catholic Bishop of Dili, Bishop Belo. His phones are tapped, his fax machine is monitored, his visitors are watched, and his freedom of movement is restricted. But Bishop Belo persists in his courageous efforts to defend justice, peace, and the preservation of the dignity of his people. Recently, he has set up a church commission to monitor human rights abuses, and a radio station to disseminate information and news.

Mr. Speaker, the people of East Timor comprise a sovereign nation. They differ from most Indonesians in language, religion, ethnicity, history, and culture. They are entitled to independence and freedom. And in the meantime, they are entitled to fundamental human rights including the freedom of religion.

Supporters of expanded IMET for Indonesia argue that since one of the purposes of such aid is to educate the military about human rights, we should provide such aid no matter what they do. But this presumes a willingness on the part of the government to change its dismal record. In the absence of such willingness, the only real effect of expanded IMET is to send a signal to the world that our disapproval of the Indonesian military—which we expressed after the 1991 massacre by cutting off all IMET—has softened. This is the wrong signal at the wrong time. We must not put our stamp of approval on a regime that massacres children in churchyards and then remains defiant.

I urge a "yes" vote on the amendment.

□ 1500

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. REED. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 272, not voting 13, as follows:

[Roll No. 227]

AYES—149

Andrews	Clement	Duncan
Barrett (WI)	Collins (IL)	Durbin
Becerra	Collins (MI)	Ehlers
Beilenson	Conyers	Ensign
Blute	Costello	Eshoo
Bonior	Coyne	Evans
Borski	Cummings	Farr
Boucher	Danner	Fattah
Brown (OH)	DeFazio	Fazio
Cardin	DeLauro	Fields (LA)
Clay	Dellums	Filner
Clayton	Doggett	Flake

Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Funderburk
Furse
Gejdenson
Gutierrez
Gutknecht
Hall (OH)
Hefner
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaHood
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Markey
Martini
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Porter
Poshard
Rahall
Ramstad
Rangel
Reed
Rivers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stearns
Stockman
Stokes
Stupak
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Williams
Woolsey
Wynn
Yates
Zimmer

NOES—272

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaFalce
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manton
Manzullo
Martinez
Matsui
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Roth
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Traficant
Vucanovich
Walker
Walsh
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—13

Bateman
Brown (CA)
Calvert
Deutsch
Gibbons
Harman
Hastings (FL)
Lincoln
McDade
Rose
Schiff
Studds
Torricelli

□ 1520

Ms. BROWN of Florida and Mr. WAXMAN changed their vote from "aye" to "no."

Ms. WATERS and Messrs. CLAY, FLAKE and VOLKMER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. CALLAHAN asked and was given permission to address the Committee for 1 minute.)

Mr. CALLAHAN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. PORTER] for a colloquy.

Mr. PORTER. Mr. Chairman, very recently, elections were held in Albania that international observers feel were rife with irregularities—including ballot stuffing, physical intimidation of voters and other acts of fraud and coercion. This is a grave cause of concern and I would inquire whether the Chairman would be open to consideration of provisions withholding assistance to Albania unless new elections are held.

Mr. CALLAHAN. I understand the gentleman's concern over the disturbing elections in Albania, and I will remain open to consideration of this matter in our conference committee with the Senate on this legislation.

Mr. PORTER. Mr. Chairman, I thank the gentleman from Alabama.

Mr. CHAIRMAN. Pursuant to the rule and the order of the House of June 6, 1996, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) 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. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 445, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

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

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield for a few seconds to the gentlewoman from California [Ms. PELOSI] for a comment.

Ms. PELOSI. Mr. Speaker, in the few seconds that I have allocated to me I want to commend the gentleman from Alabama [Mr. CALLAHAN], our chairman, for his excellent leadership of our subcommittee and for his shepherding us through these different issues. While I do not agree with all that is in the bill, I do commend the gentleman.

In addition to commending our excellent chairman, the gentleman from Alabama [Mr. CALLAHAN], for his magnificent shepherding of this legislation through subcommittee, full committee and to the floor, I want to join with him in acknowledging the fine work of our ranking member, the gentleman from Texas [Mr. WILSON]. While he will be on the floor when we take up the conference report, I am certain, this is the last bill that he brings to the floor from the committee, and I know that all the members of the subcommittee join our colleagues in commending him and thanking him for his leadership on the committee, his good humor in the face of strong opposition on some issues in the committee and his leadership to rally us around some of the issues of agreement.

With that, I want to once again commend the gentleman from Alabama [Mr. CALLAHAN]. I do not think our colleagues have any idea how difficult it is for this bill, to reach consensus on it, and we are all deeply in the debt of the gentleman.

Mr. CALLAHAN. Reclaiming my time, I am sorry that the confusion and the timing does not permit us to do justice to the gentleman from Texas, who is sitting in on his last few minutes of an appropriation bill, who has been sitting here for 19 years doing this

same thing every 2 years. And I would like to thank also the subcommittee members who have worked so hard and are so allied with us in trying to formulate a bipartisan bill. And certainly the staff deserves recognition for the yeoman job that they have done, as does the gentleman from Wisconsin [Mr. OBEY] and all the people of our committee.

The gentleman from Utah [Mr. HANSEN] also deserves recognition for his yeomanship and his great handling of this bill sitting in the Speaker's chair.

Mr. Speaker, once again, in the final passage of this bill there have been those who came and tried to increase this level of spending that we do on foreign aid, but thanks to this committee and this Congress, we are cutting foreign aid, we are cutting the President's request by a billion dollars, we have now, with the passage of this bill, reduced the level of appropriation for foreign operations to less than 1 percent of our total budget.

So this is a vote to cut foreign aid and to appropriate responsibly what limited amount of money we are going to. I would encourage each Member to vote "aye" to cut foreign aid and to pass this responsible legislation.

Mr. DURBIN. I rise in support of assistance to Israel in the Foreign Operations Appropriations Act for fiscal year 1997.

The legislation before us today includes the President's full request for assistance to Israel, including economic support funds, foreign military finance grants, counterterrorism assistance, and funds for the resettlement of refugees from Eastern Europe. In addition, the legislation requires that this assistance be provided on an expedited basis.

The security and the prosperity of the United States are intricately interwoven with the security and prosperity of Israel. The American people and the people of Israel are inseparably joined by a common heritage, shared values and democratic forms of government. The threats to Israel—from political conflict, extremism, economic instability and the proliferation of weapons of mass destruction—are also threats to the people of the United States.

We have seen historic changes in the Middle East in recent years as Israel has reached out to its neighbors for peace. But real dangers and significant obstacles to peace remain.

The people of Israel have just recently held elections and voted for new leaders. This is a time of transition for Israel, and Israel's people must know that the United States will remain a steadfast and strong ally.

The assistance we provide to Israel will strengthen our most important ally in the Middle East, deter aggression from hostile nations in the region, and ultimately protect the security of the United States. This assistance will help Israel to preserve a qualitative advantage in defense, even though it is heavily outspent by its larger neighbors. It will help Israel to absorb the economic cost of maintaining a strong defense. And it will once again assure the people of Israel, and its adversaries, of unwavering American support.

We must support Israel because it is the right thing to do, and because it is the wise course to take. I urge my colleagues to support the President's request for assistance to Israel and vote for final passage of the Foreign Operations Appropriations Act for Fiscal Year 1997.

Ms. PELOSI. I commend Chairman CALLAHAN and Ranking Member WILSON for their successful efforts for the second year in a row in putting together a foreign aid bill which has bipartisan support. As a member of the Foreign Operations Subcommittee, I know the work that has gone into this bill and the efforts that have been made to bridge many differences on the purpose, the priorities, and the funding level of our foreign aid programs. I would like to thank the subcommittee staff, Charlie Flickner, Bill Inglee, John Shank, and Lori Maes, and our Democratic staffpersons Mark Murray and Kathleen Murphy for their hard work on this bill.

In the current fiscal climate, we have to make many difficult choices cutting funding for many worthy programs. Our decisions must be based on fact, not myth. We have before us today one of the most misunderstood and maligned bills the Congress is regularly privileged to consider. The misperceptions surrounding foreign aid are legion and we, as leaders, have an obligation to set the record straight.

We will hear today from some of our colleagues that the American people do not support foreign aid. That is not true. The American people's overwhelming humanitarian response to crisis, to famine, to tragedy overseas, is evidence of their concern. According to recent surveys, Americans believe we should spend 15 percent of our budget on foreign aid—they think we spend 40 percent on foreign aid—and do not know that we spend less than 1 percent on foreign aid. Today's bill continues the recent downward trend in spending on foreign aid, providing $1 billion less than the President's request for fiscal year 1997, and $458 million less than the fiscal year 1996 level.

Foreign aid is a good investment in a number of ways. Our limited foreign aid dollars provide returns to our country many times over through assisting our allies and increasing our national security, providing much-needed humanitarian relief and easing human suffering. In addition, we get numerous economic benefits from our foreign aid investments. Eighty percent of our development assistance is spent here in the United States, providing jobs for American workers, and expanding markets abroad.

I support a number of this bill's provisions and thank Chairman CALLAHAN, in particular, for his continued leadership in providing funding for global AIDS programs and for his assistance in addressing my concerns about some reporting requirements related to Hong Kong. That said, I cannot ignore the parts of this bill which I believe should be changed. I am particularly concerned about the impact of funding cuts on programs to meet the needs of the poorest of the poor around the world, including IDA and the IADB's Fund for Special Operations. I am also concerned about the reduced ability of our foreign aid programs to meet the development challenges on the continent of Africa. I believe we should reinstate the Development Fund for Africa as a separate account and provide funding for the African Development Bank and African Development Foundation, for example.

And, I am particularly concerned about the consequences for the global environment of cuts in funding for global environment programs and of cuts in funding and restrictions on population assistance funds.

Overpopulation is a threat to us all. The world is already experiencing a serious strain on its natural resources; increased population growth at current rates will only increase environmental degradation. We cannot be close-minded or short-sighted on this issue. What happens in other countries must be of interest here at home. Pollution does not stop at our borders. Diseases also do not stop at our borders. Stabilizing population growth is critical to us all.

In addition, I am very concerned that the population provisions contained in this bill will have the opposite impact of what our well-meaning colleagues intend. The 35-percent cut in population assistance funding contained in this bill can be expected to result in 7 million couples in developing countries left without access to modern, safe contraceptive methods; 4 million women experiencing unintended pregnancies; 1.6 million more abortions; 8,000 more women dying in pregnancy and childbirth, including those from unsafe abortions; and 134,000 infant deaths. These are not abstract arguments. These are real people whose suffering and whose deaths that we have the power to prevent.

U.S. foreign assistance has been at the forefront in saving lives, building democracy and achieving economic growth in the developing world. While failures associated with foreign aid programs have been well publicized, the success stories receive little attention. We can be proud that hundreds of millions of people around the world have achieved substantial improvements in their living standards around the world. We can be proud of the millions of children in developing countries whose lives have been saved by the immunization programs which we have funded.

Yes, improvements can still be made. Everything can always be improved. The administration should be commended for the progress it has made in increasing the efficiency and effectiveness of our development programs. We should make every effort to fund these programs at adequate and appropriate levels. This bill is a step in that direction.

Mr. FAZIO of California. Mr. Speaker, I rise to offer my support for the foreign operations appropriations measure before us today. I am not satisfied with all of the bill's provisions, notably the continued restrictions on international family planning. However, I believe that this bill contains some provisions that deserve our support, including our Nation's continued commitment to the Middle East peace process.

A new era in U.S. foreign assistance has been taking shape since the end of the cold war. New trends are developing which will guide the direction of our foreign policy and foreign assistance programs well into the next century. In light of these changes, I believe it is important for the United States to remain

committed throughout the world. Such a commitment will serve to advance our global interests and influence.

This bill will appropriate $11.9 billion for foreign aid and export assistance, $1 billion less than the administration's request and $458 million less than the fiscal year 1996 appropriation.

Mr. Speaker, I am pleased that the committee has continued to show its support for sustainable agriculture programs. Programs like the small ruminants collaborative research support program at the University of California, Davis, promote sustainable agriculture in the developing world in the conjunction with the U.S. system of land grant colleges and universities. Finding and implementing sustainable, environmentally safe, agricultural techniques and crops is critical to providing long-term food security in Africa and throughout the world.

In addition, I would like to express my support for the efforts of Representatives VISCLOSKY, BILIRAKIS, DURBIN, and others to strengthen the Humanitarian Aid Corridor Act and increase pressure on Turkey to lift its 3 year blockade of United States relief supplies to Armenia.

This amendment will send a clear message to Turkey that the United States Congress will not tolerate, much less subsidize, the illegal blockade of American humanitarian relief aid to needy populations in Armenia. Turkey's embargo not only perpetuates the humanitarian crisis in Armenia, but also increases the costs of American assistance programs because of the necessity to circumvent Turkey. The amendment will ensure that Turkey complies with the Humanitarian Aid Corridor Act before it receives any additional economic support funds.

I would also like to extend my support for the amendment offered by Representatives RADANOVICH and BONIOR. This amendment would withhold $3 million of United States aid to Turkey until the Turkish Government has acknowledged the atrocities committed against the Armenian people. By linking Turkey's denial of this genocide to United States foreign aid levels, this amendment provides a practical incentive for Turkey to finally acknowledge its role in this genocide. Moreover, it would begin to decrease regional tensions and open the door to improved relations between Armenia and Turkey.

I would also like to express my support for the amendment offered by Mr. KENNEDY of Massachusetts to prohibit funding for the U.S. Army's School of the Americas. While the amendment was withdrawn, his underlying bill, H.R. 2652, is a legislative proposal worth supporting.

The School of the Americas and its graduates have linked the United States to some of the worst human rights violators in Latin America. These human rights abusers have been responsible for murders, coups, and numerous disappearances. This shameful record casts doubts on the intentions of the United States and damages our relationships. We need to take a serious look at the school and the awful legacy that it has left in Latin America.

I believe that reasonable, responsible levels of foreign assistance will continue to serve the economic, humanitarian, political, and strategic interests of the United States. I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I rise today in opposition to the foreign operations bill, H.R. 3540. This bill contains a provision regarding Haiti which I, along with many members of the Congressional Black Caucus, oppose.

The foreign operations bill contains a provision, known as the Dole amendment, which prohibits Haiti from receiving any nonhumanitarian assistance from the United States unless the President certifies quarterly that democracy is secure in Haiti. Additionally the provision points to the investigation of three murders in Haiti and the status of their investigation.

It is unnecessary and unreasonable for the United States to require this certification every 3 months. Democracy is blossoming in Haiti, and we can point to the peaceful transfer of power there last year as a sign that democracy and democratic principles are spreading in that nation. The elections there last summer were peaceful and successful.

This year the committee has identified three murders that they claim were political and suggest this is a sign of a feeble government. More than 4,000 murders which occurred during the time when former President Aristide was deposed are under current investigation, along with the three in question. All crimes in Haiti deserve equal scrutiny under the law—not just the three murders identified by the committee.

The United States should do all we can to help solve these murders. But placing this unnecessary burden on the Haitian Government does not serve the United States or Haiti well when the Haitian investigators are concentrating on solving these crimes. The United States must continue to support the implementation of Haiti's economic revitalization so that we can see democracy fully mature in that nation.

Mr. REED. Mr. Chairman, on June 11, 1996, I voted in favor of H.R. 3540, the foreign operations appropriations bill. While I still have some concerns about this legislation, including the continued restrictions on international family planning and funding of expanded-IMET for Indonesia, overall I believe this legislation includes several important provisions which deserve the support of the House.

First, this bill provides crucial funding for our allies in the Middle East. H.R. 3540 recognizes our ongoing commitments to Israel and Egypt, providing $3 billion and $2.1 billion respectively in economic and military aid.

As our Democratic ally in the Middle East, Israel has been a leader in the effort to bring peace to this region of the world. The peace process is under tremendous pressure and we need to continue to show our strong support as Israel and its neighbors continue to seek peace. It is crucial that we maintain this funding and continue our efforts on behalf of the peace process in the Middle East.

H.R. 3540 also takes important steps to strengthen the Humanitarian Corridor Act. As a cosponsor of the Humanitarian Aid Corridor Act, I was extremely troubled with the President's waiver of the Humanitarian Aid Corridor Act for Turkey on May 16, 1996. I am pleased that the House overwhelming approved Mr. VISCLOSKY's amendment which cut economic aid to Turkey by $25 million until it lifts its blockade of U.S. humanitarian relief to Armenia. This amendment will send a strong message to Turkey that the United States will not condone its continued illegal occupation of Northern Cyprus and the internationally condemned blockade of U.S. humanitarian assistance to Armenia. We should not allow humanitarian assistance to be used as a political weapon while innocent victims are deprived of food, fuel, and medical supplies, whether it be in the wake of a natural disaster or armed aggression.

I also supported Mr. RADANOVICH's amendment to withhold a small portion of aid to Turkey until the government acknowledges the Armenian genocide. We cannot ignore the atrocities that the Armenian people suffered between 1925 and 1923 or the continued denial of this horrible chapter in history. The victims of this holocaust, as well as the survivors and their families, deserve the recognition of this crime against humanity.

As I stated earlier, I remain concerned about several provisions in the bill. I offered an amendment with my colleague, Mr. FRANK of Massachusetts, to prohibit funding of E-IMET for Indonesia. The Indonesian Government continues to commit egregious human rights abuses against the people of east Timor, and, indeed, incidents of abuse by the Indonesia military increased over the past year, according to the State Department. While I am disappointed that this amendment did not pass, I urge my colleagues to continue to pressure the Indonesian government to adhere to international human rights standards and to hold Indonesia accountable for its human rights record.

Overall, this bill provides $11.9 billion for foreign aid operations, a cut of $460 million from last year's level of funding. I believe it is in the best interest of the U.S. to maintain a strong presence abroad. This legislation supports our commitment to the international community while addressing the fiscal realities we face here at home. Thank you, Mr. Speaker.

Mr. KENNEDY of Rhode Island. Mr. Chairman, on June 11, I voted in favor of H.R. 3540, the foreign operations appropriations bill.

I believe that this legislation contains some very important measures that will strengthen America's position in the world, offer critical help to allies, and bolster the Humanitarian Aid Corridor Act approved by this House earlier.

I remain troubled, however, by several measures in this bill, including the continued restrictions on international family planning, the funding of expanded IMET for Indonesia, and by the reductions in development aid to some of the poorest nations in the world.

We face a critically important stage in securing peace in the Middle East. Through hard work and commitment we have achieved much in recent years. There is much left to achieve before the people of the Middle East enjoy a true and lasting peace. H.R. 3540 allows us to build on the achievements in peace that we have already secured by giving economic and military aid to our allies, Egypt and Israel. At this important juncture in the peace process, it is important for us to reaffirm our

commitment to our allies and to the peace process to which we must remain committed.

The bill also makes important steps forward in our commitment to child survival. I applaud the creation of this distinct account, with it focused mission and spending. These are some of the most important funds provided under the bill. This account will make a real difference in the lives of millions of children, and help struggling nations build more secure futures.

I was very pleased to see the House adopt two very important amendments that reaffirm our commitment to Armenia. As an original cosponsor of the Humanitarian Aid Corridor Act I am pleased to see this important, principled measure strengthened. This strengthening is needed because the measure, approved by Congress last year, was waived by the President. Congress is sending an unmistakable message to the Government of Turkey that its continued illegal occupation of Cypress and its unpardonable blockade of Armenia are criminal and must cease.

As well, I am pleased that the House passed Mr. Radanovich's amendment which withholds a portion of United States aid to Turkey until that government acknowledges the Armenian genocide. History shows us that the horrors of the past can not be forgotten. That when we allow denial and distortion to replace truth, we all reduced, and the security of the future is undermined.

I commend my colleague, Mr. OBEY, for his amendment which sets the stage for greater additional support to the War Crimes Tribunal in the Hague. As the author of a resolution affirming support for the War Crimes Tribunal I am gratified to see us stand behind this institution with the kind of support that will make a real difference in helping the tribunal successfully fulfill its mission.

I firmly believe that the tribunal is engaged in one of the most important tasks under way today. The tribunal is dedicated to bringing to justice those who have committed crimes of such horror that we barely fathom their enormity. The tribunal will bring an end to the centuries of violence and retribution. It is this cycle of lawlessness that is the breeding ground of conflict and of war. If we can break this cycle, if we subdue the instinct of revenge, we can build a more secure future where peace will be possible.

While this bill makes several important strides forward in the advancing the cause of protecting human rights, I remain deeply troubled by the House's unwillingness to revoke IMET to Indonesia. I was honored to join my colleague from Massachusetts, Mr. FRANK, in introducing an amendment that would cut off IMET to Indonesia. I am a supporter of IMET, but this is the wrong time and the wrong place for IMET.

Finally, I want to express my reservations over the reductions in aid to some of the world's poorest nations. We face very serious budget challenges that require us to make difficult choices, and many programs which mean a great deal to my constituents are being cut and they are suffering. We must, however, continue to recognize our responsibility as citizens of this planet. We are a great and wealthy nation. We are a shining example that free people all over the world look to. Assisting those who are struggling is one of the duties of leadership.

Contrary to what many think, this aid is, and always has been, a modest part of our budget and we realize a good return on this investment. A little aid can go a long way in building democracies and free economies, and when these achievements have been secured, we live in a richer and more stable world.

In the current budget environment, we must spend our limited resources very carefully. We face serious and very pressing problems here at home, and we are not able to spend all we should on these. It is in light of these challenges that I support the bill before us. It will make America stronger.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 366, nays 57, not voting 11, as follows:

[Roll No. 228]

YEAS—366

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Molinari
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Upton
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—57

Barrett (NE)
Beilenson
Bunning
Campbell
Chenoweth
Coburn
Combest
Condit
Conyers
Cooley
Danner
DeFazio
Doolittle
Duncan
Ehlers
Everett
Fattah
Foglietta
Gutknecht
Hall (TX)
Hancock
Hansen
Hefley
Herger
Jacobs
Jones
Laughlin
Lucas
McDermott
Meyers
Miller (CA)
Minge
Mollohan
Montgomery
Neumann
Oberstar
Payne (NJ)
Pombo
Quillen
Rahall
Roemer
Rogers
Rohrabacher
Sanders
Schroeder
Sensenbrenner
Shuster
Solomon
Stark
Stump
Tanner
Taylor (MS)
Traficant
Velazquez
Volkmer
Whitfield
Young (FL)

NOT VOTING—11

Bateman
Calvert
Deutsch
Gibbons
Harman
Hastings (FL)
Lincoln
McDade
Radanovich
Schiff
Studds

□ 1546

Mr. HEFLEY changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I missed two rollcall votes earlier today because I was unavoidably detained. Had I been present, I would have voted "no" on rollcall vote No. 227 and "yes" on rollcall vote No. 228.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, because my flight from California was delayed, I was unable to be present to vote on several rollcall votes.

Had I been present, I would have voted "present" on rollcall 225, approval of the journal.

I would have voted "yes" on rollcall vote 226, the motion to instruct House conferees to H.R. 3103, the bill to improve the portability and continuity of health insurance coverage.

I would have voted "yes" on rollcall vote 227, Mr. FRANK's amendment to prohibit IMET funds for Indonesia.

And I would have voted "yes" on rollcall vote 228, final passage of the foreign operations appropriations bill for fiscal 1997.

PROVIDING FOR CONSIDERATION OF H.R. 3603, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

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. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 302(c) of the Congressional Budget Act of 1974 are waived. 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3603 pursuant to the first section of this resolution, the appropriate allocation of new discretionary budget authority within the meaning of section 302(f)(1) of the Congressional Budget Act of 1974 shall be $12,802,000,000. The corresponding level of budget outlays shall be $13,349,000,000.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Georgia is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 451 is an open rule providing for consideration of H.R. 3603, the Agriculture, Rural Development, Food and Drug Administration and related agencies appropriations bill for fiscal year 1997.

The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 2(l)(6) of rule 11, clause 7 of rule 21, or section 302(c) of the Budget Act against consideration of the bill. The rule also waives clause 2 of rule 21—which prohibits unauthorized appropriations and legislation on an appropriations bill—and waives clause 6 of rule 21—which prohibits reappropriating unexpended balances of appropriations in general appropriations bills—against provisions of the bill.

Under the conditions of House Resolution 451, after the reading of the final lines of the bill, a motion to rise, if offered by the majority leader or his designee, will have precedence over a motion to amend.

Mr. Speaker, this rule continues two new approaches on appropriations bills that were implemented during last year's appropriations process. First, the rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require preprinting, but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the House floor and to inform Members of the details of pending amendments.

Second, House Resolution 451 provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the vote immediately follow another recorded vote and that the voting time on the first in a series of votes is not less than 15 minutes. This will provide a more definite voting schedule for all Members and hopefully will help guarantee the timely completion of the appropriations bills.

House Resolution 451 also provides for one motion to recommit, with or without instructions, as is the right of the minority Members of the House. Finally, in section 2 of the rule, House Resolution 451 provides that the section 602(b) allocations in the budget resolution conference report will be in effect for the consideration of this legislation.

Mr. Speaker, House Resolution 451 is a typical open rule to be considered for general appropriations bills. This rule does not restrict the normal open amending process in any way and any amendments that comply with the standing rules of the House may be offered for consideration. I know of a number of Members who wish to modify the bill through the amendment process, and I look forward to a thorough debate on those measures. While a vast number of amendments is not expected, the rule permits those Members who have amendments every opportunity to offer them.

H.R. 3603 appropriates a total of $53 million, which is $10.3 billion less than was appropriated last year and is $5.8 billion less than the amount requested by the President. The Appropriations Committee has once again had to balance a wide array of interests and make tough choices with scarce resources.

Specifically, the bill provides $8.7 billion for child nutrition programs which is $706 million more than last year and $3.7 billion in funding for the special supplemental nutrition program for

women, infants, and children. It also provides $768 million for conservation programs, $1.87 billion for rural economic and community development programs, $27.6 billion for the food stamp program, and $7.41 billion for agricultural programs. It is also important to note that the appropriations and authorizing committees provided full freedom to farm contract funding.

I also wish to note that, under title 6 funding for the Food and Drug Administration, the Appropriations Committee has redirected funds from program management to assist with the medical device approval process. For some time, the FDA has not met its deadlines for approval of some food additive petitions, drugs and medical devices and I hope that we have sent the message that this Congress expects the FDA to meet their statutory approval requirements.

As we work to get our fiscal house in order, we must ensure that all funding is spent efficiently and where it is needed most. This bill achieves this goal. Notwithstanding the constraints we now face after decades of fiscal irresponsibility, H.R. 3603 effectively funds programs for food safety, human nutrition, rural development, environmental conservation and agricultural research. In terms of our agricultural base, we must assure the well-being of our farmers, the health and nutrition of our citizens and the state of the environment. This bill responsibly maintains functions that are crucial to the health and safety of the American consumer and the future success of this Nation's farming communities.

H.R. 3603 was favorably reported out of the Committee on Appropriations, as was the open rule by the Rules Committee. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of the bill.

Mr. Speaker, I submit the following material for the RECORD:

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

[As of June 10, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	72	59
Structured/Modified Closed[3]	49	47	33	27
Closed[4]	9	9	17	14
Total	104	100	122	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 structured or 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 June 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).

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

[As of June 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	
H. Res. 450 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	

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

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume and I thank my colleague from Georgia, Mr. LINDER, for yielding me the time.

Mr. Speaker, House Resolution 451 is an open rule which will allow full and fair debate on H.R. 3603, a bill appropriating $52.7 billion in fiscal year 1997 for agriculture, rural development, Food and Drug Administration, and related agencies.

As my colleague from Georgia has described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

Under this rule, germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments.

The Rules Committee reported the rule by a voice vote.

I recognize that the Appropriations Committee was forced to make difficult choices in allocating a shrinking pie. However, I am disturbed with the levels appropriated under title II of Public Law 480 Food for Peace Program which provides American-grown food to foreign countries to combat hunger and malnutrition.

With the greatest agricultural productivity in the world, the United States is the best positioned nation to provide international food aid. However, since 1993, the quantity of U.S. food shipped to hungry people of the world has already been cut in half. As the United States has backed away from its responsibility, so have other donor nations.

The committee approved the President's request of $837 million for this program, which is an increase of $16 million over last year's level. However, because grain price increases exceed the funding increase, the result will severely erode the purchasing power of Food for Peace and drive down to record lows the amount of food that we send to poor countries.

The money in this bill for title II will only purchase an estimated 1.8 million metric tons, falling well short of the 2.25 million metric ton minimum floor level authorized in the 1995 farm bill.

This represents a meager 23 percent of the amount shipped only 4 years earlier.

I want to stress that the money is used to purchase American-grown commodities. Thus, this program has a direct benefit to our own farmers, processors, shippers, ports, baggers, fortifiers, and workers.

The prospect of any further cuts in U.S. food assistance is especially alarming in light of recent reports from the Department of Agriculture and the U.N.'s Food and Agriculture Organization that point to a looming gap between food needs and supplies. Conditions in Africa are especially alarming, with an estimated 22 million people facing a food emergency and 9 million at risk of malnutrition in east Africa alone.

During the Rules Committee consideration of this bill, I requested a waiver to offer an amendment that would have permitted a transfer of money from the Export Enhancement Program to the Food for Peace Program at the discretion of the Agriculture Secretary. My proposed amendment was similar to a provision in the farm bill that was adopted on the House floor last year, but that was later dropped in conference. The amendment would not require any program to be cut. However, the committee rejected my request.

Mr. Speaker, I am disappointed that I will not have an opportunity to offer my amendment. I will continue to look for a way to at least maintain the amount of food aid we give to poor countries because I believe that we have a moral responsibility as a world leader, because I believe that our Food for Peace Program helps American farmers and has the support of the American people, and because I know this program means the difference between life and death for millions of people.

Unless more funds can be added to this account, the United States will be unable to respond to food emergencies around the globe and many could die. Our Nation has the power to avert this tragedy.

I am frustrated that we refuse to use that power to save lives.

□ 1600

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

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS], a colleague on the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my friend from Tucker, GA, for yielding me this time. I rise in strong support of this fair and open rule. When it comes to the core congressional responsibility of spending, and savings, Americans' tax dollars, it is vital that all Members have the opportunity for direct input. It is through open rules that we provide this opportunity to those Members who do not sit on the Appropriations Committee, and I am pleased to note that our record for rules on appropriations bills this year is 100 percent open.

Mr. Speaker, this Congress' record on restoring fiscal responsibility is also impressive. It is hard to believe that just 2 years ago our congressional budgets never sought to reach balance—now we are on a glidepath to balance the budget by 2002. It hasn't been easy to do; we've met with strong resistance from the White House and others, but we have persisted and I applaud Chairman LIVINGSTON and the Appropriations Committee for having the strength and the courage to stay the course. Of course, there will always be areas of disagreement over specific issues, and the bill before us today—the agriculture appropriations bill—has its share of controversial provisions. Under this open rule, I look forward to a full debate on all of these important spending decisions. I urge my colleagues to support this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume to say that at the beginning of this Congress the Republican majority claimed the House was going to consider bills under an open process, and I would like to point out that 65 percent of the legislation this session has been considered under a restrictive process, and I include for the RECORD information regarding same.

The information referred to follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 63	Open	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive	N/A.
S. 2	Senate Compliance	N/A	Closed	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive	2R/2D.
H.R. 743	The Teamwork for Employees and Managers Act of 1995	H. Res. 226	Open	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive	1D.
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive	1D.
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive	N/A.
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive	1D.
H. Con. Res. 109				
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive	N/A.
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive	5R.
H.R. 2539	ICC Termination	H. Res. 259	Open	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed	2R.
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed	1D; 2R.
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed	N/A.
H.J. Res. 134	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed	N/A.
H. Con. Res. 131				
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; Rule tabled	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed	N/A.
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed	N/A.
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive	N/A.
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive	1D
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open	N/A.
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open	N/A.
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open	N/A.
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed	N/A.
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open	N/A.
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open	N/A.
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open	N/A.
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open	N/A.
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open	N/A.
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open	N/A.
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive	1D; 1R.
H.R. 3230	Defense Authorization Bill FY 1997	H. Res. 430	Restrictive	41 amends; 20D; 17R; 4 bipartisan
H.R. 3415	Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes	H. Res. 436	Closed	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 3259	Intelligence Authorization Act for FY 1997	H. Res. 437	Restrictive	N/A.
H.R. 3144	The Defend America Act	H. Res. 438	Restrictive	1D.
H.R. 3448/H.R. 1227	The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996.	H. Res. 440	Restrictive	2R.
H.R. 3517	Military Construction Appropriations FY 1997	H. Res. 442	Open	N/A.
H.R. 3540	Foreign Operations Appropriations FY 1997	H. Res. 445	Open	N/A.
H.R. 3562	The Wisconsin Works Waiver Approval Act	H. Res. 446	Restrictive	N/A.
H.R. 2754	Shipbuilding Trade Agreement Act	H. Res. 448	Restrictive	1R.
H.R. 3603	Agriculture Appropriations FY 1997	H. Res. 451	Open	N/A.

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***All legislation 2d Session, 65% restrictive; 35% open. ****All legislation 104th Congress, 57% restrictive; 43% open. *******Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3603 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 451 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. 3603.

The Chair designates the gentleman from Virginia [Mr. GOODLATTE] as Chairman of the Committee of the Whole, and requests the gentleman from Georgia [Mr. LINDER] to assume the chair temporarily.

□ 1603

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. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes with Mr. LINDER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Illinois [Mr. DURBIN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SKEEN]

Mr. SKEEN. Mr. Chairman, I am pleased to bring before the House today H.R. 3603, a bill making appropriations for fiscal year 1997 for Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

This bill is the product of 15 days of hearings conducted in March and April. We have published seven volumes of hearing records totaling 5,775 pages, with all the budget presentations and the full testimony of 304 witnesses including 19 Members of Congress.

Mr. Chairman, the bill was voted out of the subcommittee unanimously on May 30 and from the full committee on June 6. It was filed on June 7 and the copies of the bill, as amended, and the report have been available since Monday morning.

Our original allocation required us to cut nearly $1 billion in budget authority from $13 billion in discretionary spending, a nearly impossible task. However, our allocation situation improved considerably up to the day of the full committee markup, making our situation still difficult but much better than the original one, and for that I want to thank the gentleman from Louisiana, Chairman LIVINGSTON, for his help and his understanding of our situation.

Mr. Chairman, I would like to make clear for the benefit of all my colleagues, because we had several inquiries today, that the extra allocation mentioned in the press this morning is already factored in our bill. No extra allocation was given to this subcommittee that was not already factored into the full committee markup last week.

The bill totals $52.7 billion in budget authority, which is $10.4 billion less than fiscal year 1996, and $5.8 billion less than the administration requested. The mandatory spending total in the bill is $39.9 billion and the discretionary is $12.8 billion.

This bill meets our targets for both budget authority and outlays. In discretionary spending the bill reduces the budget authority by $509 million and outlays by $228 million from fiscal year 1996.

Our priorities for funding this year, I think, are shared by most Members of the House, regardless of party. They are nutrition, food safety, research, rural development and the maintenance of programs that keep American agriculture strong and progressive.

Like all the appropriations subcommittees, we were severely hampered by the very late arrival of th Administration's budget, and complicating our task was the fact that the Administration budget proposal did not reflect the reality of the recently passed farm bill.

Mr. Chairman, I would like now to summarize some of the major spending and saving elements of the bill.

The reorganizing and streamlining of the Department of Agriculture, which began in the Bush administration, continues. Some 43 agencies have been reduced to 29, and the work force has been reduced by 10,000 staff years since 1993. Our bill reduced Farm Service Agency salaries by more than $48 million from fiscal year 1996.

Nearly two-thirds of the USDA budget is spent on nutrition and feeding programs, mainly mandatory programs such as food stamps and school lunch. WIC—the Women, Infants and Children feeding program—is a discretionary account but it may be the most important one we have in our jurisdiction. WIC is maintained at last year's funding level but with a substantial carryover. Some of this carryover may be directed to other critical programs at the discretion of the Secretary of Agriculture.

Child nutrition programs, including school lunch, school breakfast, and the child and adult food programs are funded at $8.7 billion.

Spending on rural development has been reduced by more than $258 million from fiscal year 1996 but we have consolidated programs and given the administration the flexibility it requested to better meet the requirements of each individual State.

Before I conclude, Mr. Chairman, I must say I read with considerable disappointment statements in the press attributed to Secretary Glickman regarding funding levels for rural development. When I met with the Secretary about a month ago to discuss the Fund for Rural America, he was not able to indicate what plans the administrations had for this new $100 million program, even though he personally lobbied for its inclusion in the

Farm Bill 3 months earlier. The administration also continues to ignore the serious problem for loan programs caused by the rise of interest rates.

Furthermore, the subcommittee was told back in February that an additional $36 million would be transferred from WIC carryover funds into rural and water and sewer programs, which the administration claims he is a very high priority with them. This authority was given to USDA in the fiscal year 1996 appropriations bill and, as of last week, those funds have still not been transferred.

I would strongly suggest to the Secretary, with the best of intention, that the best use of time and resources at USDA is in planning and executing actual projects that benefit rural America and not in the issuing of vague press releases and endless bureaucratic turf battles.

Mr. Chairman, I would like to thank all the members of the subcommittee and their staffs for their help on this bill, and they have all made substantial contributions. To my Republican friends, the gentleman from Indiana, JOHN MYERS, the gentleman from New York, JIM WALSH, the gentleman from Arkansas, JAY DICKEY, the gentleman from Georgia, JACK KINGSTON, the gentleman from California, FRANK RIGGS, the gentleman from Washington, GEORGE NETHERCUTT, and the gentleman from Louisiana, our full committee chairman, BOB LIVINGSTON. And to my Democratic friends, the gentleman from Wisconsin, DAVE OBEY, the distinguished ranking member of the committee, the gentleman from Illinois, DICK DURBIN, who is ranking on the subcommittee, the gentlewoman from Ohio, MARCY KAPTUR, the gentleman from Arkansas, RAY THORNTON, the gentlewoman from New York, NITA LOWEY, and the gentleman from California, VIC FAZIO. I would also like to commend the staff, headed by Mr. Tim Sanders, with Carol Murphy and John Ziolkowski, and also the USDA detailee, Martin Delgado, and my own personal member of that committee, Mr. Jaime Castillo.

Mr. Chairman and Members of the House, this bill supports programs that benefit every one of your constituents every day. It has nutrition programs for the young and the elderly, conservation programs that not only protect farmland but protect the watersheds that provide drinking water to our cities, food safety inspection, drug and medical device programs for every American consumer, and trade and rural development programs that support millions of jobs in rural and urban areas.

We have met our balanced budget obligations and we have done our best to meet the needs of food and fiber producers, consumers, public health and safety in rural America. It is a bipartisan bill to which Member on both sides of the aisle have made a contribution.

Mr. Chairman, last year we were given strong bipartisan support for the bill as passed by the House and the conference report. As a result, the bill was signed into law quickly after passage, and not one day, I repeat, not one day was lost in providing your constituents with the important programs in this bill. There was no shutdown in agriculture.

This bill deserves that same kind of support and treatment again this year, and I respectfully ask for my colleagues' help and their vote on final passage.

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

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the gentleman for recognizing me to claim the other side's opening time.

I would like to salute first my colleague from New Mexico for a fine job under very difficult circumstances.

Mr. Chairman, we all know we are serious about budget deficit reduction, and as we have learned many years ago in the Committee on Appropriations, we deal in the reality of limited funds and unlimited needs. Our subcommittee, like so many others, has tried to fairly balance those two opposing situations. I think we have done a good job, although I will say there are some parts of it that I would like to have seen us do a little better job on.

Most people, when they hear the budget for the U.S. Department of Agriculture, think in terms of farmers and ranchers and do not think about the other major responsibilities of the department.

The gentleman from New Mexico [Mr. SKEEN] properly noted the responsibility of this department in the area of nutrition. One of the programs that I have focused on in my tenure in the House of Representatives, serving on the subcommittee, is the WIC Program, the supplemental feeding program for women infants and children. It is a program which is designed to help low-income mothers during their pregnancy and, after they have given birth, to raise healthy children.

I happen to think it is one of the single most important investments that U.S. taxpayers make. This program literally reaches and helps 40 percent, 40 percent of the infants in America. We are talking about a program that is essential to make certain that babies are born strong, healthy, with a fighting chance to become productive citizens.

This program, through the U.S. Department of Agriculture, is a Godsend in many parts of America where, otherwise, pregnant mothers would go without this assistance, counseling, and nutritional advice, and the basic foodstuffs that feed them during their pregnancies. And children, of course, new to the world, in those formative months, need the very best. This program was worked to make sure this happens.

Mr. Chairman, I am happy my colleague from New Mexico shares my dedication to this program. It should be bipartisan. It is a bipartisan program. I think our goal is to reach some 7.6 million, I am not certain of the exact figures as I stand here, by the end of this next fiscal year. And I hope we can do that in a bipartisan fashion.

We are hopeful that what we have done in this bill will provide the necessary funds for WIC to meet its goal of enrollment. I think the subcommittee has spoken informally, and we should put on the record here our commitment to return, if necessary, and ask for additional funds, if needed, to make sure the WIC Program is not underfunded. I hope that it is not.

I believe we have taken care of them, and if that is not the case, then I think there is a general feeling that we must return and make sure that is done.

Mr. Chairman, let me speak about several other items in the bill that I think are important.

□ 1615

Agriculture research is often overlooked by people. We have colleagues of ours on the floor of the House who like to stand at these microphones and giggle about the names of some of these ag research projects. The Pink Bull Work project, they giggle. The Boll Weevil Eradication project. The Screw Worm project, and their sides are bursting as they laugh about the names of these projects.

Little do they know that the critical research that is being done in these areas is absolutely essential, not only for the farmers and ranchers involved, but for consumers and environmentalists. Our efforts to eradicate pests that attack cotton in America are essential because that is one of the crops that uses so many ag chemicals. As we find ways to reduce the pests assaulting cotton, we reduce the need for the use of ag chemicals and potential danger from runoff.

So I hope that some of my friends, particularly from the city, who like to get a good belly laugh over some of these ag research programs would be honest enough to take the time, as I have, to understand how important these programs are.

Mr. Chairman, I am sorry that we have had to cut back on ag research. It is an area where we should be spending our money and our investment.

I have to commend the chairman for the $30 million additional in the Food Safety and Inspection Service. Each of us in America takes for granted the safety of meat and poultry and fish and food products that we buy at the grocery store. If we travel to a Third World country, we not only worry about the purity of the drinking water and the safety, but also the safety of

the food that is being served to us. Has it been cooked long enough to be safe to eat?

That is usually not a concern in the United States because we have a good Food Safety and Inspection Service. We are in the process of making it dramatically better by moving to new technological ways to measure the danger to consumers and to go after them. This investment of $30 million will help us reach that goal so that the hundreds and sometimes thousands of Americans who suffer from food contamination each year will be protected.

The cutback in funds for soil and water conservation is hurtful, and I hope that we can revisit this at some time in the future to restore some of these funds. It is an essential part of any effort to keep the environment clean, and I can tell my colleagues that our friends who live in rural areas are anxious to be part of that partnership.

These are families that live on farms and drink the water out of wells a few hundred feet away from the crops that are being planted. They want their water safe in the wells around the farms and they do not want the runoff to endanger the drinking water of any other American.

I also want to say that the rural development funds are down in amount, up in flexibility. We are going to find out whether that works; if we give the department more flexibility in rural development, whether it is in water or sewer development, whether that can overcome a cutback in some funding. When it comes time for budget deficit reduction we often have to make that kind of a choice.

This is a good bill. There are parts of it that I disagree with. That is not unusual. There were parts that I disagreed with when I was Chair of this subcommittee. But we have to bring a bill to the floor that is an honest compromise to achieve the purpose of this subcommittee and this appropriation. My colleague from New Mexico has done that. I salute him for it. Though we may disagree from time to time on the floor, our friendship and collegiality are never in jeopardy and it will not be in the course of this debate.

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

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

Mr. Chairman, I thank my friend, the gentleman from Illinois [Mr. DURBIN], who is leaving this body to go to the never-never land of the endless quorums. I want to say that we certainly have had a great relationship. This is what this is all about. Notwithstanding party differences, that has been a small item.

Mr. Chairman, it has been a delight to work with the gentleman when he was chairman. The gentleman gave me the model of what a chairman should really do and be like, and I appreciate that very much.

It is sweet just to be able to return a favor in kind. I want to wish the gentleman well, up to a point. We are not going to measure that point at all. Mr. Chairman, he is a great gentleman, DICK DURBIN, and it was a great pleasure to serve with him.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I thank the chairman for yielding me this time. I, too, rise in support of this legislation, this appropriation.

Mr. Chairman, as has been said already, I guess the best that can be said is that it is adequate. It is not the appropriation many of us would like to see if we had a free hand in spending the taxpayers' money. Maybe it is a good thing we do not have that free hand.

One area that I think we are making a mistake, and the gentleman from Illinois [Mr. DURBIN] mentioned this, is ag research. Farmers today, this year if they were financially able to carry their crops and their grain into later this year, made a profit. But they have been able to make a profit because we have been able to research to increase yields with less costly production, and we have been finding more uses for agricultural products through research.

So, Mr. Chairman, this is one area that I think we are making a mistake, and it is not the fault of this subcommittee but it is the fault of the system, that we ought to be making more money available for research because that is what is going to keep the American farmer in production, keep the American farmer on the farm and, most importantly, will keep them competitive in the world.

Much of the world today would like to buy foods. Many of the countries that need it worst do not have the money to buy from the United States. We have the capacity, thank goodness, in this country to produce more than we use.

So if we can continue the research to be competitive in the world, giving farmers the tools that they can produce a crop cheaper and therefore be able to sell it cheaper and still stay in business, this is what we should be doing. This appropriation unfortunately, through no fault of this subcommittee, does not do as good a job in research as we would like to do.

Mr. Chairman, I thank the gentleman from New Mexico [Mr. SKEEN] for the time, and I thank the staff and everyone who has worked so hard for this bill.

Mr. DURBIN. Mr. Chairman, I yield 7 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, the first thing I would like to do is to say something about the gentleman from Illinois [Mr. DURBIN], who as Members know is serving his last year in this House because he has had the bad judgment to decide he wanted to run for the U.S. Senate.

Mr. Chairman, I think that it is fair to say that if people put together any list of the 10 Members of Congress who they would describe as being the most honest and the most passionate in terms of defending the public interest, the gentleman from Illinois [Mr. DURBIN] would be on it.

There is no question that any time he comes to the floor he knows his subject. He is speaking because of what he believes, and he always does it with grace and with honor, and I think has represented the finest traditions of the history of this House. He is as close to a perfect definition of being a true public servant as any human can possibly be.

We are going to miss him greatly. We are going to miss his talent. We are going to miss his sense of fairness. We are going to miss his sense of judgment and his insistence on always putting the public interest first.

That does not mean I have always agreed with him. I have not. But he has been a tremendous addition to this committee and this House. He is a worthy and will be a worthy successor to PAUL SIMON. He is in that tradition of clean as well as effective government, and he continues that proud tradition that Senator Paul Douglas established so many years ago. He was Mr. Integrity. Senator Douglas was also a man who understood as much about the way this economy works as almost anybody in the history of this Congress.

I think the people of Illinois and the people of America will be served by Mr. DURBIN's service in the other body, should the people of Illinois be wise enough to elect him to the U.S. Senate, and I am confident they will.

I would also like to take a moment to talk about this bill. It is being brought to the floor by a chairman, the gentleman from New Mexico [Mr. SKEEN], who everyone understands is a legislator's legislator. He always finds a way to try to work out problems in a fair-minded and intelligent way, and he has performed in fine, bipartisan tradition, and I respect that very much. I enjoy the opportunity to serve in the same Congress with the gentleman.

Mr. Chairman, I would like to make just a couple of comments about the bill itself. Coming from a rural district, I regret the fact that the committee could not find a way to provide more support for rural sewer and water. Members have to come from a rural district to understand how important programs like that are.

I have many communities in my district that are 200, 300, 400 people; not exactly the large metropolitan areas of this world. I have many, many communities, the majority of households from

those communities are headed either by women or someone who is retired. Communities like that do not have the income base, they do not have the property tax base to meet the environmental cleanup needs that face so many of those communities.

They really need much more help than they are getting from both their State governments and the Federal Government, and I think that we have an obligation to try to find ways to provide more help to them because they are, in essence, when they are faced with environmental cleanup requirements, they are faced with the responsibility to clean up problems that somebody from yesterday left those communities.

I hope that as this bill moves through the process, we will find ways to help those communities more.

Second, I have to say a word about something that is not in this bill. The last farm bill that went through this House, the authorizing bill, contained a provision which allows a few States in the northeast section of the country to set up what I would define as a dairy cartel. Under that proposal, the northeastern States can band together. They can, in effect, establish tariffs on dairy products that are produced outside of the northeast region and sold in that region of the country.

That cartel could also be used to artificially subsidize dairy products that are exported from that region of the country into other regions of the country. I do not believe that that is fair to my farmers. I do not think it is fair to farmers in any other section of the country.

When we add that to the already egregious and incredibly unfair milk marketing order system which will pay farmers from one region of the country $2 and $3 per hundred pounds of milk more than they will pay them if they come from my region of the country, I think that that is just another example of how the Federal Government has screwed up national dairy policy.

Mr. Chairman, I would like to offer an amendment which eliminates that provision, but I think, frankly, there is no point in doing that, given the way things have been brought about in this Congress on that provision. But I would certainly hope that the administration itself does not allow that northeast dairy cartel to come into being, and if they proceed to try to do it, I would hope that in the courts it would be declared unconstitutional.

I wish that there were a way to effectively get at that in this bill. I have been thinking about offering an amendment, but I recognize reality, and I think we will have to rely on the administration and the courts to do what needs to be done to provide fairness and justice for farmers in all regions of the country.

With that, Mr. Chairman, I again congratulate the gentleman from Illinois and wish him well in the election, and I thank the gentleman from New Mexico [Mr. SKEEN], chairman of the subcommittee, as well.

Mr. DURBIN. Mr. Chairman, I thank the gentleman for his kind remarks.

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

Mr. Chairman, I say once again that I thank the gentleman from Wisconsin [Mr. OBEY] for the kind words. He can be a meddlesome individual at times; he has been anything but that. It is a pleasure working with him and I admire his style and his tenacity. I just do not admire some of the things that he says. That is a fair given. But the gentleman from Wisconsin is a great gentleman and I appreciate it.

Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise today in strong support of our bill, H.R. 3603, and its accompanying report that provides funding for agriculture, rural development, Food and Drug Administration and related agencies.

□ 1630

I commend the distinguished chairman, the gentleman from New Mexico [Mr. SKEEN], and the ranking member, the gentleman from Illinois [Mr. DURBIN]. I tell both of them that I enjoyed very much working with them and the cooperation that they have shown me throughout this process and to all of us.

I would also like to thank the subcommittee staff for the great work that they did.

In this bill we have had to make very difficult choices. The subcommittee had to reduce discretionary spending by over $500 million, causing painful reductions in rural housing and development programs. Nevertheless, we have continued to provide sufficient funding for critical agricultural research. In fact, we increased it by $47 million, and the total amount for ag research is $1.5 billion.

Spending on agriculture research enables the American farmer to deliver an abundant and affordable food supply to a largely urban population and to a hungry world and provides for a large portion of the American trade surplus.

I am also glad to report that this bill provides critical funding for conservation programs. Conserving, improving, and sustaining our natural resources and environment has to be one of our Nation's top priorities. Agriculture today is facing greater challenges than ever before in meeting public demands for environmental protection. Agriculture has been identified as a major contributor to nonpoint source water pollution. In fact, water quality is the most rapidly emerging issue impacting on agriculture today.

This appropriations bill provides the Soil Conservation Service with the necessary resources to provide planning and technical assistance for watershed projects and to help farmers implement conservation compliance plans on highly erodible lands. With many of our Nation's rivers and lakes being threatened by agricultural related nonpoint source pollution, we need to utilize best management practices to conserve our soil and water resources. These practices would include soil erosion control, animal waste management, plant nutrient management, the building of manure lagoons and pesticide and chemical management. The benefits from this conservation planning will result in reduced erosion and sedimentation, cleaner water, reduction of health hazards, improved fish and wildlife habitat, and protection of wetlands and flood prevention.

In this bill we are also able to expand the wetlands reserve by providing an additional 130,000 acres of wetlands. Last year the committee was not able to provide any funding for this program. While I would have liked to have seen more lands set aside for wetlands protection, this committee has added eight new States to the Wetlands Reserve Program and enrolled 130,000 additional acres so that we can better preserve and protect our precious wetlands.

This bill was a real challenge in terms of our priorities, but we strongly funded our nutrition programs. We increased funding for the School Lunch Program, the School Breakfast Program, the Child and Adult Program, Food Program, the Food Stamp Program, the Emergency Food Assistance Program; all of these programs were increased in funding.

There was a lot of political hay made last year about cut, cut, cut, cut, cut, but a lot of untruths were being told at the time. All of the nutrition programs in fact are increasing. WIC was held constant, however. There was a large surplus carried over from last year that will help to fund the program. We are committed to the nutrition of this Nation and to providing everyone who is in difficulty with the proper nutrition that we can and should provide.

Mr. Chairman, I strongly, again, appreciate your hard work on this and the ranking member and urge its adoption.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I should say that I echo all of those wonderful remarks that have been made both for the gentleman from New Mexico [Mr. SKEEN], and for the gentleman from Illinois [Mr. DURBIN]. So I will not take my 2 minutes, but you know that they are well meant.

What I do want to bring up though is that the issue of research and research has become a very important part of the agriculture industry, not only for

things to provide a safer and better food product for our country and our citizens but also to help control some diseases that can potentially have some very adverse effects on very important products that are grown within our States.

In this particular issue, the State of Florida, with oranges, last fall the USDA had identified a brown citrus aphid infestation is some parts of Florida. This actually is something that transmits CTV which can pose a very formidable threat to our industry. It actually has not only and will not only hit Florida, but it also has an opportunity to go into Arizona, California, and Texas. Most of this is commercial but some of this is backyards.

What we are asking is that we look at some of these areas in the eradication of the brown citrus aphid. I think there is some money in this bill for some in California, but there is maybe not too much in Florida. So I am just raising the issue on the floor so that, as we go into conference, we might be able to look at where there has been some identifiable issues and that we might look at this as we go into conference and hopefully help Florida with their actual $8 billion, $9 billion industry and the economy to the State of Florida.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, if I may, may I compliment both sides. I do want to compliment the fairness as well as the tireless service that the ranking member has provided and the fairness that the chairman has provided.

I do want to raise the issue about rural development because I spoke on this floor before about rural development and on both sides we acknowledged there was a need.

As I remember, when it went to conference, we had to work it out with the Senate in order to get $400 million. Again, you can say that is flexibility. But apparently we in the House somehow will not rise to the occasion to provide more money. We have to depend on the Senate to do that. I would hope that since it is not in the bill as much as it should be, we will do it.

One other area I am very much concerned is the lack of the appropriation at the level for minority farmers. Again, that is an area of concern. Five years ago there was considerably more commitment. Over the years we never have met that commitment. I would hope that we would find the opportunity to provide for those resources.

Mr. SKEEN. Mr. Chairman, I yield 4 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from New Mexico, chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

After reviewing the report of the Agriculture, Rural Development, FDA, and Related Agencies appropriations bill, I am very concerned about the funding level of the 502 Rural Housing Direct Loan Program. The committee bill provides $83 million for the 502 Direct Program. This is a reduction of $67.8 million from the 1996 level. As the Chairman knows, the 502 Direct Program provides funds for home mortgage loans for low-income residents of rural areas who do not have adequate access to private mortgage programs or other Government housing programs.

However, to offset this reduction, the committee report states that it intends that the $100 million made available under the Freedom to Farm Act be used for rural, housing, development and research programs beginning January 1, 1997.

Last year, the gentleman from New Mexico worked with me and other supporters of rural housing to improve the final 1996 funding level for the 502 Program. I would like the gentleman's assurance that he will continue to work with me to ensure adequate funds are made available from the fund for rural America for the 502 Home Loan Program. And, if possible, to provide additional direct funding for the 502 Program during conference with the Senate on this legislation.

Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SKEEN] for his response.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Delaware who has been one of the strongest and most consistent supporters of rural development programs. As a former Governor, he is particularly knowledgeable about their benefits.

I know that these programs are not funded at the level that the gentleman would like to see or for that matter that I and other colleagues would like to see. But the appropriations process is about hard choices and that is what we have done here in order to meet our goal of balancing the budget and funding critical programs.

I would like to point out to the gentleman that the fund for rural America will make available $100 million on January 1, 1997 and $200 million more in the 2 succeeding years. This money is over and above what is in the bill now. We have instructed the Secretary to use this fund as a primary backup for critical housing, water and sewer programs. I will be happy to work with the gentleman to follow up on this also.

We have provided for the transfer of excess WIC money, as we did last year, at the Secretary's discretion. Finally, I want to assure the gentleman that rural housing and our other rural development programs are among our highest priorities. If there is a possibility to find additional funding in the conference with the Senate, we will certainly give it a try.

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

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I also want to join in support of the gentleman from Delaware [Mr. CASTLE] who we joined in an amendment last time on the 502 housing. In that rural America has more than just housing, it gives to the administration flexibility for housing, rural development as well as for minority farmers.

Could the gentleman affirm what the level for minority farmers and small farmers in the rural fund may be?

Mr. SKEEN. Mr. Chairman, if the gentleman will continue to yield, fund for rural America is whatever the Secretary chooses. He has that discretion within the budget to do it and the fund for rural America.

Mrs. CLAYTON. Mr. Chairman, how about the disadvantaged farmers?

Mr. SKEEN. One million in our bill.

Mrs. CLAYTON. Separate in your bill?

Mr. SKEEN. In our bill.

Mrs. CLAYTON. But they have flexibility in rural America as well?

Mr. SKEEN. Yes.

Mrs. CLAYTON. You remember there was a discussion about at least moving it up to 2 million. There was not any acceptance of that at all?

Mr. SKEEN. Well, we just could not push it through the screen that way because we had very severe shortages in funding so we had to leave it at the level we had it. I am sorry that we could not raise it to $2 million.

Mr. DURBIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I regret I have to break the harmony of the comments on the floor, as the Chair has noted, but I must rise in great distress over a provision that has been included in this appropriation bill. That has to do with the sugar program.

In the bill that we have today, there is a section that places a cap on the raw sugarcane prices that the growers may expect to receive. I find that decision of the committee to lay on the sugar program a limit, a cap as to what the growers can expect to receive as an unconscionable interference with the market.

We have heard on the floor so many times Members belaboring the fact that we have to support open commerce, free enterprise, free trade and allow market conditions to determine the fate of our commerce, especially in the agricultural area. Yet we have before us today an amendment to the appropriations bill which is legislation on

an appropriations bill, by the way, which sets a cap at 21 cents.

I have sent letters to members of the Committee on Appropriations indicating that if this cap were permitted to remain in the legislation, and I hope it does not when it goes to conference, I hope it is removed, I hope the Senate does not do the same thing, because the effect in my district will be to actually eliminate the potential for our industry because we cannot produce it at 21 cents.

Sugar, the cost of production of sugar in my district ranges around 22 cents, 23 cents. I have been informed by the cane growers on the island of Kauai that if this bill becomes law and the cap remains on the price of cane sugar, that they will be driven out of business. That is thousands of jobs in my area.

I do not believe that that is the intent of this body. We had an effort here to kill the entire sugar program not too long ago. We were able to defeat that amendment.

□ 1645

So this House has spoken already, that such an effort is contrary to the best interests of this country. Yet we have this amendment which has been placed in this bill, and I am going to be forced to vote against the bill because I cannot vote against a major portion of the industry of my State.

The Department of Agriculture advises us that they will not know how to even implement this type of restriction. As far as these experts in the Department can determine, the only way that they can regulate and assure the enforceability of a 21-cent cap is to increase the imports.

So the Department says that they are unclear as to what the mechanisms for enforcing it are. They do not really know what the refiners are paying. In some States, I understand there is a kickback or a discount on the price, and so their only ability to regulate a 21-cent price cap for the growers is through an influx of more imports in the sugar area, and that, of course, will be extremely destructive for the rest of the sugar industry in Florida, in the beet sugar areas.

So I submit that this idea comes from those who wish to destroy the industry, and they have had their chance here. They brought their amendment to destroy by eliminating the program, and they were defeated, and so this effort is simply another backdoor way of making sure that our domestic industry goes down.

So I plead with the Members of this House to remember the debate with respect to the repeal of the sugar program and vote against the passage of this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 3603, the Agriculture appropriations bill for fiscal year 1997.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. This Member is especially pleased that the earlier funding problems were resolved so that there will be full funding for the protection flexibility contracts authorized in the farm legislation enacted earlier this year. Clearly, this is good news for our Nation's farmers.

This Member is also grateful and pleased that this legislation includes funding for several important projects of interest to the State of Nebraska.

First, this Member is pleased that H.R. 3603 includes $15.7 million for hazardous waste management and that the report includes language regarding the need to conduct a private water well quality assessment related to the health risks of communities in Nebraska and other States due to the use of fumigants in Commodity Credity Corporation grain storage sites.

This Member would like to take this opportunity to draw attention to a potentially serious problem facing a large number of communities throughout Nebraska and Kansas, and undoubtedly elsewhere too—and including this Member's hometown of Utica, NE. These problems resulted from the use of fumigants containing carbon tetrachloride by the USDA through stored Commodity Credit Corporation grain in Nebraska and other States, primarily from the 1940's through the early 1970's. Carbon tetrachloride contamination of the groundwater at many of these sites is a serious problem. Approximately 290 communities in Nebraska and 268 in Kansas has USDA grain bin storage sites and potentially remain at risk because the problem has not been fully investigated and addressed in many of these communities. As previously mentioned, this Member's hometown of Utica, NE, is one of the sites which is contending with contamination of its water supply as a result of a carbon tetrachloride, a carcinogen, from a grain storage facility. In addition to the contamination of public water supplies, numerous private wells are also affected. Private wells known to be contaminated have had treatment installed or have been removed from service, but far too little has been done to help identify such wells.

This Member has been actively involved in seeking solutions to this problem for a number of years. In fact, this Member worked with then-Secretary of Agriculture Clayton Yeutter to develop a hazardous waste management and response program within USDA. Sufficient Federal funding of this program is necessary to address this hazardous situation and to ensure the safety of drinking supplies of people living near, and downgradient from, old CCC grain storage sites. Although the carbon tetrachloride problems have begun to be addressed at many of these sites, the progress has been slow and somewhat random. An overall strategy needs to be developed.

To ensure that a timely and comprehensive approach is taken, this Member joins with the State of Nebraska in recommending an accelerated response in a three-phased strategy:

One, an immediate private water well quality assessment for those communities which have not yet had a complete assessment and providing emergency bottled water supplies as needed.

Two, environmental site characterization to determine sources and the extent of soil and groundwater contamination.

Three, remedial cleanup of contaminated sites and long-term groundwater monitoring.

This Member is also pleased that the bill provides $423,000 for the Midwest Advanced Food Manufacturing Alliance. The alliance is an association of 12 leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The alliance awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. During its second year of competition, the alliance received 33 proposals requesting a total of $1,165,033, but it was limited to funding 10 proposals for a total of $350,000. Matching funds from industry totaled $1,268,937, with an additional $370,311 from in-kind funds. These figures convincingly demonstrate how successful the alliance has been in leveraging support from industry.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing worldwide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing worldwide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the U.S. agricultural industry remains competitive in an increasingly competitive global economy.

This Member is also pleased that this bill includes $200,000 to fund a drought mitigation project at the agricultural meteorology department at the University of Nebraska-Lincoln. This level of funding will greatly assist in the further development of a national drought mitigation center. Such a center is important to Nebraska and all arid and semi-arid States. Although drought is one of the most complex and least understood of all natural disasters, no centralized source of information currently exists on drought assessment, mitigation, response, and planning efforts. A national drought mitigation center would develop a comprehensive program designed to reduce vulnerability to drought by promoting the development and implementation of appropriate mitigation technologies.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

The report also includes important language directing the Agricultural Research Service to continue to fund the perennial grass germ plasm project at the University of Nebraska-

Lincoln. Unfortunately, the administration's budget deleted funding for the warm grass genetics and breeding project at the Lincoln ARS unit. However, the $270,000 called for in the report will ensure the continuation of this productive research project which has a tremendous record of accomplishment.

Also, this Member is pleased that H.R. 3603 includes $1.2 million for the new section 538, the rural rental multifamily housing loan guarantee program. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring 10 percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100-percent Federal guarantee on the loans they make. Unlike the current section 515 Direct Loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Chairman, finally this member also appreciates the subcommittee's support for the very successful Department of Agriculture's 502 Unsubsidized Loan Guarantee Program. The program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 25,000 residents in nonmetropolitan areas and in rural areas. The program provides guarantees for 30-years fixed-rate mortgages for the purchase of an existing home or the construction of a new home. The loan amount may be up to 100 percent of a home's market value, with a maximum mortgage amount of $67,500.

Mr. Chairman, in conclusion, this member supports H.R. 3603 and urges his colleagues to approve it.

Mr. BAKER of California. Mr. Chairman, statistics can be boring, eye-glazing, and mind-numbing. Yet they can also be illuminating, disturbing, and striking. When it comes to statistics concerning breast cancer, the latter category is clearly in play.

Breast cancer is the second leading cause of cancer deaths among women. In 1996 approximately 184,300 women will be diagnosed with invasive breast cancer; 44,300 women are expected to die of this disease by the end of the year. This is troubling news, and forces us to consider how best to combat this destructive illness.

At present, breast cancer cannot be prevented. However, there are steps women can take in order to detect breast cancer in its earliest stages. The easiest, most common technique is a breast self-exam [BSE], which can make the difference between life and death. I have supported legislation to encourage breast cancer screening through making exams easily available to poor women through Medicaid, and by giving employers a tax break for costs incurred in making breast exams available to their employees.

Noninvasive breast self-exams are essential to the thousands of women seeking to combat this deadly cancer. Currently, the only technique readily available for women to perform this procedure at home is soap and water. Yet American ingenuity has once again risen to the occasion and created a new device to aid women with BSE's.

This device is called the sensor pad. It consists of two plastic sheets coated with lubricant. That's it: no involved machinery, no elaborate high-technology gadgetry, no invasion of the body. It is a method of detecting lumps that heightens sensitivity to a greater degree than soap and water.

Although the sensor pad is a promising, helpful device for women, the FDA has chosen not to make it available to all women and has approved it under a prescription-only status. This means that instead of costing a woman $21.15 for a sensor pad, it will cost her an estimated $70. This is outrageous.

I am an original cosponsor of H.R. 3504, the Breast Cancer Detection Act which urges the FDA to reverse its prescription only status to this pad and other breast cancer detection devices and allow the manufacturer to produce them for all women, not just women who can afford to see their doctors.

It is vital to the health of all American women to routinely perform breast self-exams. I believe that by giving all women a choice of methods, less women will die of breast cancer because they will perform BSE's and detect breast cancer in its early stages.

Clearly, inclusion of the provisions of H.R. 3504 in the fiscal year 1997 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act—H.R. 3603—will provide American women with more tools to determine whether or not they have breast cancer. I am pleased that H.R. 3504 is part of H.R. 3603, and look forward to its passage into law.

Mrs. MINK of Hawaii. Mr. Chairman, 3 months ago we passed the Federal Agriculture Improvement and Reform Act of 1996, better known as the freedom to farm bill. The 1996 farm bill was touted as the best deal for consumers because it removed the Government from the operation of farm programs and opened the sugar market to domestic competition. The cap on raw sugar prices added in this bill breaks faith with this policy. It sabotages the lowest part of the triangle: The grower. Moreover, it hands unlimited profits to the refinery and it opens the doors to foreign sugar. It deliberately wastes the grower for more profits for the refinery.

Under the Federal Agriculture Improvement and Reform Act of 1996, Congress eliminated marketing allotments and allowed an additional 1.5 million tons of imported sugar into the domestic market. We also requested America's sugar growers to pay an additional $288 million in market assessments to help pay for deficit reduction. These changes essentially took Government out of managing the sugar market. By placing a price cap, this amendment repeals the free market principle. The purpose of the cap is to ultimately eliminate our domestic sugar production, drive America's sugar growers out of business and allow foreign subsidized sugar to dominate the U.S. market. Instead of heeding our decision to save the domestic sugar program as evidenced by the defeat of the Miller-Schumer amendment in the farm bill, opponents are now seeking the same result by including a price cap for raw sugar in H.R. 3603.

According to the USDA, the only way to meet the 21.15 price cap is by increasing the amount of imported sugar allowed into the United States, exactly what the mega users want. The lower priced sugar helps the users and the imported sugar helps the refineries. By allowing more imported sugar into the United States, the downward pressure on raw sugar prices will likely result in increased sugar forfeitures with greater costs to the American taxpayer.

Since last November, the price margin between raw and refined sugar has increased significantly. Presently, Dominos refinery is asking 32 cents for its refined sugar, while raw sugar prices are 22 cents—a difference of 10 cents. Refineries are enjoying high margins of profit because beet sugar producers are expected to harvest less yields for the next couple of years. The USDA has predicted that this price difference will remain the same or even increase. This 10-cent difference is on top of the 1- to 2-cent discount that processors already give to many sugar refiners. Judging from these numbers, the only ones to benefit from the price caps are the refineries and the users. It doesn't matter to them if there are no domestic growers left. I rise to warn this Nation of the loss of an important farm product. If these price caps are adopted, many of America's sugar growers will go out of business. In the State of Hawaii, the remaining sugar growers, with the exception of one owned by a refinery, will likely be forced out of business. Sugar continues to be an essential component of Hawaii's economy, surpassed only by tourism and defense. In 1994, the sugar industry generated $248 million for the State's economy and directly and indirectly employed 6,000 workers. There are 121,000 acres of sugar land in production today. If the price caps on raw sugar become law, our sugar industry, except for the refinery owned plantation, will possibly close.

A cap on raw sugar prices is contrary to the basic principles of the free market. Rather than allowing free competition in the domestic sugar industry, raw sugar price caps shackles the market with price controls to favor the user, without cost benefit to the consumer. I can't imagine this Congress knowingly voting for price controls at the grower level, but not at the refined sugar level. It makes no sense at all. A price cap on raw sugar is a death sentence against America's sugar growers and defies market principles espoused by all members of the majority party. I strongly urge my colleagues to vote against the bill.

Mr. SKEEN. Mr. Chairman, I yield back the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the

Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read.

The Clerk read as follows:

H.R. 3603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,836,000: *Provided,* That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further,* That none of the funds appropriated or otherwise made available by this Act may be used to detail an individual from an agency funded in this Act to any Under Secretary office or Assistant Secretary office for more than 30 days: *Provided further,* That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $4,231,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,986,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,283,000: *Provided,* That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, and repair of Agriculture buildings, $120,548,000: *Provided,* That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $5,000,000, to remain available until expended; making a total appropriation of $125,548,000.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $28,304,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,728,000: *Provided,* That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations: *Provided further,* That not less than $2,241,000 shall be transferred to agencies funded in this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,028,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98: *Provided,* That funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $27,749,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural

Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $54,176,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture notwithstanding 13 U.S.C. 142(a–b), as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $100,221,000, of which up to $17,500,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $702,831,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $59,600,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $163,671,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–361i); $19,882,000 for grants for cooperative forestry research (16 U.S.C. 582a–582–a7); $26,902,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $44,235,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $11,769,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $96,735,000 for competitive research grants (7 U.S.C. 450i(b)); $4,775,000 for the support of animal health and disease programs (7 U.S.C. 3195); $650,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $500,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants (7 U.S.C. 3331–3336); $3,000,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,000,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $2,000,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,200,000 for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University 7 U.S.C. 3152(b)(4), to remain available until expended (7 U.S.C. 2209b); $1,450,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $9,605,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $411,849,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 130–382 (7 U.S.C. 301 note), $4,600,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, $30,449,000, to remain available until expended (7 U.S.C. 2209b).

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $260,438,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $2,855,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,214,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,549,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for a groundwater quality program under section 3(d) of the Act, $10,733,000; payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,167,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,554,000; payments for a food safety program under section 3(d) of the Act, $2,365,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,672,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $24,337,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $6,271,000; in all, $409,670,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer

programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $435,428,000, of which $4,500,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1997 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 1997, $98,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the remainder of title I through page 29, line 17, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The remainder of title I is as follows:

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $3,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $37,592,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $59,012,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,576,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $22,728,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $43,207,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, $574,000,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Consolidated Farm Service Agency, Foreign Agricultural Service, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $746,440,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to

make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $1,000,000, to remain available until expended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $600,000,000, of which $550,000,000 shall be for guaranteed loans; operating loans, $2,345,071,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters and for credit sales of acquired property, $25,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $27,975,000, of which $22,055,000 shall be for guaranteed loans; operating loans, $96,840,000, of which $19,210,000 shall be for unsubsidized guaranteed loans and $18,480,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $54,000; for emergency insured loans, $6,365,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $2,530,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $221,046,000, of which $208,446,000 shall be transferred to and merged with the "Farm Service Agency, Salaries and Expenses" account.

OFFICE OF RISK MANAGEMENT

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $62,198,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1997, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $1,500,000,000 in the President's fiscal year 1997 Budget Request (H. Doc. 104–162)), but not to exceed $1,500,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1997, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

The CHAIRMAN pro tempore. The Clerk will continue to read.

The Clerk read as follows:

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alternation or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $619,392,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,835,000 is for snow survey and water forecasting and not less than $8,825,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the remainder of title II, through page 34, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The remainder of title II is as follows:

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August

4, 1954, as amended (16 U.S.C. 1001–1009), $10,762,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $101,036,000, to remain available until expended (7 U.S.C. 2209b), of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $29,377,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the rural housing insurance fund, as follows: $3,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $2,300,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $15,000,000 for section 514 farm labor housing; $58,654,000 for section 515 rental housing; $600,000 for section 524 site loans; $50,000,000 for credit sales of acquired property; and $600,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $89,210,000, of which $6,210,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,081,000; section 514 farm labor housing, $6,885,000; section 515 rental housing, $28,987,000: *Provided*, That no funds for new construction for section 515 rental housing may be available for fiscal year 1997; credit sales of acquired property, $4,050,000; and section 523 self-help housing land development loans, $17,000.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Speaker, my purpose in rising today is to enter into a colloquy with my chairman, the gentleman from New Mexico [Mr. SKEEN] regarding the section 515 rural rental housing program.

As my colleague knows, the fiscal year 1997 Agriculture Appropriations bill we are now considering, does not provide any funds for section 515 new construction, and actually cuts the program by two thirds from the current fiscal year. This program has been useful in my district providing housing for low income families, creating jobs, and attracting important economic development to a rural area. It has been a successful public-private partnership. Therefore, I wish to express some concern about this issue.

Mr. Chairman, as you know, the section 515 Rural Housing program provides affordable rental housing to very low-income and low-income rural families, handicapped, and elderly residents. It is the Federal Government's only directly targeted tool for meeting the multifamily housing needs of rural America. The average income of a tenant in a section 515 project is under $7,300. However, in 1993, problems and abuses in the section 515 program were uncovered and investigated by the General Accounting Office [GAO], the House Appropriations Committee's surveys and investigations staff, and the U.S. Department of Agriculture's inspector general. In the summer of 1994, the House Appropriations Committee investigative report on section 515 and section 521 was released, under the gentleman's and Congressman DURBIN's leadership.

Without going into a great deal of detail, after hearings, audits, and many meetings, the House passed H.R. 3838, the Housing and Community Development Act of 1994. This effort developed a list of reforms to the section 515 program. The House again passed a bill in this Congress, H.R. 1691, the Homesteading and Neighborhood Restoration Act, which included similar provisions to the reforms in H.R. 3838. Unfortunately, however, the Senate has not taken any action on this issue.

Mr. Chairman, the gentleman and ranking minority member, Mr. DURBIN, are to be commended for bringing these problems to our attention. The section 515 program is in need of reform.

However, according to the 1990 census, there were still 7.6 million people below the poverty line in the rural United States, 13 percent of the total rural population. Adding to this problem is the fact that almost 2.7 million rural residents currently live in substandard housing and 1.8 million live in overcrowded housing units. This year there are 200,000 applicants on the waiting list for apartments in rural areas. The section 515 program is serving a significant rural need, and the fiscal year 1997 level of funding is not adequate to meet even a fraction of that need.

I might add that most States, including New York, are running the program honestly and effectively, and, Mr. Chairman, I agree with you the Senate needs to address this issue. It is my intention to discuss the reform of the section 515 program with Senator ALFONSE D'AMATO, chairman of the Senate Banking Committee. It is my hope that reasonable reforms of the section 515 program can be considered in the Senate agriculture appropriations bill or other housing authorization legislation.

Mr. Chairman, I would like to request that if the Senate does consider reforms of the section 515 Rural Rental Housing Program, if the gentleman would be willing to reopen the issue, and provide funding for section 515 new construction.

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

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I thank the gentleman from New York [Mr. WALSH]. I appreciate his concern about the funding of section 515, new construction.

The 515 program has a worthy objective. It is a goal which all of us share in providing multifamily housing in rural areas.

Several years ago, when this subcommittee investigated this program, we found that some developers were ripping off the Federal Government. We proposed to the Committee on Banking and Financial Services some significant reforms in this program. The Committee on Banking and Financial Services passed housing authorization bills which adopted most of what

we proposed on a bipartisan basis. Then a new Congress came in. The same thing occurred under the new Congress. The Republican-controlled Banking Subcommittee on Housing, which I believe the gentleman from New York [Mr. LAZIO] chairs, passed reform legislation along the lines we have suggested. Again, as in the previous Congress, the bill died in the Senate.

This subcommittee is very frustrated. We want to fund this program. We do not want to waste taxpayers' dollars. If we can pass the reforms suggested in both bills, this program will be funded as it should be. The gentleman from New York is right. We need to meet our obligation here, but to do it in a way that we can do it with a straight face and say we are doing the right thing by taxpayers.

I am pleased that the gentleman intends to speak to the chairman of the Senate Committee on Banking. The opportunity to put this program on track is in their hands, and I would like to see the Senate act on those reforms.

The CHAIRMAN pro tempore. The time of the gentleman from New York [Mr. WALSH] has expired.

(By unanimous consent, Mr. WALSH was allowed to proceed for 1 additional minute.)

Mr. WALSH. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I, too, appreciate the gentleman's concern and support the goal of the section 515 program.

Unfortunately, our lower allocation for the entire appropriations bill this year necessitated a careful review of our funding priorities. We simply do not have the ability to fund programs about which we are uneasy. While many members of our subcommittee support rural housing programs, section 515 has been beset with problems, as mentioned in the colloquies that have taken place before this one. The Agency, through administrative actions, has addressed numerous weaknesses in the program, however, statutory changes are necessary to further rid the program of fraud and abuse.

The House has acted twice on the reforms. It is now time for the Senate to act. Of course, we would be willing to consider the gentleman's request once we have seen movement by the Senate on this particular program.

Mr. WALSH. Mr. Chairman, I pledge that I will pursue this aggressively with the Senator from New York and see if we can get these reforms passed.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $366,205,000, which shall be transferred to and merged with the appropriation for "Rural Housing Service, Salaries and Expenses".

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the remainder of title III through page 46, line 10, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico.

There was no objection.

The remainder of title III is as follows:

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $493,870,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 1997 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $26,000,000, to remain available until expended (7 U.S.C. 2209b).

RURAL HOUSING ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, agreements, and grants, as authorized by 7 U.S.C. 1926, 42 U.S.C. 1472, 1474, 1479, 1486, and 1490(a), except for sections 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, $73,190,000, to remain available until expended, for direct loans and loan guarantees for community facilities, community facilities grant program, rural housing for domestic farm labor grants, supervisory and technical assistance grants, very low-income housing repair grants, rural community fire protection grants, rural housing preservation grants, and compensation for construction defects of the Rural Housing Service: *Provided*, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further*, That no funds for new construction relating to 515 rental housing may be available for fiscal year 1997: *Provided further*, That of the funds made available in this paragraph not more than $1,200,000 shall be available for the multi-family rural housing loan guarantee program as authorized by section 5 of Public Law 104-120: *Provided further*, That if such funds are not obligated for multi-family rural housing loan guarantees by June 30, 1997, they remain available for other authorized purposes under this head: *Provided further*, That of the total amount appropriated, not to exceed $1,200,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities as authorized by Public Law 103-66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1997, they remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, $53,889,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $520,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $18,400,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $40,000,000: *Provided further*, That through June 30, 1997, of the total amount appropriated $3,345,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $2,830,000. In addition, for administrative expenses necessary to carry out the direct loan program, $654,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses."

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901-5908), $6,000,000 is appropriated to the alternative agricultural research and commercialization revolving fund.

RURAL BUSINESS—COOPERATIVE ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, except for 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, $51,400,000, to remain available until expended, for direct loans and loan guarantees for business and industry assistance, rural business grants, rural cooperative development grants, and rural business opportunity grants of the Rural Business—Cooperative Service: *Provided*, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional

Budget Act of 1974, as amended: *Provided further*, That $500,000 shall be available for grants to qualified nonprofit organizations as authorized under section 310B(c)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932): *Provided further*, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further*, That, of the total amount appropriated, not to exceed $3,000,000 shall be available for cooperative development: *Provided further*, That, of the total amount appropriated, not to exceed $148,000 shall be available for the cost of direct loans, loan guarantees, and grants to be made available for business and industry loans for empowerment zones and enterprise communities as authorized by Public Law 103-66 and rural development loans for empowerment zones and enterprise communities as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1997, they remain available for other authorized purposes under this head.

SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; $25,680,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $260,000 may be used for employment under 5 U.S.C. 3109.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $125,000,000, 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $525,000,000; and loans made pursuant to section 306 of that Act, rural electric, $300,000,000, and rural telecommunications, $120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $4,818,000; cost of municipal rate loans, $28,245,000; cost of money rural telecommunications loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,790,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses."

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1997 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $2,328,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,500,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., as amended, $7,500,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, except for 381E, 381H, 381N of the Consolidated Farm and Rural Development Act, $496,868,000, to remain available until expended, for direct loans and loan guarantees and grants for rural water and waste disposal, and solid waste management grants of the Rural Utilities Service: *Provided*, That the cost of direct loans and loan guarantees shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That the amounts appropriated shall be transferred to loan program and grant accounts as determined by the Secretary: *Provided further*, That, through June 30, 1997, of the total amount appropriated, $18,700,000 shall be available for the costs of direct loans, loan guarantees, and grants to be made available for empowerment zones and enterprise communities, as authorized by Public Law 103-66: *Provided further*, That, of the total amount appropriated, not to exceed $18,700,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of the Consolidated Farm and Rural Development Act, as amended: *Provided further*, That, of the total amount appropriated, not to exceed $5,000,000 shall be available for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That an amount not less than that available in fiscal year 1996 be set aside and made available for ongoing technical assistance under sections 306(a)(14) (7 U.S.C. 1926) and 310(B)(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932).

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, and cooperative agreements, $33,195,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $105,000 may be used for employment under 5 U.S.C. 3109.

The CHAIRMAN pro tempore. Are there any amendments?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $454,000.

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751-1769b), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1772-1785, and 1889); except sections 17 and 19; $8,652,597,000, to remain available through September 30, 1998, of which $3,218,844,000 is hereby appropriated and $5,433,753,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c); *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations; *Provided further;* That up to $4,031,000 shall be available for independent verification of school food service claims.

□ 1700

AMENDMENTS OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. VOLKMER:.

On page 47, line 4 of the bill after the words "used for" insert "new" and on page 48, line 19 of the bill after the words "used for" insert "new".

The CHAIRMAN pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Chairman, this is for the purpose of making it clear that the appropriation on further studies and evaluations by this office over USDA will only be prospective for the coming year. It does not include any evaluation and studies that are ongoing at the present time, so that valid studies like for the electronic benefit transfer, WIC program, and stuff, that will continue.

I have worked this out with the gentleman from New Mexico and the gentleman from Illinois. I do not believe there are any objections to the amendments.

Mr. SKEEN. Mr. Chairman, I rise in support of the gentleman's amendments. It was not the intention of the committee to stop any ongoing studies. The Department currently has 62 studies that are at one stage or another and plans to start 36 new studies in fiscal

year 1997. The committee's action was intended to prevent the start of new studies for 1 year and give the Department time to complete the 62 ongoing studies. I accept the gentleman's clarification.

Mr. DURBIN. Mr. Chairman, I move to strike the last word. I have no objection to the amendments offered by the gentleman from Missouri.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Missouri [Mr. VOLKMER].

The amendments were agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,729,807,000, to remain available through September 30, 1998: *Provided*, That none of the funds made available under this heading may be used to begin more than two studies and evaluations: *Provided further*, That up to $6,750,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That, of the total amount of fiscal year 1996 carryover funds that cannot be spent in fiscal year 1997, any funds in excess of $100,000,000 may be transferred by the Secretary to other programs in the Department of Agriculture, excluding the Forest Service, with prior notification to the House and Senate Appropriations Committees: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), $27,615,029,000: *Provided*, That funds provided herein shall remain available through September 30, 1997, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That $100,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That $1,174,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by 7 U.S.C. 2028.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, $166,000,000, to remain available through September 30, 1998: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $205,000,000, to remain available through September 30, 1998.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $104,487,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $128,005,000, of which $2,792,000 may be transferred from the Export Loan Program account in this Act, and $1,005,000 may be transferred from the Public Law 480 program account in this Act: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392): *Provided further*, That funds provided for foreign market development to trade associations, cooperatives and small businesses shall be allocated only after a competitive bidding process to target funds to those entities most likely to generate additional U.S. exports as a result of the expenditure.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $216,400,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $13,905,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $837,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $29,500,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $177,000,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,750,000.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. Goss: Page 51, line 23, strike "1727–1727f,".

Page 52, line 4, insert "and" before "(3)".

Page 52, line 7, strike "; and (4)" and all that follows through "Act" on line 9.

Page 52, line 11, insert "such" before "title".

Page 52, line 12, insert "such" before "title".

Mr. GOSS. Mr. Chairman, this amendment goes to title III of Public Law 480. We have taken a close look at Public Law 480. There are some pluses and minuses to it. The pluses that we have talked about in the past are the business for American flag shipping, the compassion and humanitarian relief that so many are concerned about and the champion, the gentleman from Ohio [Mr. HALL], spoke so eloquently about it yesterday in the Rules Committee and an area which I have a great deal of sympathy.

Mr. Chairman, this amendment was to go to title III which is basically the grants proposition in Public Law 40. It does not touch the humanitarian programs in title II or some of the other programs that I think serve a very good purpose in title I that basically come under the loans programs.

The question here is not an awful lot of money but the question here is a program that is not working very well that does have negative consequences and the money could be better spent elsewhere. I have conferred with Chairman LIVINGSTON if in fact this $29 million would not do better in title I or

title II than title III and I think Chairman LIVINGSTON is going to speak on that in a moment.

So my view is to zero out title III and to leave to the wisdom of others, who I think, as I say, are going to speak on this, that $29.5 million to get it more on target.

What are my reasonings on this? We have now got some reports that we have been taking an increasing look at that are talking about the problems of waste, fraud, and abuse in Public Law 480. This does not get to all of those. But what it does get to is that those countries where we are distorting the market by creating a surplus of food coming from us where the people who should be in the position of creating, a lifting up by their own bootstraps to feed themselves are being unfairly competed with by local UST foods under title III. Consequently we get a negative effect. We are not helping people create their own development in their own country. We are creating a counterincentive for them to have their hand out and become dependents on welfare of the American taxpayers. That is not what we want to do.

We want to encourage development in these programs; we want the United States to be compassionate; we want people to be fed who are in true need and in true hunger and we can do that through titles I and II. This simple amendment takes the $29.5 million out of title III and makes it available for reallocation.

Mr. Chairman, I yield to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. I thank my friend from Florida for yielding to me.

Mr. Chairman, while I take no position on his amendment, I would say to our colleagues that if his amendment succeeds, it would be my intention to take the full amount that has been deleted from title III and move it into title I so that we would in fact have no change in the overall spending for food aid under the bill.

One may make the case that title I is better administered than title III, and if that is the case, then the money will be better spent in that fashion. I commend the gentleman for his diligence in trying to make sure that the American taxpayers' dollars are well spent. As I say, while I do not necessarily support the amendment, I do intend to move the money to title I in the event that he is successful.

Mr. GOSS. Mr. Chairman, reclaiming my time, I have nothing further to add to this. I think it is a very straightforward explanation. I would be very happy to respond to any questions from those in opposition.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in opposition to this amendment. Keep in mind that we have reduced the amount of money under title III, Public Law 480, from $50 million to $29 million. I am almost speechless, and that is something for a politician, when I consider that we are now trying to take away $29 million spent by the United States of America in the poorest countries of the world, literally the poorest of the poor. The money is given to professional private voluntary organizations which use the food to convert into cash to put into programs to feed the poorest people in the world literally.

In order for a country to qualify for this $29 million, I say to my friend from Florida, there is a requirement under the law that the annual income has to be less than $742 a year. We are talking about people, and I have visited people in Bangladesh, which has to be a basket case among this family of nations that we live in for disastrous consequences from cyclones and hurricanes to flooding and drought.

This money is given to local organizations through the conversion of grain into cash and then given back to the people to feed their babies, to feed their infants. to make certain that we do not see the horror on the television of people starving to death. That is what title III is all about.

Mr. Chairman, the grain companies are not going to notice $29 million more in title I, but we are going to notice it when they visit countries like Bangladesh, Bolivia, Honduras, Sri Lanka, and Ethiopia where the poorest of the poor rely on this program. A nation as rich as the United States, as compassionate as the United States, can surely spare $29 million out of a $1.5 trillion budget for the poorest of the poor around the world.

I guarantee my colleague from Florida that if his amendment goes through and we see the kind of famine and disaster we have seen in nations, there will be an outpouring not only from private citizens but from this Government to come to their aid. Please do not cut off this basic program which provides food. This is not a boondoggle.

The gentleman says it is used to distort the market mechanism. The market mechanism in Bangladesh? Has the gentleman been there? Has he seen their market mechanism? It is not a question of driving to the supermarket. It is a question of whether the baby has milk, whether or not there are basic foodstuffs to feed children.

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

Mr. DURBIN. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, the purpose of my amendment is not to take away food from those who are truly needy or in any way to diminish the American contribution for true compassionate service needs. My aim is to try and get more mileage out of our dollar. That is why Chairman LIVINGSTON has made the statement that he has. The parts of this program that are doing the very thing that the gentleman is speaking about, and speaking so eloquently about, are title I and title II. Title III is where the abuse has been. It is the mechanism I am after.

Mr. DURBIN. Let me reclaim my time. I think the gentleman has made his point. I think the gentleman needs to take the time to read what is done with the title III money. The gentleman will understand that when you spread $29 million over the poorest countries in the world, you literally give a tiny helping hand.

Let me give an example. In Honduras, the title III money is being used for purposes such as providing food to 1.3 million children and nursing mothers. In Sri Lanka they have developed a Food Stamp Program for the poorest of the poor who live in rural areas; in Bangladesh, establishing a strategic food reserve so that farmers can basically have food when they go through these droughts and lose everything.

I would say to the gentleman, if we need to find $29 million more for title I, I will work overtime to find it. Please do not take it out of title III. We have cut this program dramatically. It is a program that truly is a compassionate program. I have been there. I have seen it. The gentleman just does not understand the gravity of this program and its importance to some of the poorest people in the world.

I urge my colleagues, do not do this in the name of false economy. If we have a famine and a disaster, we will respond with much more than $29 million. Please defeat this amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. I thank the distinguished chairman of the Committee on Appropriations for yielding.

Mr. Chairman, again I think we are going at cross purposes here and I realize that I have hit a chord of real compassion which has made the gentleman be, I think, very concerned but totally unnecessarily so. We have a commitment from the chairman of the Committee on Appropriations that programs that are passing muster, which are titles I and II, much better in getting right to the compassion need are the appropriate place for this money to go.

What brought my attention to this particular title problem was a problem that happened in Somalia where the war lords were abusing this title, I am told, and requiring people to come into the city, for political reasons, in order to get this food. This was using this sort of as a political chip to coerce people, who are in dire straits, as we all know, which helped escalate to another serious problem that regrettably we saw another tragedy involving American servicemen on. We go to the IG's

reports at USAID on this matter and start looking at the fraud, waste, and abuse. I have no problem in sharing America's wonderfully blessed abundant resources with those truly in need, subject, of course, to rational and prudent constraints of our own domestic needs in this country. I am only suggesting that if we have mechanisms that are not performing well and we find ourselves being taken advantage of, we see abuse to our largesse being made, we see our compassion being misdirected, we see ourselves being taken advantage of, played the fool, made a sucker of because of our legitimate compassionate feelings, it seems to me that we ought to correct the mechanism. That is all I am trying to accomplish here. If we have got something that does not work, we need to admit it rather than just saying, "Oh, gosh, somebody may starve."

□ 1715

The answer is, oh, gosh, we may be able to save more people if we get rid of a mechanism that is faulty and put the money in something that works. That is all I am trying to say.

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

Mr. LIVINGSTON. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman.

I would like to say to my friend from Florida, I think we share the same goal. I do not want to see a single penny wasted. I do not want to see a single taxpayer's dollar misused for political purposes or otherwise. But does the gentleman realize in titles I and II we have over $1 billion being spent by this country?

The gentleman is talking about taking $29 million out of title III because he is upset with one or two allocations around the world. I would say to the gentleman, I have a list here in my hand of five allocations which he should applaud, where this title III money is being used to literally feed starving people.

Please, do not kill the whole program in countries like Ethiopia, Sri Lanka, Honduras, Bolivia, and Bangladesh, because you have some objection to what happened in Somalia.

Mr. GOSS. Mr. Chairman, if the gentleman will yield further, I guess I would finish this by saying that humanitarian an emergency feeding programs, which are the type the gentleman are talking about, that come under title II, are going to remain not only fully funded, but probably enhanced under this amendment. We are going to get more money where the need is doing it this way than we are by just maintaining the status quo of a program that has already been cut, because, frankly, it is not doing the job it should be doing, and, frankly, it has got some problems. The people, properly the gentleman from Louisiana [Mr. LIVINGSTON] and his people, have seen there is trouble there. Consequently, they have cut some money.

I merely suggested we got a good first step, why not take the rest of the stem and get rid of title III, and do it right through titles I and II and get the job done well. I think the consequence is we end up taking care of more serious needs than not. My motive is none other than that.

What struck the chord yesterday was the gentleman from Ohio [Mr. HALL] trying in the Committee on Rules to find a way to get the Committee on Rules to grant an exception for a waiver that would basically get more money into title II. We could not do it on the Committee on Rules, so I thought this would be a fair way to try and accommodate the desires of the gentleman from Ohio [Mr. HALL].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Farm Service Agency.

EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,500,000,000 in credit guarantees under its export credit guarantee program extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 202 (a) and (b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $907,499,000, of which not to exceed $87,528,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1997 shall be subject to the fiscal year 1997 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

In addition, fees pursuant to section 801 of the Federal Food, Drug, and Cosmetic Act may be credited to this account, to remain available until expended.

None of the funds appropriated or made available to the Federal Food and Drug Administration shall be used to implement any rule finalizing the August 25, 1995 proposed rule entitled "The Prescription Drug Product Labeling; Medication Guide Requirements," except as to any specific drug or biological product where the FDA determines that without approved patient information there would be a serious and significant public health risk.

Section 3 of the Saccharin Study and Labeling Act (21 U.S.C 348 nt.) is amended by striking out "May 1, 1997" and inserting in lieu thereof "May 1, 2002".

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $21,350,000, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized $10,290,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $55,101,000, including not to exceed $1,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be

credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $37,478,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1997 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 667 passenger motor vehicles, of which 643 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, and integrated systems acquisition project; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants (7 U.S.C. 450i(b)), shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1996 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. With the exception of grants awarded under the Small Business Innovation Development Act of 1982, Public Law 97–219, as amended (15 U.S.C. 638), none of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1997 shall remain available until expended to cover obligations made in fiscal year 1997 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1997 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service and the Animal and Plant Health Inspection Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service or the Animal and Plant Health Inspection Service and a State or Cooperator to carry out agricultural marketing programs or to carry out programs to protect the Nation's animal and plant resources.

SEC. 718. None of the funds in this Act may be used to retire more than 5% of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute.

SEC. 719. None of the funds appropriated or otherwise made available by this Act may be used to provide food stamp benefits to households whose benefits are calculated using a standard deduction greater than the standard deduction in effect for fiscal year 1995.

SEC. 720. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to the U.S. Mink Export Development Council or any mink industry trade association.

SEC. 721. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of 130,000 acres in the fiscal year 1997 wetlands reserve program, as authorized by 16 U.S.C. 3837.

SEC. 722. Of the funds made available by this Act, not more than $1,000,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture except for panels used to comply with negotiated rule makings.

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $100,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall

be used to pay the salaries and expenses of personnel who carry out a farmland protection program in excess of $2,000,000 authorized by section 388 of Public Law 104–127.

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out a wildlife habitat incentives program authorized by section 387 of Public Law 104–127.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out a conservation farm option program in excess of $2,000,000 authorized by section 335 of Public Law 104–127.

SEC. 727. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 728. None of the funds made available in this Act may be used to pay the salaries of employees of the Department of Agriculture who make payments pursuant to a production flexibility contract entered into under section 111 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 7 U.S.C. 7211) when it is made known to the Federal official having authority to obligate or expend such funds that the land covered by that production flexibility contract is not being used for the production of an agricultural commodity or is not devoted to a conserving use, unless it is also made known to that Federal official that the lack of agricultural production or the lack of a conserving use is a consequence of drought, flood, or other natural disaster.

SEC. 729. None of the funds appropriated or otherwise made available by this Act shall be used to extend any existing or expiring contract in the Conservation Reserve Program authorized by 16 U.S.C. 3831–3845.

SEC. 730. None of the funds made available in this Act may be used to maintain the price of raw cane sugar (as reported for an appropriate preceding month for applicable sugar futures contracts of the Coffee, Sugar, and Cocoa Exchange, New York) at more than 117½ percent of the statutory loan rate under section 158 of the Federal Agriculture Improvement and Reform Act (title 1 of Public Law 104–127).

SEC. 731. None of the funds appropriated in this Act may be used to carry out the provisions of section 918 of Public Law 104–127, the Federal Agriculture Improvement and Reform Act.

SEC. 732. (a) IN GENERAL.—Any owner on the date of enactment of this Act of the right to market a nonsteroidal anti-inflammatory drug that—

(1) contains a patented active agent;

(2) has been reviewed by the Federal Food and Drug Administration for a period of more than 96 months as a new drug application; and

(3) was approved as safe and effective by the Federal Food and Drug Administration on January 31, 1991, shall be entitled, for the 2-year period beginning on February 28, 1997, to exclude others from making, using, offering for sale, selling, or importing into the United States such active agent, in accordance with section 154(a)(1) of title 35, United States Code.

(b) INFRINGEMENT.—Section 271 of title 35, United States Code shall apply to the infringement of the entitlement provide under subsection (a).

(c) NOTIFICATION.—Not later than 30 days after the date of the enactment of this section, any owner granted an entitlement under subsection (a) shall notify the Commissioner of Patents and Trademarks and the Secretary for Health and Human Services of such entitlement. Not later than 7 days after the receipt of such notice, the Commission and the Secretary shall publish an appropriate notice of the receipt of such notice.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title VII, through page 68, line 22, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKEEN: General Provisions: On page 66 strike all on line 9 through 14.

Mr. SKEEN. Mr. Chairman, my amendment deletes the limitation on the Department of Agriculture that would have prevented them from sending questions that had been submitted to the Department to third parties, including OMB. The past several years, we have had difficulty in getting questions back from the Department in a timely manner that are related to our hearings. It turns out that many times the holdup was not at the agency or Department level, but was with the OMB.

Although there was a rumor that this year some questions were reviewed by non-Federal people, that could not be confirmed. We have since had discussions with OMB, and will drop this provision, in hopes that next year the Committee can receive prompt response to its questions.

Mr. DURBIN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am in complete agreement with this amendment. It is long overdue. It was a portion of the bill that was very controversial, behind closed doors. I think the gentleman has made the right decision. It greatly improves the bill, and I support the amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite last word.

Mr. Chairman, I wanted to rise in support of the entire bill and commend our chairman, the gentleman from New Mexico [Mr. SKEEN], and our ranking member, the gentleman from Illinois [Mr. DURBIN], who is handling this bill for the last time here in the House, and wish him well in the other body as of next January, and to thank the gentleman from New Mexico for working with all of us on the committee, on both sides of the aisle, to continue support for American farmers, who are the most productive in the world.

Mr. Chairman, just for the record, let me say that in view of how much we have cut spending in this bill to meet the budget mark, let no one doubt which committee in this Congress is taking seriously the mandate to balance our budget. Our discretionary spending levels have been going down dramatically over the past several years.

Frankly, if you ask me, one way to solve the entitlement and mandatory spending problems and overruns we face as a country, it would be to collapse the jurisdiction of all those entitlement and mandatory spending programs right here in the Committee on Appropriations. We do a good job of it. I just want to thank the chairman for his leadership.

Mr. Chairman, the bill provides $52.6 million in total budget authority for USDA and related agencies, a level that is $10.51 billion below the fiscal year 1996 appropriations and $5.9 billion below the Administration budget request for fiscal year 1997. Let no one doubt which committee in this Congress takes serious by its mandate to balance the budget. Our discretionary spending levels are on a consistently downward slope. Frankly, if you ask me one way to solve the entitlement and mandatory spending overrun in other committees of this Congress would be to transfer their jurisdiction here. This is the only, committee that has a proven track record of deficit reduction.

The bill includes a total of $12.8 billion for discretionary programs which is $508 million less than the amount appropriated in fiscal year 1996 and $1.3 billion less than the budget request.

For mandatory programs, which are nearly 80 percent of the funding in this bill, the committee provides $39.9 billion, a decrease of $9.9 billion below the amount available for fiscal year 1996 and $4.5 billion below the budget request.

Mr. Chairman, those who serve farmers and work with Agriculture are taught over and over again that there is a big difference between money and wealth. Our job on this Committee on Agriculture is to help create the wealth of America through the investments that we make in agriculture.

Market-oriented farm policy means farming for the market and not the Government, and requires investments in research which will keep agriculture competitive as we move into the new century.

The committee faced tough choices given our spending constraints. Yet, while faced with tight budget constraints we were still able to shift resources to priority programs.

In order to adequately fund critical programs like agricultural research and food safety, we needed to look at all programs funded in this bill including the new mandatory programs created by the farm bill.

Much discussion has focused on the $100 million cut in farm program payments that was included in the subcommittee mark. I did not support efforts to restore this funding—$100 million out of $5.2 billion, is reasonable particularly when you consider that prices are

record levels. At a time when we are on a path to balanced budget, it makes no sense to add new mandatory programs or to provide a windfall in farm payments.

I am particularly pleased that this bill also includes a provision which I offered and passed unanimously at subcommittee which requires farmers to plant in order to receive production flexibility payments under the new farm bill. This is a good Government amendment that allows taxpayers to get something in return for their investment in agriculture. The amendment allows for exemptions for conserving uses and weather-related exceptions.

As one supportive Member has described it, this is the "just don't sit on the tractor" amendment. This amendment basically says to receive a Federal payment you must work for it. If we expect welfare recipients to work for Federal payments, why shouldn't farm payments go only to those who work.

Since this amendment was offered I have heard from a number of tenant farmers who have been told by their landlords that their annual leases will not be renewed, so that the landlord can collect the full transition payment. For example, a rice farmer in Texas called my office today to say that the land he had farmed for the past 20 years was being taken away from him. He paid $80 an acre for rent and under the payment structure of the new farm bill that landlord could receive $160 an acre. Since the signup for the new farm bill is in effect through July 12 we can make no estimate as to how widespread this concern is. But I want to serve notice today, that I will offer this amendment year after year until this provision which allows landlords to "take the money and run" is fixed.

And another farmer wrote me recently,

By all accounts my farming operation is rated as one of the top five in my county. We (my father and brother) combine ourselves so we rely on no outside help . . . We specialize in production of rice, corn and soybeans. We lease 75% of ground to farm which is the cause of our problem.

The landowner can now, terminate a lease of the tenant, . . . with the sole purpose of collecting the payment and not producing any crops on that land. . . . it allows investors to buy real estate and use the payment to help pay for the land, while not allowing a producer to farm it. . . . It was not the intent of this legislation to give land owners or any one the chance to exploit this bill into another public relations nightmare.

I must however express my opposition to the cap on sugar payments that is included in this bill. While I will not offer a motion to strike this provision, its impact will be devastating to the sugar beet farmers in my District. This bill caps the U.S. raw sugar price at 117.5 percent of the loan rate, or 21.5 cents per pound. This about 1.5 cents below current prices. According to USDA, so much foreign sugar would have to be imported to reduce the raw sugar price to the capped level, that the refined sugar prices beet producers receive for their crop would plummet to about 24 cents per pound from the current 32 cents per pound. This cap will reduce the value of the sugar produced by beet growers by $650 million.

Traditional farm programs continue to receive a decreasing portion of our spending and in my view we should target our scarce agricultural dollars to small family farmers. I opposed the recent farm bill because I do not believe that it did enough to target assistance to family farmers and to provide them with a safety when times are bad. While the farm bill made progress by enacting a $40,000 payment limitation, I remain concerned that large corporate farmers can still have access to Federal payments.

In the decade of the 1980's we have slowly eroded the basis of American agriculture—the family farmer—and are moving in the direction of large corporate farms. We must address the increased concentration in agricultural markets that is squeezing family farmers out of business. We must also ensure that commodity prices are maintained at a level high enough to compensate for costs of production and to maintain standards of living in order to attract and retain individuals in farm production. And further, we must also negotiate trade agreements which encourage and enhance the ability of family farmers to compete in world markets.

In agriculture trade, we must also work to recapture lost markets and increase exports. As American agricultural exports grow, foreign agriculture exports are being shipped to the United States in greater magnitude. Since 1981, our agricultural exports have declined from $43.8 billion to a low of $26.2 billion in 1986 and are projected to be a record $60 billion next year. At the same time agricultural imports have increased from $10.8 billion to approximately $25 billion in 1995. In many cases these are products our own farmers could be selling.

In closing, I want to again commend the chairman and the ranking member for putting together a good bill. I urge the Members to support this fiscally responsible measure.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Mexico [Mr. SKEEN].

The amendment was agreed to.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CHAMBLISS) having assumed the chair, Mr. GOODLATTE, 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. 3603, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CHAMBLISS). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. ARMEY), for today after 5 p.m. and June 12.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes on June 13.

Mr. VOLKMER, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes on June 13.

Mr. BEREUTER, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. COYNE.
Mr. VENTO.
Mr. DIXON.
Mr. HALL of Ohio.
Mr. KANJORSKI.
Mr. RANGEL.
Ms. KAPTUR.
Mr. HAMILTON.
Ms. ESHOO.
Mr. DEUTSCH.
Mrs. LINCOLN.
Mr. GORDON.
Mr. BONIOR.
Ms. DELAURO.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. BEREUTER.
Mr. MYERS of Indiana.
Mr. HOUGHTON.
Mr. SCHAEFER.
Mr. COX of California.
Mrs. VUCANOVICH.
Mrs. ROUKEMA.

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 12, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

3514. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Opportunities for Youth: Youthbuild Program (FR–4038) (61 CFR 25124) received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3515. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Mortgage Insurance on Condominium Units in Non-FHA Approved Projects (FR–3655) (61 CFR 26982) received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3516. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Tenant-Based Programs: Technical Amendments (FR–4055) (61 CFR 27162) received June 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 3610. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–617). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUYER (for himself, Mr. FILNER, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 3611. A bill to extend the authority for the homeless veterans' reintegration projects for fiscal years 1997 through 1999, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Banking and Financial Services, 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. GIBBONS (for himself, Mr. MCDERMOTT, Mr. MATSUI, Mr. CARDIN, and Mr. LEWIS of Georgia):

H.R. 3612. A bill to reform the Nation's welfare system by requiring work and demanding personal responsibility; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Banking and Financial Services, Economic and Educational Opportunities, the Judiciary, Commerce, the Budget, National Security, International Relations, 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. JOHNSON of South Dakota:

H.R. 3613. A bill to require the Secretary of the Army to acquire permanent flowage and saturation easements over land that is located within the 10-year floodplain of the James River, SD, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LANTOS (for himself and Ms. ESHOO):

H.R. 3614. A bill to amend title 10, United States Code, to provide that certain individuals who would be eligible for military retired pay for nonregular service but for the fact that they did not serve on active duty during a period of conflict may be paid such retired pay if they served in the U.S. merchant marine during or immediately after World War II; to the Committee on National Security.

By Mrs. VUCANOVICH (for herself, Mr. ENSIGN, and Mr. HAYES):

H.R. 3615. A bill to amend the Harmonized Tariff Schedule of the United States to correct the tariff treatment of certain silver and gold bars, and for other purposes; to the Committee on Ways and Means.

By Ms. WOOLSEY:

H.R. 3616. A bill to amend the Job Training Partnership Act to provide for the establishment of standards to ensure long-term economic self-sufficiency for participants in adult training programs carried out under part A of title II of that act, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mrs. CLAYTON (for herself, Mr. BONIOR, Mr. RICHARDSON, Ms. DELAURO, Mr. KING, Mr. PAYNE of New Jersey, Mr. SANDERS, Mr. WARD, Mr. FRAZER, Mr. FORD, Mr. BROWDER, Mr. NORWOOD, Mr. HILLIARD, Mr. HINCHEY, Mr. OWENS, Mr. HALL of Ohio, Mr. FIELDS of Louisiana, Mr. MEEHAN, Mr. FROST, Mr. HASTINGS of Florida, Mrs. MALONEY, Mr. LANTOS, Mr. DELLUMS, Mr. FRANKS of Connecticut, Mr. WAXMAN, Mr. CLYBURN, Mrs. MYRICK, Mr. ABERCROMBIE, Mr. FARR, Mr. JACKSON, Mr. GILCHREST, Ms. NORTON, Ms. WOOLSEY, Ms. FURSE, Ms. ESHOO, Mr. PALLONE, Mrs. THURMAN, Mrs. KENNELLY, Mr. SHAYS, Mr. CLAY, Ms. JACKSON-LEE, Ms. KAPTUR, Mr. WATT of North Carolina, Mr. FOGLIETTA, Mr. THOMPSON, Mr. MILLER of California, Mr. LEWIS of Georgia, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. WYNN, Mr. EDWARDS, Mr. CLEMENT, Mrs. SCHROEDER, Miss COLLINS of Michigan, Mr. RUSH, Mr. TORRICELLI, Mr. STOKES, Mr. ROSE, Mr. CUMMINGS, Mr. HEFNER, Mr. TALENT, Mrs. MEEK of Florida, Mr. FLAKE, Ms. PRYCE, Mr. SERRANO, Mr. BISHOP, Mr. FATTAH, Ms. SLAUGHTER, Ms. RIVERS, Mr. NADLER, Mr. FRANK of Massachusetts, Ms. VELAZQUEZ, Ms. WATERS, Mrs. COLLINS of Illinois, Mr. STARK, and Mr. BARRETT of Wisconsin):

H. Con. Res. 183. Concurrent resolution condemning the recent rash of arson against African-American churches across the United States, pledging to assist law enforcement authorities in apprehending the persons responsible for such acts of arson, supporting bipartisan legislation which would facilitate the prosecution of arsonists and create more severe penalties for arson against houses of worship, and encouraging the people of the United States to work in their communities to prevent future acts of arson against African-American churches; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

[Omitted from the Record of June 10, 1996]

221. By the SPEAKER: Memorial of the House of Representatives of the State of New Hampshire, relative to House Joint Resolution 25 urging the Federal Energy Regulatory Commission, the U.S. Environmental Protection Agency, the Council on Environmental Quality, the U.S. Congress, and the President of the United States to implement increased competition in the electric utility industry in a manner that furthers environmental improvement and promotes full and fair competition including equitable and appropriate environmental regulation for all electricity generators; to the Committee on Commerce.

222. Also, memorial of the House of Representatives of the State of New Hampshire, relative to House Concurrent Resolution 27 urging Congress to reauthorize certain aspects of the Safe Drinking Water Act; to the Committee on Commerce.

223. Also, memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 28 encouraging the New Jersey congressional delegation to support Federal legislation providing for greater local television coverage for the State of New Jersey; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. BACHUS.
H.R. 248: Mr. FRANK of Massachusetts.
H.R. 573: Mr. BLUTE and Mr. SERRANO.
H.R. 598: Ms. FURSE, Mr. HOLDEN, Mr. JEFFERSON, and Mr. CANADY.
H.R. 778: Mrs. FOWLER.
H.R. 784: Mr. WATTS of Oklahoma, Mr. KNOLLENBERG, and Mr. DELAY.
H.R. 972: Ms. PRYCE.
H.R. 1000: Mr. HALL of Ohio and Mr. MEEHAN.
H.R. 1049: Mr. THOMPSON.
H.R. 1386: Mr. CHRYSLER, Mr. BARR, Ms. HARMAN, and Mr. SPENCE.
H.R. 1500: Mr. LATOURETTE.
H.R. 1758: Mr. SANDERS and Mr. ACKERMAN.
H.R. 2089: Mr. BARRETT of Nebraska.
H.R. 2244: Ms. KAPTUR and Mr. TATE.
H.R. 2246: Mr. ENGEL.
H.R. 2306: Mr. TALENT.
H.R. 2320: Mr. FRANKS of New Jersey, Mr. DOOLEY, and Mr. MCDERMOTT.
H.R. 2335: Mr. CLINGER, Mr. MICA, Mr. CLEMENT, Mr. BRYANT of Tennessee, Mr. TAUZIN, Mr. SPRATT, Mr. NETHERCUTT, Mr. LIVINGSTON, Mr. BARTON of Texas, Mr. KLINK, and Mr. FIELDS of Texas.
H.R. 2416: Mr. ZELIFF.
H.R. 2489: Mr. EVANS, Mr. ROMERO-BARCELO, Mrs. SEASTRAND, Mr. TORKILDSEN, Ms. WOOLSEY, and Mr. YATES.
H.R. 2651: Mr. TORRICELLI.
H.R. 2779: Mr. CANADY, Mr. GOSS, Mr. HOEKSTRA, and Mr. PACKARD.
H.R. 2796: Ms. NORTON.
H.R. 2807: Mr. MARTINI.
H.R. 2820: Mr. RIGGS.
H.R. 2834: Mr. COYNE and Mr. DOYLE.
H.R. 2951: Mrs. LOWEY, Ms. FURSE, Mr. MARKEY, and Miss COLLINS of Michigan.
H.R. 2976: Mr. ACKERMAN, Mr. DOOLEY, Mr. QUILLEN, and Mrs. VUCANOVICH.
H.R. 3037: Mr. JOHNSON of South Dakota, Mr. MCHUGH, and Mr. ROBERTS.

H.R. 3038: Mr. COOLEY.

H.R. 3118: Mr. KENNEDY of Rhode Island and Mr. LIPINSKI.

H.R. 3179: Mr. FILNER, Ms. JACKSON-LEE, Mrs. MALONEY, Mr. TORRES, Mr. MANTON, Mr. TORRICELLI, Mr. FROST, and Ms. LOFGREN.

H.R. 3181: Mr. HOKE and Mr. DELLUMS.

H.R. 3270: Mr. MCKEON.

H.R. 3332: Mr. LEWIS of Georgia, Mr. TOWNS, Miss COLLINS of Michigan, and Mr. GEJDENSON.

H.R. 3351: Mr. FATTAH.

H.R. 3423: Mrs. MYRICK.

H.R. 3426: Mr. MCDERMOTT, Mr. SCARBOROUGH, Mr. PAYNE of Virginia, Mr. KLECZKA, Mr. BARRETT of Wisconsin, Mr. DURBIN, Mr. EVANS, Ms. NORTON, and Mr. LIPINSKI.

H.R. 3447: Mr. RIGGS, Mr. DICKEY, and Mr. BALDACCI.

H.R. 3498: Mr. ACKERMAN.

H.R. 3504: Mr. BOEHNER, Mr. BROWN of Ohio, Mr. FARR, Mr. FROST, Mr. LIPINSKI, Mr. NEY, Ms. NORTON, Mr. OLVER, Mr. ROHRABACHER, and Mr. WALSH.

H.R. 3525: Mr. ABERCROMBIE, Mr. FRAZER, Mr. HASTINGS of Florida, Ms. VELAZQUEZ, Mr. BRYANT of Texas, Mr. MINGE, Mr. BONIOR, Ms. LOFGREN, Mr. GONZALEZ, Mr. BERMAN, Ms. NORTON, Mr. WATT of North Carolina, Mr. SERRANO, Mr. HILLIARD, Ms. RIVERS, Ms. WATERS, Mr. WAXMAN, Mr. FROST, Mr. CLEMENT, Mr. BARRETT of Wisconsin, Ms. JACKSON-LEE, Mr. SCOTT, Mrs. SCHROEDER, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. REED, Mr. BECERRA, Mr. FORD, Mr. CHAPMAN, Mrs. KENNELLY, Mr. WARD, Mr. EDWARDS, Mr. WATTS of Oklahoma, Mr. CUMMINGS, Mr. JOHNSTON of Florida, Mr. PARKER, Mr. TANNER, Mr. KINGSTON, Mr. FIELDS of Louisiana, Mr. CHAMBLISS, Mr. DUNCAN, Mr. SPENCE, Mr. PACKARD, Mr. HALL of Ohio, Mr. MCHUGH, Mr. GALLEGLY, Mr. FLANAGAN, and Mr. GRAHAM.

H.R. 3587: Mr. FAZIO of California, Mr. YATES, Mr. ACKERMAN, and Mr. FROST.

H. Con. Res. 10: Mr. LEVIN and Mr. GOODLING.

H. Con. Res. 51: Mr. KLUG and Mr. LEVIN.

H. Con. Res. 83: Mr. ACKERMAN.

H. Con. Res. 145: Mr. EVANS and Mr. LEVIN.

H. Con. Res. 156: Mr. BRYANT of Texas, Mrs. MINK of Hawaii, Mrs. MORELLA, and Mrs. COLLINS of Illinois.

H. Res. 220: Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. MCNULTY, Mr. TORRICELLI, Mr. MORAN, Mr. BALDACCI, Mr. LANTOS, Mr. ENGEL, and Mr. EVANS.

H. Res. 439: Mr. MCHALE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3603

OFFERED BY: MR. BONO

AMENDMENT NO. 9: Page 69, after line 5, insert the following new section:

SEC. . It is the sense of Congress that, not later than the date of the enactment of this Act, the Secretary of Agriculture should—

(1) release a detailed plan for compensating wheat farmers and handlers adversely affected by the karnal bunt quarantine in Riverside and Imperial Counties of California, which should include—

(A) an explanation of the factors to be used to determine the compensation amount for wheat farmers and handlers, including how contract and spot market prices will be handled; and

(B) compensation for farmers who have crops positive for karnal bunt and compensation for farmers who have crops which are negative for karnal bunt, but which cannot go to market due to the lack of Department action on matching restrictions on the negative wheat with the latest risk assessments; and

(2) review the risk assessments developed by the University of California at Riverside and submit a report to Congress describing how these risk assessments will impact the Department of Agriculture policy on the quarantine area for the 1997 wheat crop.

H.R. 3603

OFFERED BY: MR. DURBIN

AMENDMENT NO. 10: Page 69, after line 5, insert the following new section:

SEC. 734. Of the funds made available in this Act to the Department of Agriculture, the amount provided for "Rural Utilities Assistance Program" is increased, the amount provide for "Distance Learning and Medical Link Program" is increased, and none may be used; by $22,500,000, by $2,500,000, and to carry out or pay the salaries of personnel who carry out any extension service program for tobacco or to provide or pay the salaries of personnel who provide crop insurance for tobacco for the 1997 or later crop years; respectively.

H.R. 3603

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 11: Page 69, after line 5, insert the following new section:

SEC. 734. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for "Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" is hereby reduced by $90,000,000.

H.R. 3603

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 12: On Page 48, line 17, strike "*Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations:"

H.R. 3610

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: Page , after line , insert the following new section:

SEC. . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

H.R. 3610

OFFERED BY: MR. SANDERS

AMENDMENT NO. 2. Page , after line , insert the following new section:

SEC. . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department of Defense for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994; and

(2) the reports for 1995 and 1996 that are required under section 818(e) of Public Law 103-337 (10 U.S.C. 2324 note) have not been submitted to Congress yet.

H.R. 3610

OFFERED BY: MR. SANDERS

AMENDMENT NO. 3: At the end of the bill (before the short title), insert the following new section:

SEC. . None of the funds available to the Department of Defense under this Act may be obligated or expended to pay a contractor under a contract with the Department when it is made known to the Federal official having authority to obligate or expend such funds that the payment is for the costs of compensation with respect to the services of any one individual at a rate in excess of $200,000 per year. For purposes of this section, the term "compensation" includes salaries, bonuses, deferred compensation, stock options and payouts, certified indirect costs, restructuring costs, and performance-based payments.

SENATE—*Tuesday, June 11, 1996*

The Senate met at 9 a.m., and was called to order by the Honorable PAUL COVERDELL, a Senator from the State of Georgia.

PRAYER

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

Gracious Father, there is no greater joy than to be Your friend. Along with Abraham and Moses, and men and women throughout the ages, we accept the awesome privilege of a friendship with You. To be called a friend of God is a source of strength and courage. When this assurance pervades our minds, hearts, and wills, we can pray for Your guidance and know that You will not only show us the way, but walk with us.

Thank You for helping us be the kind of friends to others that You have been to us. May we express Your loyalty, faithfulness, and consistency. We are thankful for the lasting friendships established and deepened over the years here in the Senate. These friendships weather the storms of conflict, party differences, and political tensions.

Today, on behalf of both parties, I express our gratitude to You, Father, for our friend, BOB DOLE. Thank You for his commitment to You expressed so faithfully in his leadership and service here in the Senate. He leaves the Senate this afternoon, but You know he can never leave the place he holds in our hearts. Bless him with the knowledge of Your love and our esteem. In the name of Jesus. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Paul COVERDELL, a Senator from the State of Georgia, to perform the duties of the Chair.

STROM THURMOUND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from Kansas.

SCHEDULE

Mr. DOLE. Mr. President, there will be a period for morning business this morning from 9 o'clock until 10 o'clock. I ask unanimous consent that from 9:45 a.m. until 10 o'clock, I might have that 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. From 10 o'clock to 12 noon, the time will be under the control, I think, of Senator NICKLES. At 12 o'clock or thereabouts, I will make a brief statement. Then there will be recess until 2:15 for the weekly policy luncheons. At 2:15, the Senate will swear in SHEILA FRAHM, as a U.S. Senator, as my successor.

Following the swearing in, it is my understanding we will begin debate on the budget resolution, the conference report, 10 hours, and votes, therefore, are possible on the budget resolution conference report or any other items that may be cleared for action.

We are still trying to break the logjam on nominations. I am not certain we can get that done before noon today. I know we have cleared some nominations. We will take those up, hopefully, between 9:15 and 10 o'clock. I repeat what I have said many times: I do not like holding nominations and have not made it a practice personally. Hopefully, those who have the problems can work them out either today or after I am gone, because there are many families here trying to make plans. Holding up their nominations makes it difficult.

Of course, personally, I am still hopeful we can clear the World Trade Organization legislation. At one time it was cleared in the U.S. Senate. All it does is to give Congress a role in the event there are arbitrary decisions made by faceless, nameless bureaucrats in Geneva where we can exit from the World Trade Organization. It seems to me it is something we would want to do. It is supported by the President, supported by Mickey Kantor, the former U.S. Trade Representative. In fact, it was part of an agreement when I agreed to support it, standing with the President on the White House lawn—the GATT agreement which was part of that agreement. I hope the administration would be helpful.

As I understand, all the holds are on the other side of the aisle. I would like to complete action on that before noon today. If it is not possible, it is not possible. Senator DASCHLE had indicated on Thursday he would be pleased to help. I am certain he will over the next few hours. If anybody has any problems with that legislation, I think if they understood it—and it is not very complicated—it simply says that Congress should have a role, too.

There is a great deal of concern by people all over America who may have lost their jobs to foreign competition—at least they believe they have lost their jobs to foreign competition—they are concerned about all these, whether it is GATT or NAFTA, all these trade agreements where we are exporting jobs. This gives Congress the responsibility and a role in determining whether or not we should withdraw from the World Trade Organization.

In my view, it is legislation that should have been passed sometime ago. I understand it is acceptable to the House if we can free it from the Senate. Senator BYRD has had an interest in it. He has improved it some. He has an amendment, I think, that strengthens it more. It is not a partisan issue. I hope we can clear it this morning. If not, I know sometimes things do not work in this place.

I also thank Chaplain Ogilvie for his thoughts and his prayers.

Between now and 9:45, I assume the time will be equally divided.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair advises the majority leader there is a period of morning business with Senators permitted to speak not to exceed 5 minutes.

GODSPEED TO SENATOR DOLE

Mr. COCHRAN. Mr. President, I rise to join all of those in the Senate today to wish Godspeed to our distinguished majority leader and colleague, BOB DOLE, as he departs the Senate and embarks upon his campaign for the Presidency of the United States. I do not know of any other event that is more important to all of us or to the country this year than his election as President. I am really glad in one sense to see him concentrate his full energies and attention on that objective.

When I think about BOB DOLE's leaving the Senate, I think about when I came to the Senate he was already established as one of the true legislative leaders of the Senate, although he occupied no elected position of leadership in the Senate. It was my good fortune

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

to serve on two committees with him as a freshman Member of this body—the Agriculture Committee and the Judiciary Committee. He was not intending to serve on the Judiciary Committee that year either, but he was drafted to serve. We did not have enough Members to fill out the ranks on the Republican side. Senator KENNEDY from Massachusetts just assumed the chairmanship of that committee. It was a very highly visible committee.

I recall Senator DOLE coming on the committee. Of course, he had been a lawyer, a county attorney in Kansas. He brought to that committee good judgment and experience on a number of issues. I can recall what I would think would be referred to as an obscure bill that year that the committee worked on, which was bankruptcy reform. After a lot of hearings, a lot of effort to resolve issues and to get a bill reported out, it was Senator DOLE who, when it appeared there was not going to be any action on that issue, came up with a proposal that turned out to be the centerpiece of bankruptcy reform.

It was that way on the Agriculture Committee. We would be locked in tough debate, arguments, differences of views based on regional considerations, sometimes party differences. The chairman from Georgia, Senator Talmadge, was trying to get everybody together. Time after time after time it was BOB DOLE who ended up being the force and the catalyst that brought the committee to a point where it agreed and reported out legislation. That legislation would ultimately become law.

Senator DOLE, as a member of the Finance Committee—I did not have the good fortune to be a member there—but as chairman of that committee, I can recall his handling legislation on the floor of the Senate into the late hours of the evening with the patience and the calm determination to see the bill through, dealing with the competing interests, the offering of amendments, Democrats and Republicans alike, getting a fair hearing on their proposals of what should be in the bill and what should not be in the bill. And finally, after sometimes days, bringing that bill to a point where it would pass the Senate and then ultimately be enacted into law.

A legislative leader, in the truest sense of the word, on a wide range of issues, some issues that other Senators did not want to work on, like in the Agriculture Committee, the nutrition issues, working out the difficulties in determining eligibility for food stamps, for School Lunch Program participation, how much would the Federal Government contribute, how much would State and local governments contribute, how much would individuals have to pay for these benefits, and on and on, the minutia, the tough, hard decisions. He was there to help make those decisions and to help shape a consensus of support for legislation on those issues when others could not do it, did not bring the skill and the determination and the capacity to do it that BOB DOLE brought to the challenge.

It was no wonder, when Howard Baker left the Senate in 1984, following the elections that year, the Senate turned to BOB DOLE and elected him leader. He has proven himself over and over again to be a confident, fair, courageous, decisive leader, driven by character, integrity, and the notion of what is good for the public interest, not just what is good for the party interest or partisan consideration, but the general interests that serve the people of our great country. It is with that kind of leadership that we have come to appreciate the genius of BOB DOLE and the outstanding way in which he has discharged the responsibilities of leader.

We are going to have a tough job. I know that some people are talking about the succession, and who is going to replace BOB DOLE. The fact is that nobody is going to replace BOB DOLE. Nobody has the capacity to do all the things that he has done in the U.S. Senate. It has really been an honor—a great honor—and a wonderful opportunity to have had the privilege of serving on some of the committees he has served on, some he has chaired, and to be a part of this Senate that has been led by BOB DOLE, the Senator from Kansas.

So we wish him all the best and know that he will enjoy many more successes and many more triumphs in the years ahead. We are confident of that, and we bid him a fond farewell.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

TRIBUTE TO SENATOR BOB DOLE

Mr. KYL. Mr. President, I would like to join the Senator from Mississippi in paying tribute to the Senator from Kansas, the distinguished majority leader. All of us who have served in this body can tell stories—even those of us who have served a very short period of time, such as myself—that reflect the qualities of BOB DOLE's leadership. Those of us who are partisan Republicans can only hope that a majority of American citizens can get to know BOB DOLE as well as we know him. If they do, then those of us who would like to see BOB DOLE be President know that the American people would choose wisely in that case. We recognize our partisanship in this matter, but I think even those who are on the other side of the aisle would acknowledge that the majority leader is a man of great character, judgment, and leadership skills that, frankly, are greater than most public servants who have the opportunity to represent people in this country.

So I join with my colleague from Mississippi in paying tribute to the majority leader, and I wish him well in his future endeavors.

A 15-PERCENT ACROSS-THE-BOARD TAX CUT

Mr. KYL. Mr. President, I want to speak for a few minutes this morning about a recommendation that has been made to the distinguished majority leader by a group of economists. I am talking about the proposal to cut income tax rates by 15 percent across-the-board. I know that some people will criticize this as political, but, frankly, in a representative democracy, the whole idea is to do things that the people want. I submit that if the people respond positively to this idea, clearly, it will have been the right thing to do. I believe people will respond positively because they have been asking for tax relief.

The point of an across-the-board cut in tax rates is that it helps to stimulate the economy. Therefore, it is the most productive in terms of providing for economic growth, which helps all people.

This is the kind of rate cut that produced more revenues to the Treasury under the administrations of John F. Kennedy and Ronald Reagan. This is the kind of tax rate cut that has been proposed and that I submit Majority Leader DOLE would be wise to call for in his Presidential campaign. John F. Kennedy, of course, said back in 1962, "A rising tide lifts all boats," to illustrate the point that across-the-board tax rate cuts help everybody. It helps the economy grow. Therefore, it does not matter what place you are on the ladder of economic progress, whether in the middle, or at the high end, or even at the lower end of the ladder; a growing economy helps everyone because it provides for more job opportunities, it provides for more payment to workers, more opportunities for savings and investment and expansion of the economy, which, as a result, helps everyone.

But the point that I want to briefly make this morning is that it also helps us in dealing with the problem of reducing the Federal budget deficit and providing for the needs of Government. There is a paradox in economics that provides that, up to a certain point, actually reducing tax rates can provide more revenues to the Treasury. In the brief minute or two I have this morning, let me address that a little bit more.

Obviously, there are two tax rates that produce no tax revenues to the Treasury. One is 0 and the other is 100. The point of mentioning 100 is to make the point that you can tax people too much—to the point that they will stop doing the things that produce the revenue that would then come into the

Treasury. When you have tax rates of 90 percent or 80 percent or 70 percent, even, people find other things to do with their money. Either they do not work as hard and generate the income, or they find ways to shelter that income or defer it so that they do not have to pay taxes. The result is that tax increases do not produce the revenues they are projected to produce. That fact is true of the 1993 Clinton tax increase. People just changed their behavior as a result of the increased taxes.

The same thing is true when tax rates are cut. When John F. Kennedy did it and when Ronald Reagan did it, revenues to the Treasury increased dramatically. It is like having a weekend sale. The merchant does not do this to lose money when he reduces the price on his goods. He reduces the price on the goods in order to attract more people to buy more goods so that even though he is making less per item, he makes far more in gross terms. That is exactly what happens when the Government reduces marginal tax rates, and what economists predict would happen if there were an across-the-board 15-percent tax reduction in our income tax rate.

Under the Reagan administration, Mr. President, not only did interest rates fall as a result of the tax rate cut, but our economy grew for the longest sustained period in the peacetime history of the United States and, importantly, revenues to the Treasury increased between $60 billion and $80 billion a year. In the John F. Kennedy administration, income tax rates were reduced from a range of 20 to 91 percent to a range of 14 to 70 percent. Revenues to the Treasury rose 66 percent by 1969. In the States it was the same thing. During former Governor DuPont's administration in Delaware, in 1979, the top rate was cut from 19.8 percent to 7.1 percent. By 1993, State revenues had doubled and employment increased by 36 percent. Welfare caseloads fell by 40 percent.

The point I am trying to make here is really very simple. In this time when we are all focused on deficit reduction, there are a lot of people who are deathly afraid of reducing tax rates on the assumption that it will reduce revenues to the Treasury. In fact, they even propose increasing tax rates. But the fact of the matter is that at least certain kinds of rate reductions—and this certainly includes across-the-board marginal income tax rate reductions—have resulted in increased revenues to the Treasury every time they have been accomplished.

Those who say that we cannot afford a tax cut if we are serious about balancing the budget seem to view the economy as a zero-sum game. It is, in my view, a very cynical view that seeks to divide people, baiting them with envy and greed; no one can ever do better unless someone else does worse. It is like trying to divide a pie into ever more slices, satisfying no one in the process.

Some of us think that we should try to make every American better off. We want to grow the economy—bake a bigger pie—so that all Americans can do better. That is what happened during the Reagan years. I noted some of the benefits of the Reagan tax cuts earlier in my remarks, but other good things happened as well. Real median family income grew every year but one between 1982 and 1989, rising $4,564 or 12.6 percent. Inflation virtually disappeared by 1986, protecting all Americans, particularly senior citizens on fixed incomes.

And for those who suggest that it was the wealthiest who benefited most from tax cuts, I would point out that from 1981 through 1988, the share of all income taxes paid by the top 1 percent of all taxpayers rose each and every year from a low of 17.89 percent to a high of 27.58 percent.

The high-tax policies of the 1990's have had just the opposite effect. Real median family income has declined $2,108 or 5.2 percent. Since the beginning of 1995, the economy has only grown at a yearly rate of 1.6 percent. More than a third of the new jobs created have gone, not to people just entering the work force or getting off of welfare, but to people who are taking an extra job just to make ends meet. Interest rates, which declined during most of 1995, are rising again after President Clinton vetoed the balanced budget and tax relief package that Congress sent him.

Until Congress forced President Clinton to get serious about limiting Federal spending last year, deficits were forecast at $200 billion a year for the foreseeable future—despite record high taxes. What that proves is that sluggish economic growth and overspending, not a lack of revenue, are the real causes of the Nation's deficit problem.

Mr. President, I would note that revenues as a percentage of gross domestic product [GDP] have actually fluctuated around a relatively narrow band—18 to 20 percent of GDP—for the last 40 years. Revenues amounted to about 19 percent of GDP when the top marginal income tax rate was in the 90 percent range in the 1950's. They amounted to just under 19 percent when the top marginal rate was in the 28 percent range in the 1980's. Why the consistency? Because tax rate changes have a greater effect on how well or how poorly the economy performs than on the amount of revenue that flows to the Treasury relative to GDP.

In other words, how Congress taxes is more important than how much it can tax. The key is whether tax policy fosters economic growth and opportunity, measured in terms of GDP, or results in a smaller and weaker economy. Nineteen percent of a larger GDP represents more revenue to the Treasury and is, therefore, preferable to 19 percent of a smaller GDP.

Mr. President, I want to conclude by contrasting the proposed across-the-board income tax rate cut with some of the other tax cut proposals that have been offered. As Grover Norquist of Americans for Tax Reform said recently, paraphrasing Mae West, "All tax cuts are good tax cuts, and even bad tax cuts are good tax cuts." In other words, just about anything we do to leave more money in people's pockets is a good thing.

I very strongly supported the $500-per-child tax credit that was in the Balanced Budget Act last year. I cosponsored the proposal with Congressman FRANK WOLF of Virginia when I served in the House of Representatives with him in 1994. I would also support President Clinton's proposed education credit. But the $500-per-child credit and the education credit, unlike the proposed 15-percent across-the-board rate cut, would help only families with children or those in pursuit of a college education.

The benefit of the across-the-board approach is that it reaches out to all Americans. Everyone would benefit. It says to the American people that we trust them to spend their money in ways that are best for themselves and their families. It would allow people to keep more of every dollar earned from their extra effort in the work place—no matter what kind of work they do—and from their extra investment—no matter what kind of investment they make. The broad nature of the tax cut, applying to all forms of work and investment, ensures that effort and capital are steered to the most productive activities in the economy instead of those activities that the Government deems most important through targeted tax credits or deductions.

It is also the fairest way to provide tax relief. Everyone would be treated the same; tax rates would be cut 15 percent across the board, boosting take-home pay and relieving a major source of anxiety among people with middle and low incomes.

Notably, a 15-percent rate cut would take revenues as a share of GDP back to where they were before Clinton took office—to 19.2 percent from the current 20.4 percent—effectively repealing the Clinton tax increase.

Therefore, I think it would be a very wise thing for Majority Leader BOB DOLE in his quest for the Presidency—and, frankly, for President Bill Clinton, as he seeks reelection—to embrace the concept that the American people could not only do well individually as a result of a reduction in income tax rates, but also that this would help to stimulate the economy and, ironically, or paradoxically, as I said, end up providing more revenues to the Treasury

to help us with deficit reduction and the financing of all of the important things that we want to finance as a result of the Federal Government's efforts.

Mr. President, I hope that as this debate continues, we will be able to discuss the concept of tax rate reductions. I hope to cosponsor legislation to that effect, and I hope we can begin the debate with the American people so that a consensus can be developed and, as a result of this election, we will have a mandate to reduce marginal income tax rates across the board.

REPUBLICAN PROPOSAL ON MEDICAL SAVINGS ACCOUNTS AND THE HEALTH INSURANCE REFORM BILL

Mr. KENNEDY. Mr. President, yesterday, House and Senate Republicans announced a compromise on medical savings accounts. In reality, this compromise is a capitulation to House Republicans who are more interested in creating an issue and serving a special interest constituency than in passing a bill.

Medical savings accounts have become the Trojan horse that could destroy health insurance reform. This untried and dangerous proposal does not belong in the consensus insurance reform bill. It has already been rejected by the Senate. A bill containing it cannot be enacted into law and signed by the President.

Democrats and the White House have offered a fair compromise, which would provide for a controlled and limited test of the MSA concept to see if it should be expanded. But the House Republican leadership has said that it will be their way or no way. As Majority Leader ARMEY said on Sunday, "I will not give up medical savings accounts," and he dared the President to veto the bill. The latest proposal clearly reflects this partisan strategy.

The Republican leadership pretends their proposal is a fair attempt to deal with concerns about medical savings accounts. But it is nothing of the kind. Under their proposal, medical savings accounts could be sold to all small businesses and the self-employed immediately. This opens MSA's to a massive market consisting of more than 40 million workers—one-third of the Nation's entire labor force. This is hardly a controlled, limited test.

Even more serious, experts agree that the small business sector of the health insurance market is the most vulnerable to the disruption that medical savings accounts would cause. The Joint Tax Committee concluded that sales of medical savings accounts would be concentrated in small- and medium-sized firms.

The proposal would clearly go beyond the bounds of what is acceptable, even if it stopped there. But it does not. After 3 years in which medical savings accounts are sold to this vast market, the accounts would be expanded to everyone. Only if both the House and Senate voted to stop the expansion would it be prevented. This is not a test. It is a travesty.

The great danger of medical savings accounts is that they are likely to raise health insurance premiums through the roof and make insurance unaffordable for large numbers of citizens. They will discourage preventive care and raise health care costs. They are a multibillion-dollar tax giveaway to the wealthy at the expense of working families and the sick. Their cost could balloon the deficit by tens of billions of dollars.

The most troubling aspect of medical savings accounts is the risk that they will destroy the health insurance pool, and price conventional insurance out of the reach of most American families. Medical savings accounts will raise premiums for the vast majority of Americans—especially those who are sick and need coverage the most—by siphoning the healthiest people out of the insurance pool. As premiums rise for everyone else, more and more working families will be forced to drop comprehensive coverage. In the words of the Congressional Budget Office, medical savings accounts "could threaten the existence of standard health insurance." Mary Nell Lenhardt, senior vice president of Blue Cross and Blue Shield concluded that MSA's destroy "the whole principle of insurance."

The leading proponents of medical savings accounts are insurance companies like the Golden Rule Co., which have been the worst abusers of the current system. The strongest opponents of medical savings accounts are organizations representing working families, senior citizens, consumers, and the disabled, who have the most to lose if the current system of comprehensive insurance is destroyed. We know whose voice should be heard when Congress decides this issue—not the voices of greedy special interests, but the voices of those who depend on adequate insurance to get the care they need at a price they can afford.

The Kassebaum-Kennedy bill passed the Senate by a bipartisan vote of 100 to 0, without medical savings accounts. It passed unanimously, because it contained the noncontroversial, important insurance reforms that everyone agreed on. The American people deserve to see those reforms enacted, not jeopardized by the last-minute addition of a partisan poison pill.

House Republicans should not turn a bipartisan bill that could be passed by both Houses today and signed by the President tomorrow into just another election year issue. The American people deserve a fair compromise on this highly controversial issue, and I continue to be hopeful that we can find a satisfactory compromise to save this needed bill.

To those who genuinely believe that medical savings accounts offer an improvement in the health care system, I say let us work together to devise a fair test of the concept that will not put millions of American families at risk. The American people's hopes for insurance reform should not be held hostage to a partisan, special interest agenda.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for 10 minutes for purposes of introducing two bills.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, thank you.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1859 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware.

TRIBUTE TO SENATOR BOB DOLE

Mr. ROTH. Mr. President, it is difficult, if not impossible, to adequately address the congressional career of our departing majority leader in a 5-minute floor statement. His accomplishments in his 35 years as a Congressman and Senator—his successes achieved while serving 11 years as Republican leader—could fill volumes.

Indeed, hours could be spent rehearsing BOB DOLE's impressive record: His heroism in World War II; his early political career in the Kansas House of Representatives, followed by his successes here in Washington; his efforts in 1964 to secure passage of the Civil Rights Act; his historic work with Senator MOYNIHAN in 1983 to save the Social Security trust fund; his engineering the vote in 1991 to authorize U.S. forces to turn back Saddam Hussein's tyranny in the Middle East; his support for Kemp-Roth and the 22-percent reduction in income taxes that ushered America into the longest peacetime economic expansion in history; his staunch stand against President Clinton's 1993 record-setting $241 billion tax increase.

These are only a few of the milestones in BOB DOLE's journey from modest beginnings in America's heartland to his noble objective today. Time will not permit us to go beyond a few random milestones. But then again, Mr. President, the truth is that the greatest leaders need the least amount

of praise. They have written their stories in the hearts and minds of the people they serve.

Senator BOB DOLE has done just that.

His story is one of courage, persistence, character, discipline, and determination—the determination to overcome odds that would have vanquished a lesser individual. He is a man of deep convictions and proven abilities. And everyone who has had the opportunity to serve with him understands that just as solid as his past record, is his vision for the future. He has outlined that vision in absolute terms. And with BOB DOLE there are no surprises. As long as I have known him, his words have been exceeded by his deeds.

I believe that at the center of BOB DOLE's vision is his economic message, that we "deal with the deficit, and * * * couple that with tax cuts." Toward this end, Senator DOLE is both tenacious and pragmatic. He knows the correlation between low taxes and economic growth, and he has proposed serious tax cuts.

BOB DOLE has been an effective leader during a time when this body addressed some of the most critical issues in history: The need for a balanced budget amendment; the need to strengthen and preserve Medicare; the need to provide effective, portable, and affordable health care coverage for Americans; the need to guarantee the future of Social Security; the need to keep a strong defense—a defense marked by high morale and the best, most effective materiel available. He understands these issues intimately—as well as anyone—and he knows what must be done to see that these need are met.

Mr. President, I will miss BOB DOLE. And though I wish him all the best in his new endeavors, I will miss his daily leadership here on the Senate floor. I will miss his quick wit; his sense of humor. I will miss his deliberate style, and his uncanny ability to turn assertive and aggressively intellectual into a cohesive team.

On a personal note, I am grateful for the chance I have had to serve with BOB DOLE. I am grateful for our friendship, for our years working together on this floor. Like other great majority leaders who have gone before, Senator DOLE leaves his mark on this institution. As the Congressional Quarterly recently pointed out, "* * * as majority leader, [Bob Dole] proved a point that badly needed proving * * *. The Senate could be led."

PUBLIC/PRIVATE PARTNERSHIPS FOR WASTEWATER TREATMENT FACILITIES

Mr. LOTT. Mr. President, I rise today to urge action to foster public/private partnerships for wastewater treatment facilities. Today, Federal regulations and the tax code inhibit the ability of State and local governments to create public/private partnerships. By getting Washington out of the way, local governments can acquire the much needed freedom to better manage competing demands for scarce governmental resources, and to make infrastructure and servicing decisions that are best for their citizens and the environment.

What, my colleagues might ask, are public/private partnerships, and why do they make good sense for wastewater treatment?

The answer is that public/private partnerships are voluntary, cooperative arrangements between a State or local government and a private sector entity whereby that private sector entity agrees to perform a public purpose service that would otherwise require the government to perform as well as pay for the service. In the wastewater treatment context, for example, it involves a private entity building, improving, maintaining, and operating, under long-term lease or as owner, sewage treatment plants. The private entity invests private sector capital to build or upgrade a plant to meet Clean Water Act standards and other legal requirements. The State or local government and the Federal Government are spared the need to spend scarce public funds on these plants, while retaining the ability and authority to ensure compliance with all laws and reliable, fairly priced service to their citizens.

Such public/private partnerships cut costs and improve services. The private owner/operator is held accountable by local government to the citizens it services, to ensure that it maintains quality service and competitive pricing. Studies have shown that private operation of public purpose facilities can result in a savings to State and local taxpayers of between 16 and 77 percent because of the superior expertise and specialization of private firms as well as the built-in incentives that are created through competition. As EPA has recognized, private companies often can also construct, improve, and maintain facilities more cost effectively than can the government by taking advantage of economies of scale and cost-reducing advances in technology long before their public counterparts. Transferring a wastewater treatment facility to a private entity can also generate cash for local governments to use to finance other necessary improvement projects. Furthermore, if impediments to these and other public/private partnerships were removed, it is estimated that as much as $7.7 billion per year in new revenues could be generated through Federal income taxes paid by the private owners of facilities that would be exempt under public ownership.

In addition to these fiscal considerations, public/private partnerships in the wastewater treatment area also further environmental goals that might otherwise be indefinitely delayed. EPA estimates that existing and additional publicly owned treatment works and other wastewater infrastructure needs will require approximately $137 billion in capital investment over the next 20 years to comply with Clean Water Act requirements. Even the most optimistic scenarios give no reason for blithe confidence that such enormous sums will be readily available from Federal or State and local treasuries. Given that qualified, experienced private companies can finance, build, own and operate wastewater treatment facilities in a cost-effective and reliable manner, we should take advantage of this opportunity to encourage State and local governments to look to the private sector to meet the needs of their communities, use scarce dollars to meet other pressing needs, and simultaneously achieve the environmental goals of the Clean Water Act.

In light of these benefits of public/private partnerships for wastewater, one might ask: What's the problem; why have they not gone forward in more of the many communities that see them as desirable; and why is legislation needed?

Federal legislation is needed because three aspects of current law either impede or fail to provide adequate incentives and certainty for these partnerships.

First, Federal regulations discriminate against private entities owning public purpose wastewater treatment works by denying them the domestic sewage exemption available to a public owned treatment work [POTW] under the Clean Water Act. It is impossible for a private entity to own and operate a plant under a partnership agreement unless that plant is considered a POTW.

Second, there is no Federal statutory assurance that local governments may transfer existing treatment plants to private firms without having to pay back to the Federal Government the Federal grant money originally used to build or improve the plant. The Clean Water Act contains no such requirement, but Federal regulations require total repayment for transfers of wastewater and other infrastructure to a private entity. Recognizing the counterproductive effects of those requirements, Presidents Bush and Clinton issued Executive order requiring only partial payback for certain wastewater plant transfers. Legislation is needed to address this issue in law and provide certainty to communities for planning.

Finally, the Tax Code also hinders private investments in wastewater treatment facilities. In order to stimulate public/private partnerships for wastewater treatment, it is essential to ensure that Federal tax provisions do not discourage private sector investment and long-term operation of treatment plants. The changes to the

Tax Code I have in mind are appropriate for wastewater treatment facility public/private partnerships because these transactions will not alter the original public purposes served by wastewater treatment facilities—providing wastewater services to communities. I would be delighted to provide my colleagues with details of these important changes.

Legislative initiatives seeking to address some of these problems have been undertaken, but they are either trapped in a more comprehensive bill or address a broad array of public/private partnerships extending well beyond wastewater treatment. Moreover, none of the initiatives thus far addresses the significant disincentives created by provisions of the Tax Code.

The House has taken steps to address some of these points. The Clean Water Act Amendments of 1995, H.R. 961, passed by the House a year ago, includes provisions that statutorily define public owned treatment works so that regulations are based on the purpose and actual operations of a wastewater treatment facility rather than the identity of its owner. It would provide the legal certainty necessary for State and local governments to transfer wastewater treatment facilities to qualified private sector companies. In addition, it provides for a grant repayment approach whereby the State and local governments are able to recover their investment in the wastewater treatment facility, and then are only required to repay the undepreciated portion of any Federal grants. While the House provision on grant repayment is a step in the right direction, I believe that the Federal-aid Facility Privatization Act, S. 1063, of which I am a cosponsor, takes a better approach to the difficult problem faced by municipalities that are confronted with deteriorating infrastructure of all kinds, obsolete technology, tougher regulatory requirements, and a shortage of funds to finance and operate the wide variety of essential infrastructure projects that need improvement. S. 1063 improves on the House grant repayment provision by allowing total forgiveness of those grants. The local governments are really the best ones to decide how to use the money the Federal Government has given them for public purposes.

Mr. President, I would hope that my colleagues will consider this matter carefully, and that we can get together and do it soon. It should be a win-win for everyone. Removing the Federal obstacles to public/private partnerships for wastewater treatment does not cut government service, it only cuts government restrictions and burdens—something we in America need to be doing. Doing so will also save money, yield environmental benefits, and serve as a pilot for similar challenges by fostering an innovative, market-based approach without increasing the burden on State and local governments.

FISCAL YEAR 1997 BUDGET RESOLUTION

Mr. DOLE. Mr. President, soon the Senate will act on the conference report on the fiscal year 1997 budget resolution. I had hoped that the Senate could have passed this conference report by today, but final action will occur soon.

When the Senate passes the fiscal year 1997 budget resolution, it will be doing important work because no policy is more important to the economic future of all Americans, and particularly to the future of our children, than a balanced budget.

We will also be fulfilling our promise to the American people to balance the budget by the year 2002. I am proud of our achievement in keeping our promise to the American people and I am proud of this budget.

The fiscal year 1997 budget resolution balances the Federal budget in 6 years.

It reduces overall Federal spending by more than $700 billion over the next 6 years.

It provides family tax relief of $122 billion for a $500-per-child tax credit to help America's working families.

It provides for real welfare reform.

And it would prevent the Medicare program from pending bankruptcy. The Medicare trustees reported last week that Medicare is going broke more quickly and in this budget we save Medicare from bankruptcy in the year 2001.

That's why this is a good conference agreement. It represents some compromises between the House and the Senate. No one got everything they wanted. But it's the right budget for now and for putting us on strong course for the next century.

Mr. President, it is no small accomplishment that all of us now agree that the budget should be balanced by the year 2002. That's a big change from this time last year when we were debating the budget. Now it's not just Republicans saying it, but all of us, from Republicans to blue dog Democrats to the President. That in itself is good news for America.

But we're not there yet. Last year we passed the first balanced budget in a generation. But President Clinton vetoed it.

I hope all Senators will support this budget resolution to finally get the job done. This budget will help define for the American people which of us are for more Washington spending and which of us are for less Washington spending; which of us are for more taxes and which of us are for less taxes. And most importantly, which of us are willing to do what's necessary to stop the stranglehold that the deficit places on our economic future.

Some say deficits don't matter. But the fact is that the Federal budget deficit is like a tax hike on working families.

The deficit drives up interest rates—and not by a little but by a lot. It is a stealth tax that every family with a home, every father and mother with a child in college, every young person who buys a car must pay, and pay, and pay.

What does this stealth tax cost in dollars? Over $36,000 on a typical home mortgage. More than $1,400 on an ordinary student loan. Nearly $700 on a typical car loan.

Remember that in 1994, the Federal Government spent $203 billion in interest on the Federal debt—more than it spent on education, job training, public works, and child nutrition combined. In 1994, Americans paid an average of $800 per person in taxes just to service interest on the debt—again, not to pay off the debt or even to reduce the debt, just to pay the interest on the debt.

We simply cannot continue to mortgage America's future. If we continue current tax and spending policies, future generations will be saddled with effective tax rates of more than 80 percent.

Mr. President, let's do what's right. Let's pass the fiscal year 1997 budget resolution. Let's do everything we can this year to preserve the American dream of economic security for future generations of Americans. Our children and our grandchildren deserve no less from us.

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

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me indicate in advance, I want to get consent in a second to proceed to some nominations. There are 34. We are still trying to clear others. I still hope we can clear some of the judges. I ask my friends on both sides of the aisle to see if they cannot come together here in the next hour or two and free up many of the judicial nominations. But we are making progress. I think this is some indication of that. I thank my colleagues and Senator DASCHLE and his colleagues.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that, in executive session, the Senate proceed en bloc to the following nominations on today's Executive Calendar: Nos. 490, 491, 492, 495, 496, 497, 540, 541, 542, 549, 550, 551, 552, 553, 556, 557, 558, 559, 562, 564, 565, 566, 567, 568, 569, 570, 571, 572, 578, 601, 602, 603, 604, 605, and all nominations placed on the Secretary's desk in the Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be placed in the RECORD; that the President be immediately notified of the Senate's action; and further, that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

LEGAL SERVICES CORPORATION

LaVeeda Morgan Battle, of Alabama, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 18, 1998. (Reappointment)

John N. Erlenborn, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998.

Edna Fairbanks-Williams, of Vermont, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998. (Reappointment)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Norman I. Maldonado, of Puerto Rico, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1999.

Luis D. Rovira, of Colorado, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Donna Dearman Smith, of Alabama, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 1998.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

William L. Wilson, of Minnesota, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

COMMUNICATIONS SATELLITE CORPORATION

Barry M. Goldwater, Sr., of Arizona, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1998. (Reappointment)

Peter S. Knight, of the District of Columbia, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1999. (Reappointment)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

C.E. Abramson, of Montana, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of three years. (New Position)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Elmer B. Staats, of the District of Columbia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001. (Reappointment)

NATIONAL MUSEUM SERVICES BOARD

David A. Ucko, of Missouri, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

Alberta Sebolt George, of Massachusetts, to be a Member of the National Museum Services Board for a term expiring December 6, 1998, vice Ruth K. Watanabe, term expired.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

Audrey Tayse Haynes, of Kentucky, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 13, 1998.

Mary Dodd Greene, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

Mark Edwin Emblidge, of Virginia, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

Toni G. Fay, of New Jersey, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

Richard L. Morningstar, of Massachusetts, for the rank of Ambassador during his tenure of service as Special Advisor to the President and to the Secretary of State on Assistance to the New Independent States (NIS) of the Former Soviet Union and Coordinator of NIS Assistance.

Dane Farnsworth Smith, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

George F. Ward, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Kenneth C. Brill, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Day Olin Mount, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Charles O. Cecil, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

David C. Halsted, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Prudence Bushnell, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Morris N. Hughes, Jr., of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

DEPARTMENT OF JUSTICE

John R. Lacey, of Connecticut, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1998. (Reappointment)

NUCLEAR REGULATORY COMMISSION

Hubert T. Bell, Jr., of Alabama, to be Inspector General, Nuclear Regulatory Commission.

NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of 2 years. (Reappointment)

DEPARTMENT OF DEFENSE

Robert E. Anderson, of Minnesota, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Lonnie R. Bristow, of California, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Shirley Ledbetter Jones, of Arkansas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2001.

IN THE COAST GUARD

Coast Guard nominations beginning Vincent Wilczynski, and ending James R. Dire, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1996.

Coast Guard nomination of Andrew J. Sorenson, which was received by the Senate and appeared in the Congressional Record of May 22, 1996.

STATEMENT ON THE NOMINATION OF AUDREY TAYSE HAYNES

Mr. FORD. Mr. President, I rise today in support of the nomination of Audrey Tayse Haynes to the National Institute of Literacy Advisory Board. Audrey Tayse Haynes, a fellow Kentuckian, is a distinguished community and business leader. She currently serves as the executive director of Business and Professional Women U.S.A. and the National Federation of Business and Professional Women's Foundation.

Audrey's credentials are outstanding and her background in education is exemplary. Aside from receiving her bachelors degree and her masters degree in social work from two of Kentucky's finest institutions of higher education, Spalding University and the University of Kentucky, Audrey served

as the executive director of the Kentucky Literacy Commission from 1989 to 1993. In addition, she has served as a member of both the Kentucky State Board for Elementary and Secondary Education and the National Association of Literacy Directors. She has also received the honor of being a distinguished recipient of the Martha Wilkinson Education Award.

Audrey Tayse Haynes has made significant contributions to the Commonwealth of Kentucky through her tenure as director of human resource development for the Kentucky Department of Mental Health and Retardation, as director of prevention and training programs at training and development resources and as a chemical dependency counselor. The combination of Audrey's background in education and human services with her excellent leadership ability make her an ideal candidate for the National Institute of Literacy Advisory Board. I wholeheartedly support this nomination and urge my colleagues to vote to confirm this deserving nominee. I thank the Chair and I yield the floor.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

WORLD TRADE ORGANIZATION

Mr. DOLE. Mr. President, I will not make a unanimous-consent request, but I will just say, again, a word about the WTO modification, the World Trade Organization.

As I indicated earlier this morning, it seems to me it is not a partisan measure. It just gives Congress some input, some authority and some responsibility. We know the American people are concerned about job loss, about exporting jobs and about all these international faceless, nameless bureaucrats who make decisions that might impact on their job. So it occurred to me the Congress should have some say, and we should be able to initiate withdrawal from the World Trade Organization.

I think if we go back and look at the past, we will find that most Presidents are reluctant to do that, regardless of party. So this would give Congress, Democrats and Republicans—probably working together—a right to initiate withdrawal from the World Trade Organization. To me, those who voted against NAFTA or GATT—this pertains only to GATT, the World Trade Organization—but this would be sending a very strong signal.

It would also, I think, be helpful; it might send a strong enough signal that some of our unfair competitors in foreign countries understand that we are serious about this. We are concerned about American jobs, whether they be in Georgia or Kansas, wherever, and that we in Congress are accountable. We are on the ballot every 6 years or every 2 years.

So I hope sometime before—let us just pick a number, say 2 o'clock—we can clear this and pass it. If not, I will leave it up to my friend from Georgia to take care of it after I am gone.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IDEA

Mr. DOLE. Mr. President, on April 14, 1969, I gave my first speech on the Senate floor. I spoke about people with disabilities—the challenges they face in their daily lives and how appropriate services can make a big difference by giving them a shot at opportunities others take for granted. Thus, as I leave the Senate today, it is with a sense of symmetry and continuing mission that I am pleased today to rise in support of the Individuals with Disabilities Education Act.

I might say, we hoped to have that cleared. There is some problem.

IDEA, as it is often called, gives States important financial help to educate students with disabilities and, in turn, provides students with disabilities with the guarantee of a free and appropriate public education.

Mr. President, there are some issues that transcend politics, foster a bipartisan spirit, and result in legislation that makes a real and lasting difference. In my view, disability has always been one of those issues.

Perhaps no legislation has been more important in improving opportunity for young people with disabilities than IDEA. In 1975, I was honored to help craft the first IDEA legislation.

At that time, as unbelievable some may find it today, millions of young people were not allowed into school, simply because they had a disability.

IDEA has helped change that, and IDEA is as important today as it was 21 years ago. But the world has changed, and so, too, must IDEA.

This latest reauthorization bill cuts administrative redtape, provides States more flexibility in spending Federal funds, demands greater accountability for educational results and helps educators maintain safe schools—without sacrificing any of the important protections IDEA gives students with disabilities.

I want to acknowledge the hard work of Senators FRIST and HARKIN. Their efforts have paid off in a good bill, and I congratulate them.

Mr. President, I do not know what judgments historians of the future will make of my record in the Senate. But, for me, I can think of no more important issue in a personal sense than disability, one that I have pursued with more constancy or greater pride, or has made a greater difference in people's lives. I hope others will reflect that what I did was right, not merely convenient.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1856 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, later today I will introduce a bipartisan commission bill on campaign finance reform, something I talked about in 1990—not last week or last year, and it is in the RECORD. In fact, Senator Mitchell and I even experimented with our own limits commission. The problem was there was not any enforcement there, so Congress did not do anything.

I am no rocket scientist, and I have been here long enough to know that if Republicans were in charge, we will try to have a bill better for us, and if the Democrats are in charge, they will want a bill that is better for them. I will introduce a bill later, along with a statement calling for a bipartisan commission which would have some teeth in it so, if they made recommendations, Congress would act up or down. I hope it is something we could get our arms around. It will not happen soon, but I think we need to focus on it.

We are into another election cycle. I know there is a lot of criticism by a lot of people about fundraising. None of us likes to do it. I do not. I believe we can address this in a responsible, objective way by finding people outside of politics who understand the problem and can deal with it and treat all of us fairly, whether we are, again, Republicans or Democrats. I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair advises that under a previous order, the time between 10 o'clock and 12 noon is under the control of the Senator from Oklahoma. The Chair recognizes the Senator from Oklahoma.

TRIBUTE TO SENATOR BOB DOLE

Mr. NICKLES. Thank you, Mr. President. I yield to the Senator from Kansas, Senator KASSEBAUM, 5 minutes.

Mrs. KASSEBAUM. Mr. President, I think it is appropriate that Senator DOLE, in one of his last acts of the Senate, introduced legislation to provide for security of the Medicare trust fund. It was his strong endorsement and leadership at the beginning of the

1980's that addressed the solvency of the Social Security system. Just yesterday, he was instrumental in bringing a number of us together to address the concerns of health insurance reform. It is my hope we can reach across the aisle and forge with the administration a lasting piece of legislation addressing many of the concerns regarding health insurance reform.

For nearly 18 years, Mr. President, Senator DOLE and I have served as partners in representing Kansas in the U.S. Senate and in working on many other issues. We have not always agreed, but far more often we have agreed. More importantly, Mr. President, we have respected each other's dedication. Today, that partnership ends, at least in its current form.

This day creates many mixed emotions. Like others in this Chamber, I will miss BOB DOLE's steady presentation and his can-do attitude that has helped the Senate through so many rough times. I know Kansans also view his departure with some trepidation.

At the same time, I believe that Senator DOLE has made the right choice by deciding to focus all of his time, energy, and skill on the Presidential campaign. It is a mark of his dedication and commitment that he would give up so much in order to bring his very best to the challenge at hand. It also, I think, marks his confidence.

In our years together here, BOB DOLE and I have created a spirit of cooperation and teamwork in representing our State. There is no one who understands middle America and grassroots sentiment better than BOB DOLE. That is where his roots are. We have joined forces many times to see the needs of Kansans were addressed and that the concerns of Kansans were voiced clearly and forcefully. I could not have asked for a better partner in helping me. I hope my support for him in those efforts has been worthwhile as well.

Our work together has ranged across the spectrum of issues and problems. Countless hours were spent helping farmers get through the credit crunch of the 1980's. No one understood that better than BOB DOLE. Today, there are family farms across our State and our Nation who still work their own lands due to BOB DOLE's leadership.

We have gone to bat repeatedly to assist our aviation manufacturers to get fair treatment in world markets. Today, there are thousands of aircraft workers producing airplanes that might never have been sold without BOB DOLE's firm hand and persistent efforts. Senator DOLE took the lead in the effort to rebuild McConnell Air Force Base in Wichita, KS, after a devastating tornado swept through the outskirts of Wichita. He saw to it that every small town in Kansas had a tornado warning siren to protect its citizens.

Mr. President, through all of these years, no challenge has been too large and no concern has been too small for Senator DOLE. Our State motto is ad astra per aspera, "to the stars through difficulties." I have never known Senator DOLE to not look at a challenge and find a way to address it. He has been a tireless champion for our State in every farm bill, every tax bill, every bill of any kind that touched Kansas and, more importantly then, by extension, the Nation. As a direct result of his efforts, our State is a better place to live, to work, and to go for school. His legacy is written not merely in laws but in a better life for every Kansan.

It is with a mixture of regret and pride that I say goodbye to Senator DOLE today. We will miss him deeply. I will miss him most of all. I know that there is other work for him to do now, other challenges to be met, and I have no doubt at all that he will do that job and meet that challenge. BOB DOLE is a remarkable man with an extraordinary life story, yet on this day all I can offer him is a heartfelt thank you for all that he has done for me and for Kansas and the Nation.

I yield the floor.

Mr. NICKLES. Mr. President, I thank the Senator from Kansas for her eloquent remarks. She has known Senator DOLE and worked with Senator DOLE maybe closer than any of us over the last several years. She, likewise, will be retiring this year and certainly will be missed by all of us in this body. She has brought a certain degree of civility that is certainly needed in this body. I compliment Senator KASSEBAUM for her statement.

Next, I call on Senator GRAMS from Minnesota.

Mr. GRAMS. I thank the Senator. Mr. President, I want to pay tribute to a man who, for 20 some years, while in the broadcast news industry, I used for sound bites and sources of information. I have now had the pleasure, over the last 2 years, to work with him in the Senate and am now able to call him a friend.

BOB DOLE's name alone stirs up many images among the American people. BOB DOLE—war hero, Congressman, Senator, party chairman, majority leader, Presidential candidate.

Yet, when I think of BOB DOLE, other words come to mind: midwesterner, mentor, colleague, and most of all, friend. I'm sure that all of us in this Chamber feel the same way, and today, we honor BOB DOLE, our leader, our distinguished colleague from Kansas, our friend.

As BOB leaves Washington to return home back to the heartland of our great Nation, I wanted to share some of my thoughts about this man whose life story and distinguished career reflects the very values we cherish most as Americans.

BOB was born and raised in Russell, KS—living the small town American life about which legends are made. His family was not wealthy; in fact, during the Depression, the Doles, like many families, had to put together just to make ends meet, moving into the basement of their home in order to rent out the rest of their house.

As a young man, BOB worked as a popular soda jerk at a local drug store, learning early on the lessons of hard work, fiscal responsibility and the value of a hard-earned dollar.

Growing up in Kansas taught BOB the importance of patriotism and sacrifice. It's not surprising that at the age of 19, BOB answered the call to serve his country by joining the Army to fight in World War II.

And by now, everyone should be familiar with the story of BOB crawling out of his foxhole during heavy shelling in the hills of Italy to save a wounded colleague, only to be hit by Nazi machinegun fire.

There are some for whom love of country and self-sacrifice are just phrases—words to be used for a holiday speech. For BOB DOLE, it is the standard under which he has led his life—a badge of honor he wears even today.

The 3 years and nine operations it took for BOB to rehabilitate required strength and perseverance, a burden too great for some to carry. But BOB DOLE was never one to give up—not even under the most difficult of circumstances.

His determination to recover and get back on his feet was backed up by the now-legendary support of his friends, family and community, when the people of Russell passed around a cigar box to raise the $1,800 needed to pay BOB's medical bills.

BOB has never forgotten their generosity. He still keeps that cigar box, the receipts and the love and support they represent in his office, and recalling those days still overwhelms him with heartfelt emotion.

Upon recovering from his war injuries, BOB wanted to give something back to his community—he chose public service. Since receiving his law degree in 1952, public service has been exactly what BOB DOLE's life has been about. Public service has led him all the way to the U.S. Senate, and now, the White House.

The character traits that BOB DOLE learned since his humble beginnings in small town America have been reflected in his everyday work as a Senator.

BOB has consistently worked for a Government that serves the people but is a accountable to the taxpayers who pay for it, and a society that is based on people helping people without creating a permanent dependency on Government.

These principles have been apparent in his efforts to balance the Federal budget, return hard-earned tax dollars to the middle class, overhaul the welfare system, and preserve programs like Medicare for generations to come.

I am proud to say that I had the opportunity to stand at BOB DOLE'S side during these debates, to have worked with him in making our Nation a better place for our children and grandchildren.

But BOB has been more than just a colleague—he's been my friend. When I campaigned for my seat in the Senate, BOB came into Minnesota five times. As a fellow Midwesterner, BOB knows my State, its people, and our heritage. Minnesotans like BOB DOLE; he is one of us.

BOB'S friendship extends beyond the 1994 campaign. Shortly after arriving in the Senate, I got caught up in one of last year's biggest fights over national policy: whether or not to include tax cuts in the budget. I promised the people of Minnesota that I would not support a budget that did not include tax relief for the middle class.

BOB understood my pledge, and though he could not, as Senate majority leader, take public sides on the debate, he privately encouraged me to stick to my guns, telling me not to give way on my principles. Sure enough, when the final budget came out, tax cuts were included, thanks in no small part to BOB DOLE'S support.

On May 15, I had the opportunity to join many of my colleagues in standing with BOB again as he announced his resignation from the Senate. Like many of those who heard the speech, I was moved by his words, particularly when he said to the American people: "I will stand before you without office or authority, a private citizen, a Kansan, an American, just a man."

I thought to myself about this man—a man who has served his Nation in times of war and peace with honor and integrity, who carries through when he gives his word, who has sacrificed so much of himself for the country he loves so dearly.

BOB is not a man who learned his political philosophy from a book, but instead, developed it as the result of his life experiences, from the people whose lives he has touched and whose lives touch him, and the commonsense wisdom one can only expect from a son of the Midwest.

It is with this wisdom and the good feelings of all of us who have known and grown to respect BOB that he closes this chapter of his incredible life story, only to open a new one—full of the promises and hope that have marked his life. And while I am saddened to see him go, I am comforted by the fact that the Senate's loss is the American people's gain.

I look forward to traveling with BOB across this great country, a country he has served with distinction throughout his life, and introducing to the American people, a man I am honored to call my friend, BOB DOLE.

Mr. NICKLES. Mr. President, I thank the Senator from Minnesota for his comments. I call upon Senator BENNETT from Utah for 5 minutes.

Mr. BENNETT. I thank the Senator. Mr. President, we here in the greater Washington area have been celebrating the remarkable baseball career of Cal Ripken. I sometimes do not like sports analogies, but I would like to draw on one relating to Cal Ripken, and other sports heroes, to give you my take on the majority leader, the Senator from Kansas, BOB DOLE.

We have sports heroes in the various sports that we follow in this country, who will have a brilliant season, and as a result of that brilliant season, be all over the papers as a tremendous performer. And then something happens and they fade from our consciousness.

If I can switch from the Orioles for just a moment and go back to the New York Yankees, I would like to talk about Roger Maris, who set a record for the most home runs in a single season. When you think of the primary home run hitter of the Yankees, you do not think of Roger Maris, you think of Babe Ruth, or of the modern counterpart to Babe Ruth, Hank Aaron. Babe Ruth had a brilliant season, with 60 home runs. But the reason we remember him is because he endured over a long period of time and set the record for the most home runs in an entire career, which stood until Hank Aaron came along and did more over an entire career.

We must judge Senators, public leaders, not on the basis of a brilliant season, or a brilliant speech, or a brilliant campaign, but by what they do over a long career.

BOB DOLE came to the U.S. Senate in 1969, the year Richard Nixon assumed the Presidency. I was in Washington at the time and had the privilege of serving in the Nixon administration. It was known around town that BOB DOLE was the "rookie of the year." BOB DOLE was the brightest star of the new Senators taking office as a result of the 1968 campaign. Now, did he have a single brilliant season? Fast-forward the tape. In 1976, BOB DOLE was chosen as the party's Vice Presidential nominee. It was not a flash in the pan in his first experience in the Senate. He was a national figure chosen to be number two on the ticket. That ticket failed. Did BOB DOLE fade? In 1985, after Howard Baker retired from the Senate, BOB DOLE was chosen by his colleagues to be the majority leader, and then he went on to serve longer in that position than any other Republican in history.

When we look at this man, we can pick out the brilliant seasons here and there, but the real legacy of BOB DOLE is the long career, putting together a string of brilliant seasons and a long legacy of service.

I remember, as a new Senator, listening to the then majority leader, George Mitchell, talk about service in the Senate. He said that it is a great honor to serve in the Senate of the United States, and that very few people have had that honor. And then he went on to say, with some truthfulness and a little wry smile, that many of those people disappear and are forgotten after they have left the Senate and leave behind no legacy whatsoever. He said that only a few make a serious difference by virtue of their service in the Senate. And then he said that one of those that we serve with, whom we know will be remembered for his towering contribution—and these are not his exact words, but I am not doing violence to them—will be BOB DOLE.

I thought that was a particularly generous tribute for George Mitchell to pay to his adversary across the aisle. That comes to mind now as we contemplate Senator DOLE leaving this arena in order to compete in another. It is not the brilliant season, it is not one particular campaign, or one particular legislative accomplishment that we remember. We honor the fact that this man has been at the center of American politics for longer than any of the rest of us, in a serious way, in the serious debates, addressing the serious issues.

So we wish him all the best, regardless of party, on a personal basis, and as a personal tribute to the fact that we have been privileged to serve with one of the great Americans of our history, the Senator from Kansas, the majority leader, our friend, BOB DOLE.

Mr. NICKLES. Mr. President, I thank the Senator from Utah for his excellent speech. I appreciate his comments very much. Next, I will yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I come to the floor of the U.S. Senate today to bid farewell to a friend, a leader, a colleague, and an authentic American hero. BOB DOLE embodies what is right about America. Seasoned by the values and humble atmosphere of small-town America, the experience of war, and perseverance through physical trials, BOB DOLE has earned the respect and admiration of us all.

He is a legendary legislator who is known for his honesty, integrity, and fair-mindedness. BOB DOLE is an authentic war hero who stood on the front lines in the fight against tyranny and sacrificed so that others may live in freedom. He understands the commitment and sacrifice necessary to protect and preserve freedom.

I would like to share a couple of stories with my colleagues, one having to do with a trip to France back in the mid-1980's. I had an opportunity to respond to questions from a French audience for almost 2 hours and at the end of that, had the opportunity to ask them a question. I told them I was going to be returning to America in a

few days, and I wanted to know what they would tell me to tell the people of Florida about what they thought of our Nation. The first several people who came and stood up said that we think of America as a great, dynamic, growing country, and one that is providing opportunities for millions of Americans.

The third person that stood up was a fellow who was probably his late seventies or early eighties, a little bit wobbly, steadying himself with a cane, and looked me square in the eye, and he said, "When you go back to America, you tell the people of your country that we will never forget that it was the American GI that liberated our little town."

The second story is the opportunity that I had, along with some of my other colleagues here on the floor of the U.S. Senate, to be in Italy with BOB DOLE at the time he returned to the battlefield where he was wounded and stood on the road as he looked over to the area in which he laid for 9 hours before being rescued. Later, we walked down the street of this little town where BOB DOLE laid a wreath at a monument in memory of those individuals who gave their lives in defense of freedom and liberation of Italy. As I stood by his side that day, I truly understood that this was a man who understood the importance of freedom; that freedom is the core of all human progress, and while the price of freedom may be great, there is no price so great as the loss of freedom.

We can see the mettle of the man in his decision to leave behind leadership of the U.S. Senate to pursue the Presidency. He is doing it because it is simply the right thing to do.

BOB DOLE has so much to give America through his experience and his wisdom. While this is a day of reflection, it is also a day of anticipation. I am confident that BOB DOLE is not done serving his country, and America will be better for it.

Thank you, Mr. President.

Mr. NICKLES addressed the Chair.

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

Mr. NICKLES. Mr. President, I thank our colleague from Florida.

I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank you, Mr. President. I thank the Senator from Oklahoma.

Mr. President, today we are saying farewell to our leader in the Senate so that he can become the leader of our Nation and of the free world. This is a remarkable man who can shoulder this great burden. This is a man who has shown that he is worthy of our trust. He has kept his promises to the American people, starting with balancing the budget. For the first time we are on a track to balancing the budget in 7 years due to the leadership of BOB DOLE. It is the first time in 40 years that Congress has made the decision that we must not burden our children and grandchildren with the kind of debt that has been built up by Congresses of the past.

This is a man who can be Commander in Chief of our country. He has respect for our military. He respects the people who have chosen to protect the freedom of America. He understands the need for peace—not through unilateral disarmament, but through strength. And he will not send our troops into harm's way unless there is a U.S. security interest. He has shown that through his leadership on the Senate floor to make sure that we do not commit American lives unless there was a U.S. security interest.

He has fought for the working American family. He grew up in Russell, KS. He knew poverty. He knew what it was like to struggle to make ends meet. That is why his priority was tax relief for the hard-working families of this country such as the $500-per-child tax credit and homemaker IRA's. It was Senator DOLE who led the way for the homemaker to have retirement security, just like those who work outside the home do. And it was Senator DOLE who passed that bill in Congress only to have it vetoed by President Clinton. He fought to lower the marriage penalty because he wants the American family to stay strong.

He has been a leader in the fight for women's health issues. During his time as majority leader, we have increased the spending for research on women's health care concerns. He is trying to make sure that we have a strong health care system—a strong Medicare system that will be there for those who will need it in the future.

He is fighting for the spirit of entrepreneurship to be kept in this country because he knows it is the small business people that make the economy grow and prosper in America and takes the new people into our system for jobs. He knows that, and that is why he is trying to provide regulatory relief.

We have passed the free trade agreements, so our small businesses are going to be able to compete for those jobs. Senator DOLE knows, and he has led the way for regulatory relief for our small business people so that they will be able to grow.

He has been a defender of private property rights because he believes in the fifth amendment to the Constitution.

Finally, Mr. President, he has been good for our border concerns. He is trying to help us deal with the severe problem of illegal immigration. He is doing that by trying to make sure that we have the help we need in the border States to meet these terrible issues that are of such concern to our country right now.

So we are saying goodbye today to our Senate leader, a man who has proven his mettle time and time and time again; a man who understands what America is all about and who has voluntarily said that he would rather be going out across this great country talking to the people who are working, who know what the problems and concerns are for the heartland of America. He would rather be out there talking to them one on one, listening to their concerns and telling them what he would like to do to make their lives better. He has chosen that over the traffic of Washington, DC.

He has his priorities straight. He wants to keep the American dream—his dream that every child in this country will have the same opportunities that he did to reach his or her full potential, and he means to make America a place that will allow that to happen.

So we are saying farewell to a Senate leader today, but we are saying farewell to a leader of this group so that he can take on the greater challenge with his spirit and his integrity of leading our great Nation in the free world.

We wish him farewell, and we will be with him out in the heartland of America talking to the concerns of the people of this country.

Thank you, Mr. President.

Mr. NICKLES. Mr. President, I thank our colleague from Texas for a beautiful statement.

I now yield 5 minutes to the Senator from Colorado, Senator CAMPBELL.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President.

Mr. President, it is a great honor for me today to join my colleagues in recognizing the outstanding accomplishments of one of the greatest Senators in this great institution: BOB DOLE.

This is a special day in history for those of us gathered here in this Senate Chamber. For on this day in 1775, the Continental Congress did something this body has been doing ever since—it appointed a committee. We have come a long way since then. But this committee's job was to write the Declaration of Independence which has protected our freedom and liberty ever since. The committee was composed of Thomas Jefferson, Benjamin Franklin, John Adams, Robert Livingston, and Roger Sherman. While no congressional committee has ever done a more important job, BOB DOLE's service of 36 years in Congress as legislator, Finance Committee chairman, and majority leader has had a profound impact on the course of our Nation.

Although he has worked on behalf of countless individuals, families and communities, BOB DOLE has stood out as a champion of veterans in Congress.

Therefore, as a member of the Veterans' Affairs Committee, I rise today and join with veterans from across the country and throughout this Congress in honoring a lifetime of achievement by my friend—a warrior, a leader, a hero.

In modern times, the word "hero" is often bandied around a great deal. But after much reflection, perhaps Ralph Waldo Emerson's perception of heroism best describes how so many of us feel about BOB DOLE. Emerson said: "The characteristic of heroism is its persistency. The heroic cannot be the common, nor the common heroic."

BOB DOLE is a man who has risen to uncommon and heroic heights. And, as it is with most heroes, he seldom speaks of his accomplishments.

He represents, I guess, the best of our country's warriors and heroes. The story of what he went through in 1943 while attending Kansas University and joining the U.S. Army is legendary. As a second lieutenant platoon leader, he went into training with the 10th Mountain Division, which was based in my State of Colorado. Perhaps his only mistake at that time was not buying the land around the training site, because that has become what we know as Aspen today. But certainly it was that highly trained infantry of the 10th Mountain Division that began the final attack April 14, 1945, which led to his wounds of World War II. He went off to war to defend the Nation and our freedoms. And, as a result of that wound, of course, he went through nine operations, which several other Senators have told about, and 2 years of recovery.

I guess, just to talk about wounds and recovery is one thing, but the Germans have a saying. They say, "He who laughs at scars has suffered no wounds."

When we think of the time it cost and the terrible pain Senator DOLE must have gone through, through that recovery time, we know there is a difference between talking about it and actually going through it.

BOB DOLE's legacy as a warrior, hero, and statesman reminds us of another outstanding American leader, President Dwight D. Eisenhower. Senator DOLE, then a member of the Kansas House of Representatives, first met General Eisenhower on a rain-soaked day in the spring of 1952 when the General returned home to Abilene, KS, to officially launch his Presidential campaign. It was most fitting, therefore, when Senator DOLE was awarded the Eisenhower Leadership Prize in 1995 by the Eisenhower World Affairs Institute for lifetime accomplishments which reflect Eisenhower's legacy of integrity and leadership.

As President Eisenhower said 41 years ago:

> Of the nations of today the future will say that there were two kinds: Those that were intelligent, courageous, decisive and tireless in their support of high principles—and those that disappeared from the earth. The true patriots give their best to assure that our country will also be found in the first of these categories.

BOB DOLE clearly stands among the true patriots.

As a decorated World War II veteran, his service on behalf of our Nation's veterans can be seen in four major areas: benefits, POW/MIA issues, education, and health care.

Veterans who have served their country deserve and have earned quality benefits. Toward this end, the Dole GI bill, introduced in 1995, revamps the veterans benefit program and brings it up to date and in line with the needs of veterans today.

He also authored legislation in 1996 to create the Veterans Transition Benefit Commission. Its purpose is to ensure that veterans leaving the military due to downsizing have access to the necessary assistance to return to civilian life in the most productive manner.

On the difficult POW/MIA issue, BOB DOLE has been in the forefront, seeking answers and helping families who do not know the fate of their loved ones. BOB DOLE is considered the 1970 founder of the POW/MIA League of Families. Since then, he has continued to assist families to get a full accounting and disclosure of the fate of their loved ones.

This past Memorial Day over 100,000 veterans converged in D.C. on The Mall, as they do every Memorial Day, angry in their belief that many people in government have abandoned them. BOB DOLE has not abandoned them, nor will he ever abandon the veterans of the United States.

In the area of veterans health, BOB DOLE has a special and deeply personal understanding of the importance of quality health care and the power of rehabilitation. He has worked to provide a service-connected presumption for certain diseases, expand the number of disorders for which former POW's could receive disability compensation.

Although we served in different wars, Senator DOLE in World War II and myself in Korea, we share with all veterans a unique perspective on life and country. If war teaches you anything, it is that the world is a mixture of vulnerability and enduring strength, and that it is the job of the human spirit to strike the balance we call peace. BOB DOLE has never wavered from the pursuit of peace.

This courageous leader understands so much about the price of freedom, and as he goes forth from this Chamber, let him know that our hearts, our prayers, and the hopes of all America's veterans go with him.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank Senator CAMPBELL for his outstanding statement.

Next, I yield to Senator THOMAS, from Wyoming, 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise today to join in the tribute to Senator BOB DOLE. Certainly, his accomplishments extend over many areas, but I want to limit my remarks specifically to health care.

His record is one that truly demonstrates compassion, dedication and selflessness. This is not a man who simply talks about quality health care. He knows the importance of it firsthand.

Of course, we all know the story, BOB DOLE's valiant service in World War II. He spent 4 agonizing years in a hospital bed. It was this experience that led to his commitment to give each and every American the security of knowing health care is there today and will be there tomorrow.

Proof of such dedication is reflected, not just in the way he votes on major issues, but also in smaller efforts like helping to keep a 12-bed hospital in rural Kansas open, or creating employment opportunities for persons with disabilities. These are little things that do not always receive a lot of fanfare, but over the course of 35 years, they build a solid legislative record.

As the Wyoming State chair for the Senator's 1988 Presidential bid, I came to know and understand the person who has so willingly fought the good fight to make insurance more affordable and accessible to all. For instance, during the 1970's, when many policymakers were advocating a nationalized health care system, it was BOB DOLE who recognized the flaws of such an approach. Rather than let the Federal Government be in control of individual medical decisions, he coauthored a more simple, practical piece of legislation, the 1979 Dole-Danforth-Domenici health insurance bill. The initiative aimed to improve access to health care, but in a manner that did not turn the reins over to Washington, DC. He had the foresight back then to keep reform affordable and free of Federal mandates. This same philosophy continues.

A few years ago when the Congress considered the Clinton health care plan, it was BOB DOLE who warned against the ill effects of federalizing our health care system. As an experienced legislator, he reminded Congress that increased taxes and price controls are not the way to improve coverage for the uninsured.

But, before I reflect on the Senator's more recent accomplishments, I want to highlight an issue near and dear to the hearts of Wyoming people—rural health care. In the 1980's, hospital closures were plaguing rural America and providers were vacating these communities for urban practices. To be exact, 237 rural hospitals closed during the

decade. There would have been more if not for BOB DOLE's commitment to a notable package of rural health care reforms. Reforms that improved Medicare reimbursement rates to small hospitals, created primary care centers, and recruited vital family practitioners. These solutions helped to revitalize our communities and gave rural families the same access to quality medical care as their urban counterparts.

As someone who hails from a town of 500-people, I know the importance of such measures. If a rural hospitals closes, it often devastates a community. Jobs are lost and individuals are left without care during times of a medical emergency.

Establishing a successful rural health care delivery system can be very difficult. Yet Senator DOLE and his staff have helped make that goal more plausible.

I am sure I speak for many members of the Rural Health Care Caucus when I say, "Thank you."

Mr. President, BOB DOLE's commitment to quality health care extends to senior citizens as well. Last year, when Medicare was projected to be bankrupt in 2002, it was our leader who fought to preserve the program well into the next century. His plan provided thoughtful solutions to complex problems while still maintaining spending increases for every senior citizen. Unfortunately, the President rejected the proposal, not because it did not do enough, but because it was politically expedient thing to do.

Despite the administration's refusal to save Medicare from insolvency, BOB DOLE continues to work on behalf of the elderly. Just 1 month ago, before he announced his intention to leave the Senate, he steered passage of an amendment to the Health Insurance Reform Act. The measure helps alleviate the burden of long-term care costs, which is becoming all the more important as nursing home expenses rise.

Mr. President, these are a few of the many accomplishments of BOB DOLE. Unfortunately, time does not permit me to list them all. But the purpose of reciting his achievements is not to boast about our longest serving Republican leader. Rather, it is to provide insight into the man who represents the State of Kansas.

He has served his State and his country well. He is one of the most effective and wise legislators of our time.

Great legislators should be measured by their actions, not by their words. BOB DOLE's actions on health care clearly state where his priorities are. So my friend, BOB DOLE, good luck. It has been a pleasure serving with you and I know you will continue to serve our country in the future.

I yield the floor.

Mr. NICKLES. Mr. President, I thank Senator THOMAS, from Wyoming, for his remarks.

I yield to the Senator from Rhode Island, Senator CHAFEE, 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wish to comment briefly today upon BOB DOLE's record in an area where I have devoted a considerable amount of time, namely the environment. Under BOB DOLE's leadership, we have been able to continue the proud tradition, the Republican tradition, of protecting our environment. That is a tradition that dates back to Teddy Roosevelt. It is interesting to note that BOB DOLE came to the Senate in 1969. Shortly thereafter the modern era of environmental law began to take shape.

In 1970, he supported President Nixon's creation of the Environmental Protection Agency, and he has supported every major environmental law since he arrived in the Senate; all of which have come about in the past 25 years.

What are some of these laws? The National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, Superfund, the Resource Conservation and Recovery Act to control hazardous waste, and on the list goes.

Mr. President, those bipartisan efforts have brought about an extraordinary, tangible change in our Nation. The successful protection of the environment has been called the greatest social achievement of the United States of the past quarter century. Let us consider briefly the successes we have had under the laws that were enacted with the help and support of BOB DOLE.

In the 15 years 1975 to 1990, automobile miles traveled in the United States increased by 70 percent. They went to 2.2 trillion vehicle miles per year in those 5 years—increased by 70 percent. But in the same period, hydrocarbon emissions were cut in half. Lead in the air, for example, has a terrible effect on the mental development of children, especially in congested inner cities. Because in the mid-1970's we mandated the use of unleaded gasoline, lead in the air has declined by 98 percent. That is an extraordinary achievement.

EPA has just completed a study showing that the positive effects of air pollution controls have been enormous. The study found that, in 1990, Americans received roughly $20 of value in reduced risks of death and illness and other adverse effects, $20 of value for every $1 of expenditure spent on air pollution control.

What about clean water? In 1970, only one-third of the lakes, rivers and streams in the United States of America were considered fishable and swimmable. Now, not one-third but two-thirds of the lakes, rivers and streams in America are considered fishable and swimmable, and the percentage continues to rise every year.

Since its enactment in 1973 by a vote of 99 to nothing, the Endangered Species Act has achieved remarkable results. Populations of whooping cranes, brown pelicans, peregrine falcons and many other formerly endangered species have come back from near extinction. So there is a lot of good news out there, and much of that success is due to BOB DOLE's leadership in this Senate.

Senator DOLE recognized early on the importance of dealing with the threats to our global environment. Under his leadership, the Senate approved, in 1987, the Montreal protocol, dealing with substances that deplete the ozone layer. Then that was followed by the 1990 London amendments to eliminate the production and use of chlorofluorocarbons, CFC's, and other chemicals that destroy our protective ozone layer.

Last year, BOB DOLE cosponsored a bill that was developed by the Committee on Environment to amend the Safe Drinking Water Act. The result was approval by the Senate in a recorded vote of 99 to nothing, and that is a tribute to BOB DOLE's leadership.

He was a key architect of this year's farm bill which demonstrated his interest and commitment to protecting the environment. The 1996 farm bill produced one of the most significant conservation packages ever enacted into law, and BOB DOLE was a key player in every step of that farm bill.

BOB was a champion of the free-market approach to controlling acid rain in the 1990 Clean Air Act amendments, and that free-market approach is working.

With his support, we are exploring similar approaches to protecting wetlands through mitigation banking and to create incentives for private landowners to protect endangered species—use the free-market approach.

Eighty-six years ago, the first of the great environmental Presidents, Teddy Roosevelt, said the following:

> Of all the questions which can come before this Nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us.

We have seen from his work in the Senate that those are sentiments that BOB DOLE heartily agrees with.

On a personal note, may I say it has been a joyful experience for me to have been associated with BOB DOLE for the past 20 years here in the Senate.

May success and happiness be in his future, and we wish him Godspeed. I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Rhode Island for his excellent remarks.

I now yield 5 minutes to Senator GRAMM from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, by his skill and courage, BOB DOLE has earned a place in history, alongside the modern giants like Lyndon Johnson and Bob Taft, as one of the greatest leaders in the history of the Senate.

I think it is fair to say that of all the people who I have worked with in my service in the House and the Senate, BOB DOLE is the greatest legislator, and I am very proud to have served with BOB DOLE in a period which inevitably will be called in the history books the "DOLE era."

BOB DOLE has my strong support and my deep affection as he leaves the Senate he loves to fight for the leadership of a nation that he loves even more. I think for many of us here today, this is a sad moment. BOB DOLE has been the leader of the Republicans in the Senate every day that I have served in the Senate. My first vote that I cast 12 years ago when I came to the Senate was a vote to make BOB DOLE the majority leader.

I have known him as an ally and an adversary. I think I can say I know BOB DOLE pretty well. I know that he is a good and great man. I know that as Americans get to know him in the coming months that they are going to conclude that he has the leadership and the convictions that we need to change America.

So as he leaves us in the Senate, I am delighted that he is leaving us to seek higher service, and I am confident that he is going to get an opportunity to provide that service. I am very proud to join his colleagues today in paying tribute to him, the greatest legislator of his era, as he serves his last day in the Senate.

I yield the time that is remaining back to the Senator from Oklahoma.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator GRAMM for an outstanding and very strong statement.

I now yield to Senator SNOWE from Maine 5 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from Oklahoma for yielding this time.

I rise today to join my colleagues in honoring the preeminent Republican leader in the history of the U.S. Senate, Senator BOB DOLE. Throughout his distinguished career, Senator DOLE has served the people of Kansas, as well as this Nation, with honor, distinction, and integrity.

We gather on this bittersweet occasion to pay tribute to a remarkable man for his lifelong commitment to America, as well as his unparalleled leadership in this august institution. As President Reagan said so eloquently in describing Senator DOLE as a leader, "It's not just a job description, it's a description of the man."

His leadership has touched virtually every aspect of public policy, but I would like to speak specifically on a topic that has been of paramount importance to me throughout my career—an area where Senator DOLE has been a champion, an area where he has made a difference, and that is on behalf of America's women.

Mr. President, Senator DOLE's commitment to ensuring fairness and opportunity for America's women is not a newfound phenomenon. In fact, it has always been an integral part of who BOB DOLE is. Throughout his career, Senator DOLE has fought to make America what Susan B. Anthony called the "true Republic: men, their rights and nothing more; women, their rights and nothing less."

In his personal and professional life, BOB DOLE has been guided by a singular belief that every individual—regardless of gender—has the right to fulfill his or her God-given potential.

BOB DOLE has always known that we cannot have a truly representative democracy unless women are represented at every level of government and society. Not content just to rely on words, he has taken action.

As chairman of the Republican Party, over two decades ago, he appointed the first woman in the history of the party as deputy chair. As Senate majority leader, he appointed the first woman as Secretary of the Senate. And he was the first Senate leader in history, Republican or Democrat, to select a woman, whom we all have known, the extraordinarily capable and talented Sheila Burke, as his chief of staff.

It is not just women on the Hill who have benefited from Senator DOLE's efforts. The lives of women in small towns, big cities, and everywhere in between in America have been improved as a result of Senator DOLE's leadership.

From his Retirement Equity Act of 1983, which protected women from an arbitrary pension system that left them without a pension after their husbands died before retirement age, to his Sexual Assault Prevention Act, which finally expanded the rights of women after years of taking a back seat to criminals in our justice system, BOB DOLE was at the forefront of the fight to guarantee economic opportunity and personal safety.

BOB DOLE recognized that 2.5 million women are battered annually, the single greatest cause of injury to American women, and he saw that as being unconscionable. It was under his leadership that the Violence Against Women Act was fully funded for the first time ever.

But his leadership did not end there. Senator DOLE also recognized that the highest echelons of corporate America did not reflect the true landscape of this Nation. Where others did not or would not, BOB DOLE saw barriers which are rarely penetrated by women, and he believed those lines were made for crossing. As Senator DOLE himself has said, "The issues boil down to equal access and equal opportunity." BOB DOLE knows there is something wrong when women are not represented in the upper levels of management in corporate America, and that is why he authored the Glass Ceiling Commission, the first ever Federal commission that created the most comprehensive report on how business could make full use of our Nation's human capital.

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

Mr. NICKLES. Mr. President, I yield the Senator from Maine an additional 2 minutes.

Ms. SNOWE. Mr. President, Senator DOLE's commitment to women goes beyond the workplace. Under his leadership, the Senate passed legislation to provide Medicare coverage of a drug that was proven effective in the fight against breast cancer. He created a tax credit for expenses associated with the long-term care of elderly spouses who are sick or family members, especially important for women because they represent 78 percent of our Nation's primary caregivers.

For those who found themselves in need of a helping hand, BOB DOLE has been the driving force behind meaningful, compassionate welfare reform, to transfer welfare into workfare and move people from the welfare rolls to the payrolls. He made sure it was not done on the backs of children by ensuring that we inserted $3 billion in additional child care funding, and this bill passed the Senate with 87 votes.

In another commitment to women and families, he joined with me in providing for tough child support enforcement provisions to send a message to deadbeat parents that the days of parental irresponsibility are over.

The bottom line is, Mr. President, the record goes on and on. The record shows that when it comes to America's women, you can count on BOB DOLE.

Finally, on a personal level, I would like to express my deepest appreciation for Senator DOLE's friendship and wise counsel over the years, not only here in the U.S. Senate but throughout my years in the House of Representatives. As he takes leave of this institution he loves so much, he and Elizabeth take with them our profound respect, our great admiration, our heartfelt friendship, our deep gratitude and our prayers for Godspeed as he and Elizabeth embark on an exciting and historic new chapter in their lives.

I am reminded of what Winston Churchill said when the tide had

turned in favor of the allies. He said this:

This is not the end. It is not even the beginning of the end. But it is, rather, the end of the beginning.

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

Mr. NICKLES. Mr. President, I thank Senator SNOWE for her outstanding comments.

I now yield 5 minutes to the senior Senator from Wyoming, Senator SIMPSON.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it is my great pleasure to comment about my friend BOB DOLE. We have heard all of the facts and the extraordinary history of the man's life and his life in the Senate, and it indeed is extraordinary. We all have known that. He is the very best—the very, very best.

I will be saying much about this man in the next months, for this is a leader, a real leader, not just in the title he held but way down inside, and that is a gift. That is the ability to lead, to engender trust and loyalty and the admiration—even grudging sometimes—of your toughest adversaries, and he has had that and it will serve him well.

One of the great and singular honors in my life was to serve as his assistant for 10 years. I was his first lieutenant. He was the captain. We had a pretty good platoon, a good company, too, and a good battalion. It was one wonderful run. I must say that some joy of it was lost, was sometimes when we took our work too seriously—but we never took ourselves too seriously. When you have a couple of gentlemen with a rather spirited sense of humor, it does spark up and brighten the day. I love those types.

I learned much from this man. I learned not to judge, to try to make things work, to have ultimate patience. That is what I really have not learned yet. It is out there though. He gave me some good tips. In those times, I found this man to be true, honest, and so natural, a very remarkable gentleman. By taking leave from here in this honorable way, the American people will come to see him as we do, as I do—fair, strong, firm, a man of great resolve.

With this extraordinary woman Elizabeth at his side, Elizabeth Hanford Dole, they will surely captivate and unite this country in their quest, for she is a person of great personal faith and an inspiration to many of us. And his daughter Robin too, what a fine woman, making a fine impression all over America, as she is deeply involved in the campaign activities. Those are the things we will see the BOB DOLE family doing in these months to come.

A legislator, a listener, a loyalist. No one served President George Bush with more loyalty than BOB DOLE. He was always supporting the man who defeated him, supporting him to the hilt. That is class.

I have no sadness. No, I am excited to know that this man will be out there in America, and that the people of America will see what we here have always seen in this man, a man of deep, personal conviction, a man of deep moral fortitude, guts, always telling the truth, and the strong leadership—a man who can make a decision and stick with it. Bold and courageous are other examples of his leadership—purposeful, direct, and decisive.

So here we go. He will seek this job in the same way he has sought everything in his life, with that great energy, from that spirit. He has great capability, so very competent, and we will all see this man as a deeply sensitive man, a decent—very decent—and caring man. I think America is longing for that.

I wish him well, with this magnificent woman of charm and grace at his side. God bless them both for, indeed—he is all the man there is.

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

Mr. NICKLES. Mr. President, I thank Senator SIMPSON for his comments and for the excellent working relationship that he has enjoyed with Senator DOLE over the years. As all of us know, he is retiring as well. Certainly, he will be missed. His wit and wisdom will be missed in this body, as well.

I yield 5 minutes to the Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, today the Senate loses its leader, but our Nation and its people gain a leader. What this country needs at this time is to see a good example coming from its political leaders. What this country needs is moral leadership. It is truly lacking, of course, in the current White House. I have been speaking out on this subject of lack of moral leadership, with several specific examples of that failed leadership by the President and First Lady, since March 19.

It is not enough to call BOB DOLE a friend, a steady presence in the Senate, an ally. It is more important to know his qualities. These qualities are what make BOB DOLE a leader. Above all else, BOB DOLE has earned respect. You gain respect, Mr. President, by first showing respect for others. He has done so. He has shown respect for his fellow Kansans, for working men and women of America, for America's farmers, for the small business entrepreneur, to his colleagues, for his party, but, most of all, respect for America.

When you get BOB DOLE, you get someone who will do what he says he will do. That means you get a man of integrity. You get a person of accountability. He does not point the finger. The buck stops with BOB DOLE. He takes responsibility for his actions. That is important, Mr. President, because this is what America needs and needs right now. At a time when public cynicism is riding a crest, fueled by the actions from current leaders in the White House, we need BOB DOLE's tie of leadership, because historically, the best leaders are those who have integrity, who demonstrate fairness, and who have compassion.

If I have learned nothing else about BOB DOLE in my 16 years serving with him in the U.S. Senate, it is that he is a person of integrity, a person who treats people fairly, and a person who has and demonstrates compassion. One of the best experiences I have had with BOB DOLE was campaigning with him in my State of Iowa. The first time was in 1988. The next time was this year. Whenever I introduced BOB DOLE to the people of Iowa, I introduced him as one of us. Iowans knew right away exactly what I meant. It meant that BOB DOLE has the same roots as we have—Midwestern, small town, rural, traditional values. He never forgot where he came from and how he got there. That is the mark of a humble public servant. That is what our country so desperately needs today.

Yes, I will miss BOB DOLE as a friend and a political ally. I will miss him more as a leader. I take comfort in the fact that in losing a leader, the country is gaining one. For that, I can only be truly grateful.

I say to citizen DOLE, your new journey of a thousand miles begins with this first step that you are taking today of leaving the Senate, saying goodbye to the people's branch of Government, and going out among the people themselves. I wish you, BOB DOLE, great success as our future leader.

Mr. NICKLES. Mr. President, I wish to thank Senator GRASSLEY from Iowa for an outstanding statement.

I yield 6 minutes to the Senator from Oklahoma, Senator INHOFE.

Mr. INHOFE. Mr. President, while I was presiding, I listened to the accolades and the very warm remarks that have been aimed toward our leader, BOB DOLE, and so richly deserved by Senator DOLE. I could think of only two characteristics that have not been brought up yet. They came from two experiences that I had.

One was back when I was a very fresh, new, freshman Senator. I happened to have been supporting PHIL GRAMM for President of the United States, who was a primary opponent of BOB DOLE's, only to find that he and I had a trip to take together from Washington out to Independence, KS, since we had been active in getting a very significant product liability bill passed that put America back into making airplanes again. I got to thinking of traveling all the way with a guy when I was actually opposing him. I was very uncomfortable about it. I can tell you during the entire trip, you would have

thought I was his, BOB DOLE's, chairman. I have never seen a person so absolute in his forgiveness and understanding.

Second, a couple of years ago I can remember when BOB DOLE was coming in to do a fundraiser for me at 7:30 in the morning in Tulsa, OK. By coincidence, it happened to be the morning after the night they considered President Clinton's soft-on-crime bill. BOB DOLE was really wrapped up in that. That was one of the disappointments he had. He lost it by one vote.

He got on a plane, it had to be sometime after midnight, came all the way to Oklahoma in a driving rainstorm, and was there at 7:30 in the morning. His staff was exhausted. He looked like he was just showing up for his first prom.

I have never seen a guy with energy like he has. The two characteristics, boundless energy and compassionate forgiveness, are two characteristics that will serve America in a grander way. What a guy.

Mr. NICKLES. I thank Senator INHOFE, my colleague, for his statement.

I now yield 5 minutes to the Senator from Washington, Senator GORTON.

Mr. GORTON. Mr. President, nothing I can say here today can add to the richness or the depth of the picture that has already been presented over the course of the last 2 weeks or so by other Members of this body and by those outside of this body with respect to our candidate for President and our retiring majority leader, Senator BOB DOLE. All I can do is to take that photograph from a very slightly different angle and, I hope, make it at least a slightly deeper photograph of a great man.

This is important, however, because the BOB DOLE we, who have worked with him for a year or for a decade, know is not the BOB DOLE as he has been pictured to our fellow citizens all across the United States. It is exactly for that reason, of course, that he is leaving us and his magnificent and, I believe, rewarding career in this body to share his real character, his real personality with all of the people of the United States in his quest for the Presidency.

BOB DOLE is, I think, first of all, a man of extraordinary patience—perhaps the single most significant requirement for a leader of a body of 99 other Members, all of whom most of the time feel that they are in possession of absolute truth or the precise way in which the Senate should conduct its business.

BOB DOLE seems never to have lost a sunny equanimity, even under the most difficult circumstances. His wit seems never to have deserted him. His willingness to listen to advice and counsel—almost always unsolicited—seems to have been infinite, and at the same time that he has been willing to listen and been willing to consider the views from disparate sectors, he has been possessed by a deep dedication to principle, to direction, and to love of country.

On the one hand, people in politics are criticized for being too rigid and not understanding and, on the other hand, for being too compromising. BOB DOLE is neither. He has that rare combination of a dedication to principle and a willingness to listen and to accommodate the principles and ideas of others, which has made him a great success, has caused him to be the longest-serving leader of this party in the history of the U.S. Senate.

And so because of those winning traits of personality and those deeper traits of character and principle, each of us who remain here in the Senate will be slightly the lesser by reason of his leaving. He, on the other hand, will be the better for it—for this surprising and principled decision, for his willingness to present himself to the American people without the protection of any office on which to fall back.

I believe, Mr. President—and I believe firmly—that this open risk-taking, courageous BOB DOLE, whom we have known for as long as each of us has been in the Senate, and whom his friends, neighbors, and family have known from his youth, will become increasingly known by, respected by, and loved by the people of the United States as he presents these traits of character and personality to them during the balance of this campaign.

So we wish him bon voyage, the best of good luck, and we wish to the American people a new President with all of these wonderful characteristics for leadership and for making our country a better and stronger place in which to live.

Mr. NICKLES. Mr. President, I thank Senator GORTON from Washington for an outstanding statement.

I yield 5 minutes to Senator ASHCROFT from Missouri.

Mr. ASHCROFT. Mr. President, when Abraham Lincoln walked onto the battlefield at Gettysburg to commemorate what had been done there, he succinctly encapsulated the understanding that deeds far surpass words in terms of value. He said, "The world will little note nor long remember what we say here, but it can never forget what they did here."

We are not talking this morning just to be talking, to be saying things, but it is a way of helping people understand what BOB DOLE has done, who he has been, the depth of his care, and the breadth of his knowledge of how we need to proceed in America. It has been properly said that the world does not care how much you know until they know how much you care. And because BOB DOLE has not been a person to sound his own trumpet, to tell people about himself, I think people have mistaken him. They have not understood how much he cared, because BOB DOLE has been a person who has answered the call every time the call has come. He has not only answered the call, he has answered the call with everything—everything—at his disposal, the entirety of his existence.

In 1945, BOB DOLE nearly gave up his life—and there would have been those who said it was gone—to the call of duty. And, today, he relinquishes the power and prerogatives of policy development in the Senate because he, similarly, will pursue a call from his country, a call that we are pleased that he hears, a call to shape the tomorrows in which we live, a call to reestablish the fundamental values of American greatness, to align himself with the virtues of the American people, rather than the vices of a system that has really guided us down the wrong path.

In 1945, Lt. BOB DOLE volunteered to lead his company to take out a German machinegun nest. He scrambled out of a shell hole in order to rescue a fallen comrade. The Germans sighted DOLE and blew apart the right side of his back. Few people would have had the courage to live as he has lived. He willed himself to recovery, with God's help, and with the help of his neighbors. He willed himself to law school, and he willed himself to run for office.

Many of the medical experts at the time had given up on BOB DOLE. A doctor from Chicago decided to try some things that were virtually experimental and gave his services. The people of Russell, KS, donated their nickels, dimes, quarters, and dollars in the cigar box at the pharmacy down on the corner to cover the expenses.

BOB DOLE made a commitment that he would be an individual of service. We need that kind of determination. We need that kind of grit. We need individuals who have looked the very most serious of all circumstances in the face and have said, "With God's help, we can overcome, we can prevail." And that is BOB DOLE.

Well, America needed BOB DOLE when, in 1945, he was willing to give himself totally. They needed him when he went to the U.S. House of Representatives, they needed him when he became a Senator, and it needs him today.

All of us know the statistics. A child born today will end up paying $187,000 in interest on the national debt if we do not do something about it. BOB DOLE has devoted himself not just to a balanced budget—sure, he sent two balanced budgets to the President this year—but to the structure of a balanced budget; that is a balanced budget amendment to the Constitution.

BOB DOLE knows that American families spent about 3 percent of their income on taxes in the 1950's, and now we spend almost 40 percent. He understands that Americans have an ability

to spend on themselves and to do for themselves, if Government will stand aside. He understands that, for a long time, Washington has acted as if Government were the answer—faith in Government, governmentalism. He knows that is not the solution, that Washington's one-size-fits-all solution is not the way to solve this Nation's problems. He knows that when we placed that faith in Government, instead of ourselves, we injured ourselves.

BOB DOLE really is going to go to the American people and say: You have the quality, the character, and the capacity to do those things that are necessary to shape the next century constructively. I am delighted that he has so much commitment to this responsibility that he would say, "I walk away from the U.S. Senate in order to offer myself to the American people."

When the American people learn about BOB DOLE and get to know him the way we in the Senate know him, they will ask and demand that he be President of the United States. It will be a pleasure, as a Member of the U.S. Senate, to remember his outstanding service to the people, not just in the military, in the House and the Senate, but as the leader of this Republic. I am grateful for the opportunity to make these remarks regarding our majority leader.

I yield the floor.

Mr. NICKLES. Mr. President, I compliment the Senator from Missouri. That was a truly outstanding statement. I want to announce to my colleagues that I have several colleagues seeking a lot more time than we have available. I hate to disappoint colleagues because I know many wanted to speak prior to Senator DOLE's speech at noon. We may not be able to accommodate everybody. I cannot accommodate everybody on the floor, and that disappoints me greatly. If I stay on the order of requests, the Senator from New Mexico actually has been here for some time, and I know the Senator from Arizona has also. We actually have a unanimous-consent request that would allow Senator BYRD to speak at 11:30. And the Senator from Virginia and the Senator from New Jersey would like to speak. That makes it very difficult.

I would call on the Senator from New Mexico. I yield 5 minutes to the Senator from New Mexico.

If my colleagues could not spend all of that time it would be greatly appreciated.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you very much.

Mr. President, fellow Senators, I think what I will do is start with wit. I think everybody remembers BOB DOLE for a lot of things. I am going to mention five or six that make him my great friend. But I want to hearken back to a budget debate in 1990 that was a brief moment when we were going to have a shutdown even back then for a very short period of time. And the tourists in the community were all kind of in turmoil because of various things that were going to be closed. And Senator DOLE said the following: "If you are hanging around with nothing to do and the zoo is closed, come over to the Senate. You will get the same kind of feeling, and you will not have to pay for it."

Mr. President, nobody should think that a statement like that in any way denigrates this great man.

I am really at a loss to say goodbye to him. But I am quite convinced that he is leaving as a legend. He leaves a legacy of leadership second to none in the entire history of the U.S. Senate. He leaves a legacy of laws and concerns that are so broad and so deep that I am doubtful whether his story ends in looking over the entire panorama of Senators from the beginning. I am very doubtful that they will find a Senator with such a legacy.

Let me start with senior citizens. In 1983, Social Security was going bankrupt. Who took the lead in the Senate to make it solvent for 30 to 40 years? Senator BOB DOLE. When it comes to the young people of America, some people choose to talk about programs. I choose to say BOB DOLE's deep and abiding concern for our young people is epitomized by his constant fight to live within our means so that we do not have to have our children and grandchildren pay our bills. Everything, from seniors to children and everything in between, has received the attention of this great man.

In fact, I will find it difficult. I think my feet will find me walking down that hall and my feet will find me going into that office because I have done that so many times when we needed leadership.

The legacy of leadership that he leaves will be sorely missed, and only history will indicate its true depth. Besides having wit, without which it is tough to run the Senate, he had courage. Can anyone forget the night when we wheeled Pete Wilson in? He had an appendectomy. We brought him in here from the hospital bed so we could get the vote, and so that Vice President Bush voting from the Chair could assure us of what would have been a balanced budget long before today that failed not because of BOB DOLE's leadership but because of something else.

So anybody following him better know that they better be honest; they better tell the Senate the truth for he knew no other way.

As he leaves, there is a bit of sorrow and even sadness, at least in my heart. But in a very real sense I am very, very happy because I think the American people now have a chance to meet, to know, and to understand the BOB DOLE that we know. If they get that chance, he will be the next President. He will be the next President of this great land where the same leadership that he gave to us will be there for everyone.

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

Mr. DOMENICI. I yield the floor.

Mr. SPECTER. Mr. President, I join my many colleagues in expressing my congratulations to Senator DOLE for a historic career in the Congress of the United States, which ended with his resignation today, and I also express my regrets that we will no longer have ROBERT J. DOLE as our majority leader and as our Republican leader.

I speak for both the Commonwealth of Pennsylvania, which I represent, and in a sense, also for Russell, KS, because Senator DOLE and I both grew up in Russell, KS. I moved to Russell from Wichita when I was 12 years old, so I have known Senator DOLE for a good many years. My father, Harry Specter, was a friend of his father, Doran Dole. My dad was in the junk business, and the only scale big enough at the time to weigh the junk yard truck was the Dole scale and elevator run by BOB DOLE's father. Our brothers, Kenny Dole and Morton Specter, both passed away at the same time, approximately 3 years ago.

Senator DOLE's story is a story like Horatio Alger, except that BOB DOLE's story, compared to Horatio Alger, looks like Horatio Alger was born with a silver spoon in his mouth. Both the Doles and the Specters, figuratively, lived on the wrong side of the tracks. It is a true story that the Dole family, during the depression, moved out of the first floor of their home to live in the basement to help defray expenses at a very tough time when Kansas was a dust bowl. BOB DOLE grew up and worked at Dawson Drugs at the soda fountain. There is sort of a legendary and famous story about how he would flip the ice cream and catch it behind his back. I recounted that story not long ago on a campaign appearance for the Presidency in Delaware County. BOB added that sometimes when the ice cream fell to the floor, it became a chocolate shake. He went to college—a tough thing to do in the early 1940's. Russell High School had the State debating championship, but BOB DOLE chose not to be a debater. He was a renowned high school athlete. And then we all know of his heroics during World War II, and of his injuries and how he laid his life on the line. He did not suffer loss of life but did suffer loss of limb, and came back with a phenomenal rehabilitation. So he has a real understanding of what it is like to pull yourself up by your bootstraps when you have neither bootstraps nor arms to pull yourself up by; and has a real feeling for the disabled; and a real understanding of the need for medical

care; and a real understanding of what it is like to be an underdog. That historic, monumental rehabilitation has been recounted on many occasions.

Then he became a State legislator while going to law school. He came back and was county attorney, in Russell, KS. He told the story today about how his parents had been Democrats and how he became a Republican, checking the local registrations. I originally heard the story in Russell, about how he was courted by both parties to become their nominee for county attorney and then checked the registration in Russell County and found it was 2 to 1 Republican. And as Senator DOLE has said previously, as a matter of conscience he instantly became a Republican. And then so much of the rest is history: Elected to the House of Representatives in 1960 serving four terms, and then to the U.S. Senate in 1969.

I have had the privilege of serving with him in this body for the last 15½ years. I watched him, as the chairman of the Finance Committee, and he did a really extraordinary job in that capacity. It was in that capacity that I think Senator DOLE earned the confidence of his colleagues for the leadership position that he sought in 1984.

I recall the 1982 tax bill, when Senator Baker, then the majority leader, stood at the leadership position, and at 11:45 p.m. on that complex bill said that there were 63 amendments pending, amendments like mushrooms grew overnight, and that we were going to plow ahead. Standing beside him was Senator DOLE, the chairman of the Finance Committee. Senator Baker said Senator DOLE thought we ought to persevere. We worked through the night, as it was Senator Baker's custom to do on occasion. There were, perhaps, half a dozen rollcall votes, many more voice votes, many amendments dropped. At 6:30 a.m. we walked out of the Chamber having finished an extraordinary bill, which showed BOB DOLE's leadership.

Then we had the extraordinary election for majority leader in 1984, contested by Senator TED STEVENS and Senator PETE DOMENICI and Senator DICK LUGAR and Senator Jim McClure. We had to have a series of ballots. First one dropped and then the next and then the next. And finally—and I happened to be sitting next to Senator DOLE on the left-hand side of the Chamber in the rear of the whole Senate when Senator DOLE won by a narrow margin of 28 to 25; two votes changed and Senator DOLE went on to be the leader. I was in the photo in the scene when Senator DOLE shook hands.

He was an extraordinary leader in many, many ways. Always a conciliator, always with a velvet touch. Some of us were not too easy to lead, in terms of the votes. But never a demand, never a ruffled feeling, never a sense of pressure or, certainly, not undue pressure.

I recall legislation changing the Grove City decision by the Supreme Court of the United States, as illustrative of what Senator DOLE would do. Senator Packwood and Senator HATCH were on opposite ends of the issue. Suddenly Senator DOLE came up with compromise language. In unison, Bob Packwood and ORRIN HATCH said, "But that is unsatisfactory because it will leave the issue open to controversy as to what it means." Senator DOLE smiled and said, "That's the perfect solution." It wasn't quite that language, but Senator DOLE got it worked out.

Today's speech by Senator DOLE, I think, was historic. I hope he can continue to speak with the same easygoing manner, the same light touch, the same sense of substance, and at the same time, the same sense of humor. Because I think if Senator DOLE does that, he will really establish a rapport with the American people for his next challenge.

In a sense, Senator DOLE's farewell address to the Senate has significant similarity to George Washington's farewell address. It was a different time, a different tempo, different tenor, but I think it was a historic farewell address. This Chamber was filled with respect and admiration, and, really, love.

I do not know, if on prior Senate occasions, there has been a recording of the time sequence for the length of applause, but that event speaks for itself as Senator DOLE moved from one part of the Chamber to the other, surrounded by his colleagues, both Democrats and Republicans; many of the colleagues expressing themselves on more than one occasion.

Then a few of us who were privileged to be his fellow Republicans in the Republican caucus had an opportunity to hear Senator DOLE's last speech in the Mansfield Room. The balcony, now named for Senator DOLE, as we have paid tribute to a few of our colleagues by memorializing their presence, became that accolade.

Then, at 3 or a little after 3, a number of us were waiting outside in the boiling Sun to watch him walk down the Senate steps for the last time, at least the last time on the day of his resignation. The steps were filled with well-wishers, staff, and citizens from all walks of life. He came down and it was a symbolic transition from the U.S. Senate, where he had achieved such heights, walking out as citizen DOLE, to see the people of America.

When he finished saying goodbye to his colleagues on the steps, he moved across the yard to greet Americans who were waiting to see him, smell him, touch him. From there he moved over to the large crowd that was assembled between the two chambers. I think it was a very, very significant and a symbolic move, as he has left the U.S. Senate in his quest for the Presidency of the United States.

It was obviously not an easy decision for ROBERT J. DOLE to make, to leave the embellishments and accouterments of office, as majority leader, one of the loftiest positions in the Government of the United States or in the world. But he did so in his quest for what he saw as a higher calling.

In the contemporaneous time period with his departure, he addressed one of the toughest issues in America, the issue of abortion, which has been the most divisive issue facing America since the Civil War, with his characteristic and traditional Solomon-like judgment. It is a political issue, but worthy of a moment or two, leaving the Republican platform intact to accommodate one segment of the party and offering the olive branch, the spirit of tolerance and the big tent to another segment of the party. Almost, in a sense, squaring the circle and accommodating almost seemingly irreconcilable differences. But that has been the life of Senator DOLE. That has been his tradition as a young man growing up on the plains of Kansas where he learned, really, fundamental American values—accountability, integrity, honor, and trust, serving his Nation so well in war and serving his Nation so well in peace.

Seeing him go is a tough thing for all of us who have known him, in many ways over the years. We wish him the very best as he continues in his quest to serve America.

I ask unanimous consent that my comments appear in the CONGRESSIONAL RECORD in advance of Senator DOLE's statements. All of us could not be recognized in the limited time before he spoke today, and although it is obvious on the face of my comments that they were made after he spoke, I would ask they appear in advance of his text, including my unanimous-consent request, so the sequence makes some semblance of sense.

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

Mr. BOND. Mr. President, today we pay tribute to a man who has served his country ably and well for well over 50 years, and who will be remembered for his leadership of an institution that is not easily led.

From his humble beginnings in the town of Russell, KS, BOB DOLE has taken seriously, and has exercised responsibly, his call to serve. While those of us who have served with him in this institution are disappointed to see him go, and will miss him, he has greater challenges and rewards ahead. I believe BOB DOLE will go on to engage this Nation in a critical debate over the next few months about where America is headed as we approach the turn of the century. The United States, and the office of the Presidency, need BOB DOLE's leadership desperately. The words "noble" and "man of integrity" are not often used to describe the current occupant of the White House. Yet they are

words that come to mind immediately to describe BOB DOLE.

BOB DOLE did not shirk his responsibility to fight for his country during World War II. He accepted it, fought bravely in Italy, and nearly paid the ultimate price—his life, for his country. BOB DOLE is now willing to sacrifice his political career in order to meet the challenge of defeating Bill Clinton, restoring fiscal sanity to American Government, and restoring honor to the office of the Presidency.

BOB DOLE has been well prepared through 27 years of Senate service to assume the Presidency. He has led Republicans through long years in the minority, and has more recently led us to some significant accomplishments in our effort to roll back Government and ever-increasing Government spending.

BOB DOLE's skills are not well known to most Americans, because many Americans are unfamiliar with what it takes to make this side of Congress work. The Founding Fathers set up the U.S. Senate as an institution to protect the rights of the minority. This is a place where, in fact, a Senator adhering to minority viewpoint has much greater power in many ways than a Senator whose view reflects the will of the majority party. One Senator can hold up landmark legislation simply by taking to the floor and refusing to relinquish it. A significant minority, 41 Senators of 100, can thwart the will of the majority party simply by refusing to cut off debate.

BOB DOLE understands these challenges. As minority leader for many of the 9 years I have been in the Senate, he used the rules effectively to protect the rights of a significant minority. This was referred to in the media as gridlock, but it is really the way the institution was designed, to protect the Nation from the passions of the moment and to provide for reasoned, reflective debate.

Since assuming the role of majority leader, he has managed to overcome challenges raised by the Democratic minority, and hold his troops together to pass significant legislation. Under his watch, the Senate has passed and sent to the President the first balanced budget in a generation, meaningful welfare reform, the Congressional Accountability Act, legislation preventing unfunded mandates on State and local entities, and regulatory relief. The President has vetoed the two most significant of these initiatives: namely a balanced budget and welfare reform.

The speeches we give today in honor of BOB DOLE sound a lot like eulogies, but they are in reality reminiscences of a stage in BOB DOLE's life. He will go on to do even greater things. He will continue his long and distinguished career of service to country by holding its highest office, and will restore to that office the respect and honor of the American people.

Mr. FAIRCLOTH. Mr. President, as we all know, BOB DOLE will resign from the Senate to run for the Presidency today.

It was a courageous decision—but also a sad one for the Senate.

I am personally proud of Senator DOLE. I think it is the right decision.

I strongly believe that when the American people are given the chance to know Senator DOLE and his wife Elizabeth better—the polls will change dramatically—and he will be elected President.

Senator DOLE was raised in an era in America when hard work and strong values were rewarded. This is an era that we can have once again in America, if BOB DOLE is elected President.

When Senator DOLE's country called on him to serve—he went, and almost gave his life. He didn't flee the country and protest against it from overseas.

When his family struggled in the depression—they didn't seek a Government handout—instead they rented their own home and lived in the basement to get by.

He didn't allow his war injuries to sideline him in a hospital for the remainder of his life—instead he picked himself up and rose to one of the highest positions in the Government and became a candidate for Vice President and now a candidate for President.

BOB DOLE will bring to the Office of President the values of his upbringing. He will not spend the taxpayers' money irresponsibly. He will not put this country further into debt. He will not coddle criminals that threaten our communities. He will not tolerate drug use in the White House or tolerate a disrespect for our Armed Forces.

This is the BOB DOLE that has been our majority leader. And, I am confident this is the man that American people will want to be their President.

Ms. MIKULSKI. Mr. President, I want to echo my colleagues' gratitude to a remarkable Senator and majority leader, BOB DOLE. Few Members of Congress can boast similar years of commitment to our country. In fact, Senator DOLE's entire life has been dedicated to public service; from his brave service in World War II, to his service in the Kansas State Legislature, the U.S. House, and for the past 27 years our U.S. Senate. He has devoted his life to serving the people of Kansas and our country. I truly admire his agility in handling the people's business in this body, the U.S. Senate.

It will be difficult to imagine the Senate floor without BOB DOLE. We have always had a cordial and collegial working relationship. I have admired his wily way of moving legislation. He often commented on my way with a quip.

I think it's fair to say that members of both parties have learned from BOB DOLE. His mastery of Senate procedure, and his skill at moving legislation, are matched by few in this Chamber.

I thank Senator DOLE for his service in the Senate. In an age when over half of married couples can't stay dedicated to each other for 10 years, it's remarkable for someone to stay dedicated to an institution as tempestuous as the U.S. Senate for 27 years.

With deep admiration and respect for a trusted colleague, I wish Senator DOLE all the best.

Mrs. FEINSTEIN. Mr. President, BOB DOLE first came to Congress at a time when the world—and he himself—was still recovering from the wounds of war, and America, catapulted into world leadership, was about to enter one of the most difficult periods in our young history as our Nation became bitterly divided over the Vietnam conflict.

These events shaped the man who came to Washington to represent his home State of Kansas back in 1960. And, from my experience in working with him over the last few years in the U.S. Senate, it is clear that BOB DOLE never forgot the values those experiences taught him. He has left an imprint on this body that deserves our recognition and our thanks.

Having nearly given his life for his country in the battle for freedom, BOB DOLE brought strong convictions about honor and public service with him to the U.S. Congress.

And, having seen this Nation spill blood in battling its own conscience, he understood that—even in the rough and tumble world of politics—we can not afford to forget the warnings of our predecessors: United we stand; divided we fall. BOB DOLE'S tenure as majority leader reflected these convictions.

He leaves the Senate having made an indelible mark on this body with his ability as a leader, his skill as a statesman, and his commitment to the service of his country.

I have not always agreed with BOB DOLE, but I have never found his door closed. That, to me, says more about the man than anything else. In my view, the mark of a true statesman is his willingness to listen to all sides of an issue in a search for common ground. But the mark of a leader is the ability to move people forward in spite of our differences in search of progress.

Although I have not known BOB DOLE for very long—I came to this body in 1993 and worked with him, first as minority leader, then as majority leader—I have come to hold high respect for him, and think of him fondly. These are very tumultous times, and his was no easy task.

I have been particularly struck, time and again, by his willingness to seek solutions by forging agreements—even in circumstances where he had the votes to win on an issue and did not need to regotiate.

I remember when the issue of moving the United States Embassy in Israel to Jerusalem arose last year in Congress.

Senator DOLE had all the votes he needed to pass a resolution supporting the move. And yet, he listened to those of us who had concerns about the impact the wording of this resolution would have on what, at the time, was a very delicate phase of the peace negotiations in the Middle East.

He did not have to listen. He chose to listen, and he chose to address our concerns. And we passed better legislation as a result. That is leadership.

I have been struck by his forthrightness as majority leader—his word was his commitment, and his commitment was a matter of honor. These have been difficult times. But, although he and I did not always end up on the same side of an issue, I knew BOB DOLE cared more about the integrity of the democratic process than he cared about short term political gain, and that he respected each and every Senator's place in that process—because we represent the America people.

No, we did not always agree. But even on issues where we disagreed, I always knew where I stood, and I knew I could trust his word.

ROBERT DOLE will be remembered for his lifetime of service to the American people, and for helping to shape the course of our Nation during some of the most pivotal times.

He deserves our praise and our thanks, and we wish him and Elizabeth well.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, next in order for appearance, I know on the unanimous-consent request Senator BYRD had this time. He is not here right now. I yield to the Senator from Arizona 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, when Americans came home from World War Two the time reserved for celebrating their hard won victory was of necessity brief. Joyous though those celebrations were, they had to give way quickly to the hard work of repairing the damage done to families and communities by the long separations and tragic losses which war visits on the victors as well as the vanquished.

But Americans, having defeated the Axis Powers, were upon the moment of that success obliged to assume the new responsibility of leading the free world's resistance to the imperial ambitions of our former ally, the Soviet Union. By so doing, they undertook a mission of immense proportions and difficulty, but great historic significance and nobility.

For it was the Americans who fought so valiantly from Guadalcanal to Normandy who would then devote their lives to ensuring that the second half of this century not collapse into the bloody calamities or succumb to the aggression of freedom's adversaries that made this century one of the most violent and tragic times in recorded human history. At both the mid point and the end of the 20th century, these Americans ranked among the greatest generations of our countrymen. They are accorded that distinction for their dedication to their country's cause and humanity's hope, and for the dimensions of the victories won by their devotion, selflessness, ingenuity and courage.

Even in this distinguished company, BOB DOLE stands out. When he returned from war he could not, as many of his comrades could, immediately pursue the veteran's dream of building a peaceful and prosperous life. He had to first rebuild himself. The exemplary courage and determination he brought to his own recovery is the stuff legends are made of. And they are also America's good fortune for they are the same virtues he offered in his subsequent years of service to the advancement of our country.

In these days when more and more young Americans are attracted to the mores of the detached and indifferent cynic, to the affectations of Hollywood anti-heroes, BOB DOLE's life is a rebuke to those corrupting influences on our popular culture. When I am asked by anxious parents: where are today's American heroes by whose example I can instruct my children?; the list of such Americans I can offer in response is still a long one. But I can identify no better example than the man to whom we wish good luck today. BOB DOLE is what an American hero is supposed to be.

His sacrifice in war and his hard road to recovery earned BOB DOLE the peace and quiet to live a life of personal pursuits, of individual attainment and success. But he chose instead to chase his country's dreams. And in America's historical mission to contain and defeat Soviet imperialism and to wrench from this violent century some greater hope for humanity's progress in the next. BOB DOLE brought the patriotic optimism of the young soldier off to war, but he brought also the veteran's appreciation for the dimension and seriousness of the task before us. He enlisted again in the war against totalitarians, and again he is in the front ranks of those who earned the victory.

BOB DOLE'S Senate leadership was essential to the efforts of Presidents Reagan and Bush to win the cold war. He built majority coalitions for the defense build up of the 1980's, helping to restore the readiness and modernization of our Armed Forces which had been so badly neglected in the previous decade.

He has been a consistent and skillful advocate for ballistic missile defense beginning in 1973 with his support for the Sam-D, the predecessor to the Patriot missile, continuing with his support for SDI and ending most recently with his sponsorship of the Defend America Act. In his determination to provide Americans with an affordable and adequate defense from the greatest danger facing our country, BOB DOLE has shown the vision and the will required to meet the security threats that will confront policymakers in the 21st century.

Senator DOLE organized congressional support for Reagan Doctrine policies which gave critical assistance to freedom fighters confronting Soviet aggression from Nicaragua to Afghanistan. Together with his support for our defense build up and a strategic defense system, Senator DOLE's commitment to sustaining the front line resistance to Soviet imperialism hastened the collapse of the Soviet Union, and made possible the liberation of millions whose rights had long been denied them as citizens of captive nations.

As cracks in the Soviet empire became the breech that brought down the Berlin Wall, BOB DOLE hastened the final dissolution of the Soviet Union by sponsoring the Direct Aid to the Republics Act which provided direct assistance and trade relations to the Soviet Republics, bypassing Moscow, and further weakening the Kremlin's control over its subject peoples.

In the first crisis of the post-cold-war world, Iraq's invasion of Kuwait, BOB DOLE cautioned President Bush to seek congressional authority for Operation Desert Storm, and then employed his peerless legislative skills to win majority support for authorization over a very determined opposition, sending a message of American unity to Saddam Hussein.

More recently, BOB DOLE's consistent, principled support for the legitimate Government of Bosnia and the strong Senate majority he built for his position forced our own Government and our allies to replace their previous indecision and indifference with the resolve to enable the Bosnian people to resist aggression, and determine for themselves their nation's fate.

Mr. President, my time is nearly up, and the brevity of this tribute his required me to offer only an abbreviated, very incomplete list of BOB DOLE's many important contributions to the security of the United States. Suffice it to say, that BOB DOLE is a statesman who has worked tirelessly and effectively to protect other Americans from having to pay as a high a price for love of country as he was once asked to pay.

Before I close, Mr. President, I would like to offer a personal expression of gratitude to my leader.

I have had the honor in my life of being commanded by a great many brave, resourceful, and decent leaders, but none more so than our friend, BOB DOLE. A long time ago, in another walk of life, I lived for a period of time without liberty. I and a great many men whose courage and honor enabled me to

endure that experience wanted nothing more than to keep faith with our country and for our country to keep faith with us. When well-intentioned Members of this institution unwittingly attempted to break faith with us by denying support for the war necessary to ensure our eventual liberation, BOB DOLE led the opposition to that effort. For 7 weeks he forcefully debated a cutoff of funding while so many of America's sons remained the prisoners of our enemies. All the while he waged that debate, BOB DOLE wore a bracelet that bore my name. I have never properly thanked him for the great honor he did me. I wish to do so now. For myself, for my comrades who came home with me, and for the many thousands who did not, thank you, BOB, for the honor of your concern and support for us. We fought in different wars, but we kept the same faith.

BOB DOLE leaves the Senate now, and all of us, Democrat and Republican alike, know in our hearts we will not soon see his like again in our ranks. But he leaves only to continue his service to America from another office. I take considerable comfort from that. For I know that the tasks that confront us as we consolidate our cold war victories and make for our children and our children's children another, better world than the one in which we lived most of our lives require the service of an American who appreciates from his experience and from his heart the indispensability of American leadership. This is a daunting responsibility, which is shared by all of us. But I am reassured that we will not be found wanting in our assignment by my confidence that BOB DOLE will soon be our leader again and that our Nation will still benefit from the service of this honorable man.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I compliment Senator MCCAIN for an outstanding, moving, inspirational speech that I hope my colleagues will have a chance to review.

I ask unanimous consent to postpone the time allocated to Senator BYRD and Senator DASCHLE to 11:45.

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

Mr. NICKLES. I yield to the Senator from New Jersey, 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, today BOB DOLE will leave the Senate. I have served with him for nearly 18 years, during which time, at different times, he has been the ranking member and chairman of the Finance Committee, minority leader, and majority leader.

Over the years I have disagreed with him often, but I have also worked with him on many things, from one of my first amendments in the Senate on the strategic petroleum reserve to closing tax loopholes in 1982 to tax reform in 1986 to maternal and child health care issues to GATT agreements to aid to the Bosnian Moslems and countless other issues.

BOB DOLE is a good man and an extraordinary legislator. Although he is personally shy, he knows how to build a political consensus, use power, make things happen. He keeps his word, which is an essential ingredient in building trust. He listens well, a trait of the very best legislators.

Any time you are trying to build a bipartisan majority, which is more the way it used to be in the Senate than the way it is now, you have to be able to listen. You have to understand intuitively where someone's bottom line is. And when an agreement will not be reached, you cannot view the other person as flawed, corrupt, and stupid, and expect that tomorrow they will forget your attitude. I do not remember BOB DOLE ever acting out of a grudge or perhaps even harboring one. He never burned his bridges.

One afternoon in my office more than a few years ago, Senator DOLE and I visited with a Russian politician named Boris Yeltsin whose visit I was sponsoring. Yeltsin had been over an hour late and we were 25 minutes into our discussion when one of his aides informed him he was an hour late for a meeting with Secretary of State Baker, to which Yeltsin responded by saying, "Humph, who cares about an appointed minister when I am meeting with those who are elected by the people."

To which DOLE responded, "He's got his priorities right."

That was the voice of BOB DOLE, the democrat, the man who has a deep and abiding respect for the will of the people. Time and time again the people of Kansas gave him their votes. Although Senator DOLE has given his life to public service, I sense he would be one of the first in this body to admit that a legislator's accomplishments are like sand castles built at the edge of the ocean surf—short-lived and often forgotten.

Therefore, the only thing that any of us as Senators have is whether those who worked with us gave us their respect, and those who elected us felt well-served. In Senator DOLE's case, I think the answer to each is yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, last year I indicated to my colleague from West Virginia, Senator BYRD, that one of the real privileges of my being able to serve in the U.S. Senate was to serve here while he served in the U.S. Senate. I told Senator BYRD that. I was thinking last evening that I feel the same way about Senator DOLE. It has been an enormous privilege to serve in the Senate at the same time that Senator DOLE has served in this Senate. He has demonstrated an enduring commitment to public service that represents the kind of public service that we owe a substantial debt for in our country. He is truly the Cal Ripken of public service in the Senate year after year after year, doing his job and doing it the way the American people hope public servants will do their jobs.

I am here today only to say I wish Senator ROBERT DOLE well. The Senate will miss him. Those of us who have had the privilege of working with him honor his commitment to public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my colleague from North Dakota, and I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, from his earliest days on the sports fields through his military career to his days in the Senate, BOB DOLE's destiny was and is leadership. How greatly has he enriched the lives of all of us here in the U.S. Senate. Like my good friend, Senator BRADLEY, I was there on the Yeltsin trip. I remember that. I also remember accompanying Senator DOLE to a hilltop in Italy, near the small village where he was struck down by enemy fire. But the hand of destiny reached down, the hand of Providence, and brought him back to serve this great Nation, to serve the world, and to become a great leader.

He will take his place—modestly, he might not acknowledge this—but he will take his place with Everett Dirksen, with whom our distinguished senior colleague, Mr. BYRD, served; with Howard Baker and with Hugh Scott. In that row of great Republican leaders, he has earned his spot.

Commander in Chief, a position to which he aspires, and a position in the Constitution of the United States he has fought to preserve on the floor of this Senate from the first day that he stepped entered this Chamber, irrespective of who has been in that office. He has been a staunch defender of the prerogatives of the Commander in Chief. I was proud to join with him on January 12, 1991, when we stood together for the Persian Gulf resolution, to give the Commander in Chief the authority to use force in the gulf. That was a hard-fought battle, a debate ending in a vote of 52 to 47.

Most recently, in my own endeavors, he stood beside me. He did not have to do it. He stood beside one of his colleagues in the name of friendship and he said, "It's not all politics. It's friendship."

Mr. President, I close by reading a brief quotation that I carry with me at all times. It relates to BOB DOLE. Thomas Jefferson once said:

I had laid it down as law to myself, to take no notice of the thousands of insults issued against me but to trust my character to my own conduct and to the good sense and candor of my fellow citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Virginia and now recognize the Senator from West Virginia, Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise to say farewell to my friend and longstanding colleague, the able Senator from Kansas, the Senate majority leader, BOB DOLE. BOB DOLE has responded to the call of duty throughout all of his adult life, and we are all the richer for his dedication and his work. His life and his service have made a difference.

American politics is a rough and tumble occupation, and we in this Chamber are all too familiar with the savagery, the criticism, the negativity that have so infected political life in our day. But there are times when politics must be put aside, and the honest, heartfelt contributions that we each and all make as servants of the people must be acknowledged.

I congratulate the majority leader on his long and distinguished service in the Senate, and before that in the House of Representatives, and before that, in the Kansas Legislature, to which he was elected at the young age of 26. As one of his fellow Americans, I thank him for his service and his bravery during World War II.

It has been a privilege and it has been a pleasure to work with Senator DOLE in the leadership positions given to both of us by our colleagues, first when he was majority leader and I was minority leader, and then when our roles were reversed.

Senator DOLE and I are the only floor leaders in Senate history to move from majority leader to minority leader and then back again to majority leader. I guess it is a classic case of what comes around goes around; or what goes around, comes around. Often, I have pondered this turning of the Senate wheel, a continuing rotation of individuals of different temperaments and talents, of opposing beliefs and varied backgrounds.

I have been honored to serve in the Congress of the United States for almost 44 years. I have witnessed the comings and I have witnessed the goings of many fine men and women. Some were extraordinary leaders, like Joe Martin, of Massachusetts; Sam Rayburn, of Texas; Lyndon Johnson, of Texas; Everett Dirksen, of Illinois; Hugh Scott, of Pennsylvania; and Howard Baker, of Tennessee; and Mike Mansfield, of Montana; who served as Senate majority leader for 16 years. Many made outstanding contributions to their country and were considered irreplaceable in their time. And yet our brief appearance upon the Senate stage is only temporary. It is applauded, remarked upon and then forgotten, washed away like footprints in the sand by the next turn of the wheel and the next wave of events.

But through it all, the Senate endures and goes on like Tennyson's brook—forever. It is far, far greater than the sum of its 100 parts.

Senator DOLE, in his four terms in the House and five in the Senate, has been a serious and successful legislator. He was the 1,645th person to have taken the oath of U.S. Senator. He has served as leader of his party in the Senate longer than any other Republican—10 years, 11 months and 20 days, today. BOB DOLE has served longer as a Republican in Congress—35 years, 5 months and 8 days—than any other current Republican Member of the Senate and House. Additionally, he is the only Kansas Senator to have chaired the Senate Finance Committee.

He has earned the respect of his colleagues. He has been a hands-on leader, often working personally with other Senators and staff to craft legislative compromises and solutions to difficult national questions.

As Republican leader, both when he served as majority leader and as minority leader, he was always available to work on solutions to problems of both a national and international nature. He gave his time, including the hours spent away from the Chamber and the Hill, wrestling with those solutions.

I have fond memories of the time that we worked together in the 100th Congress, when I served as majority leader and he was the minority leader, and we succeeded in crafting important legislation, including the landmark Omnibus Trade and Competitiveness Act of 1988. Together, we developed a new trade tool for the United States called "the super 301 law," which required annual reviews of foreign trade practices, the identification of priority foreign country practices against American products, and the triggering of automatic investigations against such countries' practices.

Senator DOLE has been particularly attentive and active in the foreign policy and national security areas. While we have not always agreed on specific policies, he has been a major contributor to our Nation's policies regarding the Soviet Union before its collapse, arms control, Bosnia, and the Gulf war with Iraq, to name a few important examples.

When he was majority leader in 1985 and I was minority leader, together we created the arms control observer group to monitor arms control negotiations and treaties with the Soviet Union. Together, we led a Senate delegation to the opening of United States-Soviet arms control negotiations in Geneva that year. We also traveled together at the request of President Reagan to Moscow to celebrate the historic exchange of instruments by Presidents Reagan and Gorbachev ratifying the INF treaty.

In the order of domestic policy, Senator DOLE has been a long-time central figure on farm legislation. He has amassed an impressive record of service on behalf of the disabled and the handicapped. He has particularly advanced the cause of handicapped children.

While I have enjoyed working together with BOB DOLE, and sometimes have equally enjoyed working at odds with him on various issues, I am saddened that he is leaving the Senate. He will cast a long shadow as he goes.

It isn't enough to say in our hearts
That we like a man for his ways;
It isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

So when a man does a deed that you really admire,
Don't leave a kind word unsaid.
In fear to do so will make him vain
And cause him to lose his head.
But reach out your hand and tell him, "Well done,"
And see how his gratitude swells.
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

And so I say to my friend, BOB DOLE, "Well done."

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me begin by complimenting the distinguished Senator from West Virginia for his eloquence. Following his words is a very difficult task.

Senator DOLE has said that he wants to be judged now as just a man. But I think history will judge him as something more—a good leader, a good Senator, a good American. When you are from a small State in the Midwest, there seems to be a sense of pride in someone who makes it to the top the hard way, with hard work, with fairness, with adherence to principle.

Regardless of politics, religion or education, when someone starts at the lower rung and makes it all the way up, there is a pervasive feeling of ownership, of affinity that he is one of our own, a Midwestern sense of self-respect that he is like us, and now just look at where he is, what he has done and how he has done it. That is especially true when adversity hits. When someone rises above adversity to make it against the odds, the admiration grows greater. The greater the adversity, the greater the adherence to principle and decency, the greater the admiration.

Maybe that is why someone from South Dakota, someone of different politics, different religion, different education can reflect on the admiration that I hold for BOB DOLE with the sincerity that I do now.

I have had the good fortune to work closely with the majority leader now for 18 months. The conditions for a good working relationship could not have been much worse. We had just lost the majority. He was the likely nominee to run against a Democratic President, and the House Republican leadership, now also in the majority, had proposed a Contract With America. Of course, the events over the past year and a half could easily have led to bitterness and personal animosity of major consequence. I have no doubt that in virtually any other set of circumstances, there would have been no other result.

The fact that it did not occur, and in spite of it all we remained friendly, is due to BOB DOLE and who he is. His civility, his pragmatism, his quick wit, his self-effacing humor have not only served him well these past 45 years of public life, but have served his colleagues and his country well, too. His sense of fairness and decency is a standard by which all people in public life should be held. He believes in the institutions of democracy and has helped guide his party and this body in a way that has enhanced them, too.

While our philosophical differences are great, his willingness to do what is difficult has been a source of admiration and respect for us all. His courage in standing for principle has been evident from the start.

It was there when he broke ranks with his party to support the landmark civil rights measures of the 1960's, most notably the Civil Rights Act of 1964 and the Voting Rights Acts of 1965 and 1982.

It was there when he championed landmark nutrition programs with a visionary leader and a giant from South Dakota whose name was George McGovern.

It was there in 1991 when he and our colleague, TOM HARKIN, arguably did more for the disabled than anyone in our Nation's history.

And it was there in this Congress when, against all political advice, he fashioned a resolution on Bosnia that led to broad support for our troops being stationed there.

I am grateful to Senator DOLE for that leadership, for the decency and fairness he has demonstrated to me over these past 18 months. I have learned from him. It has been an invaluable education.

It has always impressed me that BOB DOLE would come to my office for a meeting—the seasoned leader coming to the newcomer, the majority leader, coming to the minority leader's office. I thought it was yet another demonstration of BOB DOLE's grace and demeanor. I know now that it was. I also learned that in doing so, this man, with the experience of thousands of such meetings, could always be the one to determine when the meeting was over.

I regret that we did not accomplish more together in these last 2 years. Obviously, bad timing was a factor. Our accomplishments have been eclipsed by our partisanship in the eyes of the American people. Still, nothing should cloud America's view of just a man from Kansas who began with little, who in fighting for this country lost almost all that he had, who came back to help lead his party and his country with courage and civility, who leaves this place with the gratitude of us all.

While I cannot wish him ultimate success at his next political venture, Linda and I wish Elizabeth and BOB DOLE well in their new life ahead. May it be filled with good health and much happiness. I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. The able Senator from Oklahoma is recognized.

Mr. NICKLES. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise on behalf of all my colleagues in the Senate, Democrat and Republican, to say thank you to Senator DOLE for his years of service in Congress, House and Senate, but especially the Senate, especially for his leadership, for his willingness to really embody what leadership is all about.

The man from Russell, KS, has indeed done very well. The man from Russell, KS, has overcome a lot of difficulties, and truly been a national hero. I was with Senator WARNER, Senator MACK, and Senator DOLE in Italy where Senator DOLE nearly lost his life in Castel Diano, and I realized what real leadership was all about, that a young man from Russell, KS, risked his life, almost gave his life, to reestablish freedom in a faraway land. I saw the love and respect that the people had in northern Italy for Senator DOLE, and my respect and admiration for him only grew. It has grown as we have shared many fine years in serving together, and I thought about this, most of our colleagues here have only known Senator DOLE as the leader or minority leader. Some have had the pleasure of serving with Senator Baker and Senator BYRD, as majority leader, but to our leader, we want to say thank you for your service not only to Kansas but to our country, for reaching out in bipartisan fashion and making great changes for this country.

I remember when you were elected chairman of the Finance Committee, tax rates were 70 percent. When you were finished, they were 28 percent. The economy really grew. You forged bipartisan working relationships with everyone. You are well liked by every Member in this body.

I want to apologize to my friends and colleagues that have been coming to me for the last hours, saying, "I want to speak," because we could not accommodate all the requests. I ask unanimous consent following the swearing in of Senator FRAHM, that we will keep the RECORD open for the remainder of the day so that remarks can be added to the remarks made earlier this morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. To our leader, I say that you embody what we think is great about a leader. That is character. That is integrity. That is loyalty. You have earned the respect not only of your colleagues, you have earned the respect of all Americans.

To our leader, again, a man from Russell, KS, you are our friend. You will always be our friend. We wish you and Elizabeth every success this year.

THE ROBERT J. DOLE BALCONY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Senate Resolution 258 that I now send to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The Assistant Secretary of the Senate read as follows:

A resolution (S. Res. 258) to designate the balcony adjacent to rooms S–230 and S–231 of the United States Capitol Building as the "Robert J. Dole Balcony."

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Mr. President, the resolution that I now send to the desk on behalf of myself and Senator DASCHLE is a resolution that follows a great tradition in the Senate where we name rooms, sometimes buildings, after our colleagues. We have buildings—the Russell Building, Hart, and Dirksen, all named after outstanding Senators.

On the first floor of this building we have the Hugh Scott Room named after a former Republican leader, and down the hall the Mansfield Room, another great leader who served the longest as Senate majority leader, and we also have the Howard Baker Room that is now the Office of Senator DOLE. All these honors were a very fine and noble tribute.

But the tribute we name today, or the one we are making today is naming the balcony adjacent to the Office of the Republican Leader as the Robert J. Dole Balcony. It was Senator DOLE who asked this balcony be made accessible to legislators and to the leaders. I can

tell you that there has been a lot of good legislative work done on that balcony. I can also tell you that sometimes the balcony is called "the DOLE Beach."

To our leader, we wanted to have a lasting remembrance, because you are part of this Capitol. You are part of this institution. You are one of the reasons why this institution is greatly respected, because of the respect we have for you.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 258) was agreed to, as follows:

S. RES. 258

Resolved, That the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Robert J. Dole Balcony".

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

Mr. DOLE. I appreciate very much the resolution just passed. Will it be in big letters or neon? I know it cannot have any political advertising on it. Just have the name out there in lights the next few months. I thank all of my colleagues.

FAREWELL ADDRESS OF SENATOR ROBERT J. DOLE

Mr. DOLE. Mr. President, I want to go back 136 years ago this summer. A committee arrived in Springfield, IL—Senator SIMON probably knows the story—and it formally notified Abraham Lincoln that the Republican Party had nominated him to run for President. History records that Lincoln's formal reply to the news was just two sentences long. And then as he surveyed the crowd of friends gathered outside his home, as I survey the crowd of friends here in the galleries and on the floor, he said, "Now I will no longer defer the pleasure of taking each of you by the hand." So I guess, as Lincoln said then, 136 years ago, if all of us who are leaving this year—and I am only one, and I know we have the same thoughts and the same emotions—if we can all go out and shake hands with all the people who were responsible for us being here, it would take a long time.

You begin with your family. You, obviously, begin with your parents, your brothers, your sisters, and you think about all the support they have provided and all the good things that happened. And you think about the Senate. You think about your family, your remarkable, wonderful wife and daughter, who have seen victories and seen defeats and have put up with, as all our spouses and children do around here, with late hours, not being home on weekends, and all the demands that go with serving in the Senate.

So I am very honored to have my wife Elizabeth and my daughter Robin in the gallery today.

[Applause.]

I know they join me in expressing our deep appreciation to everyone here and the people of Kansas. As all of us go back who are leaving this year, thinking about leaving in a couple of years, or whatever, you think about the people who sent you here and the people who tried not to send you here—once you are here, you forget about those. [Laughter.]

And they are all your constituents, whether Democrats, Republicans, or Independents. And four times, my friends in Kansas, Republicans and Democrats and Independents, I believe, gave me their votes for the House of Representatives and five times they have given me their votes to the U.S. Senate. I think to all of us, such trust is perhaps the greatest gift that can come to any citizen in our democracy, and I know I will be forever grateful, as everyone here will be forever grateful, to our friends and our supporters who never gave up on us, who never lost their confidence in us. Maybe they did not like some of our votes, or maybe they did not like other things, but when the chips were down, they were there. We all think of all the phone calls and all the letters and all the visits of people who come to your office with big problems and small. Or you think about the town meetings you have attended. I have attended, as have some others here, town meetings all over America. They are pretty much the same. They are good people, they have real questions, and they like real answers.

I always thought that differences were a healthy thing and that is why we are all so healthy, because we have a lot of differences in this Chamber. I have never seen a healthier group in my life. [Laughter.]

And then there are those on our staff. Sometimes we forget to say thank you. I have had one member of my staff for 30 years, and others for 19, and so on. They have been great, and they have been loyal, and they have been enthusiastic. Their idealism and intelligence and loyalty have certainly meant a lot to me, and I think a lot to other people in this body, and other staff members, and the people they work with on a daily basis. Many are on the Senate floor or in the gallery today. I just say, thank you very much. We have had a little fun along the way, too. It gets kind of dull around here from time to time, so you have to have a little fun. When you really want to have fun to get away, you can go out to the beach—which is now my "beach," and I will try to pack it up this afternoon. All of those who served in the Senate—and I see some of my former colleagues here today—and all those who serve the Senate, whether the Parliamentarian or the page, I thank you for all of us for your tireless service.

I do not want my friends in the press gallery to fall out of their seats in shock. But let me add in acknowledgment of those who have worked here in this building I also salute you. I think it is fair to say that we do not always agree with everything you said or wrote, but I know that what you do off this floor is as vital to American democracy as anything we do on it. And we have to keep that in mind.

So I say that it has been a great ride. There have been a few bumps along the way. I have learned a lot from people in this room. I have even gone to Senator BYRD when I was the majority leader to ask his advice on how to defeat him on an issue. If you know ROBERT BYRD as I do, he gave me the answer. But it was not easy. I mean, this man is determined. I know that in his first book, his great works about the Senate, he writes about when I became the majority leader. He very candidly writes in his book that he had his doubts about this BOB DOLE because I might be too partisan, or I might not work with the minority leader. But I have heard him say a number of times since that I demonstrated that I was not that partisan. And if I understood one thing, as my successor will understand, it is that unless the two leaders are working together, nothing is going to happen in this place. We have to trust each other, as Senator DASCHLE and I have, as Senator Mitchell and I have, as Senator BYRD and I have. And I also have great respect for Senator Mansfield and Senator Baker, though I did not have the privilege of being in the leadership at that time.

I say to all those who have been in the leadership positions, it is a difficult life. After 2 o'clock today when somebody calls me about bringing up their amendment, I will say that it is all right with me; bring it up any time you want, and I will not stand in your way. [Laughter and Applause.]

I am looking at one of the giants in the Senate right now, Senator THURMOND. And I looked at others on the way in, like Senator BYRD. I thought about Senators Baker, Dirksen, Russell, and many, many more, Democrats and Republicans, who love this place, who have made it work. I repeat frequently the statement of Senator Dirksen—and I do not know whether he made it on the floor—who said, "A billion here, a billion there, and soon it will add up to real money." If only he could come back today, it would be "a trillion here and a trillion there."

Then there was Hubert Humphrey. Nobody ever understood how BOB DOLE and Hubert Humphrey could be such good friends. We did not have a problem at all. And he used to say of his own speeches, "I never thought they

were too long. I enjoyed every minute." [Laughter.]

I remember we were in the hallway one day talking about the talk shows. And, of course, I was only watching them in those days, but he was on one every Sunday. It used to be issues and answers for the normal guest. But for Hubert it was issue and answer—then the time was up.

And then there was Senator Mansfield in just the reverse. When he was on a Sunday talk show, it was "yep," "nope," "maybe." Ten minutes into the program, they were out of questions. [Laughter.]

I remember Russell Long. I remember during the Reagan landslide, I was going to be chairman of the Finance Committee. I did not know how to tell Russell—and I did not. I said, "Who is going to tell Russell?" Nobody was going to tell Russell. Dave Durenberger was there, and I remember the first vote we had. I got to sit in the chair, but when they called the roll, they called the minority side first and then the other side. They said, "Mr. Chairman,"—this was my first time—and he voted "aye."

It is a true story. Then there is Phil Hart and DAN INOUYE. We all met in Battle Creek, MI, at the Percy Jones General Hospital—Lieutenant Colonel Hart, Lieutenant INOUYE, and Lieutenant DOLE. We were all patriots. The best bridge player at Percy Jones Hospital was DAN INOUYE. Probably one of the best men I ever knew was Phil Hart. He had a flesh wound in his right elbow area, and from morning to night he spent his time running errands or getting tickets for patients to the Detroit Tigers games. His wife was Jane Briggs. It was Briggs Stadium—Briggs owned the Tigers at that time. There was not anything that Phil Hart would not do—not only there but when he came to the U.S. Senate. So I left my proxy with the last of the Percy Jones General Hospital caucus, with DAN INOUYE. I wrote him a letter today, I said you've got my proxy. If anything comes up regarding Percy Jones General Hospital, which is closed——

[Laughter.]

vote me present.

[Laughter.]

I could go on and on. I am not like Senator BYRD because nobody can do it the way Senator BYRD does it.

But I think of all of these people who have come and gone and of all of the new bright stars that are here today on both sides of the aisle, and there is one thing that you do know for certain. This is a great institution.

I have learned another thing that we have all learned in this Chamber and this town. Your word is your bond. If you do not keep your word around here, it does not make much difference what your amendment may be, or whatever it may be. And it is important to all of us. As far as I know everybody that I know on either side observed that rule. It is true in any business or in any profession. It is more true in politics because the American people are looking at us, and they want us to tell the truth. It does not mean that we have to agree. It does not mean we cannot have different motivations. I learned that leadership is a combination of background and backbone. I learned a lot about that from the likes of Senator BYRD and others that I watched and watched.

I know that Senator WARNER is the first person to ever mention to me—one day we were at the same place having lunch. He said, "You ought to think about running for leader." I said, "Me?" So I thought about it. [Laughter.]

I thought TED STEVENS was going to be the leader. Where is TED? Something happened on the way to the vote. [Laughter.]

I walked out of there surprised. When Howard Greene held up his hand, I knew that I must be the leader.

So I would just say that we all know how the political process works. Some people are cynical. Some people think it is awful. Some people do not trust us. But the people who watch this thing day in and day out have a better understanding.

Some people ask me. I remember the Speaker—the Speaker is present—telling me just 10 minutes ago, he really understands now more about the Senate. We have different rules. I love the House of Representatives. I never wanted to be in the House of Representatives. I wanted to be in the Senate. I wanted to be in the Senate where you can have unlimited debate, where any Senator on either side on any issue can stand up and talk until they drop.

The record is held by the Presiding Officer, Senator THURMOND.

The PRESIDENT pro tempore. Twenty-four hours and eighteen minutes. [Laughter and Applause.]

Mr. DOLE. That is why you are seldom asked to be an after dinner speaker. [Laughter.]

Mr. President, I think sometimes around here we think we have to have everything. "We have to have total victory. I will not settle for less. It has to be my way, or no way." Well, Ronald Reagan said once, "If I can get 90 percent of what I want, I would call that a pretty good deal." Ninety percent is not bad. You can get the other 10 percent later. It is a small amendment then. [Laughter.]

Better understand that—take the 90 and then work on the 10.

I want to say, too, that I read that my resignation and my decision to leave caused astonishment in some quarters, and I do not begrudge anyone their surprise. But I would just want to disabuse anybody about the Senate. This is the great opportunity, and there are hundreds and hundreds and thousands and thousands of people who would give anything they had to be a Member of this body. That is the way it should be. It is very competitive.

So I have said the truth is that I would no more distance myself from the Senate than I would from the United States itself. This is a body that is the reflection of America. It is what America is all about. We come from different States and different backgrounds with different opportunities and different challenges in our lives. And, yes, the institution has its imperfections and occasional inefficiencies. We are like America; we are still a work in progress in the U.S. Senate.

So I would say to my colleagues that I remember way back when I ran for the Kansas Legislature. We had a Democratic law librarian who thought young people ought to get involved in politics. She found two Republicans and two Democrats, and talked us into running for the State legislature. We did not know anything about politics. We did not know what party we were in. We were students; veterans going to school under the GI bill. I thought about which party to belong to. I have said in jest, from time to time I went back to my hometown and went up to the courthouse and found out there were more Republicans than Democrats. And I became a committed Republican. [Laughter.]

It is not quite accurate. But my parents were Democrats.

I remember the first time I was ever approached by a reporter. Here I was a brandnew law student, a brand new legislator. I did not know anything about anything. They said, "Well, what are you going to do now for your district?" Or something of that case. I said, "I am going to sit around and watch for a couple of days, and then stand up for what is right."

Well, that is what we all do around here. I hope I have done it over the years.

I will take a minute or two to indulge in some of the things that we all have different interests in. I have been deeply involved in agriculture, as many of you have here, because Kansas is a farm State. When I came to Congress, I was on the House Agriculture Committee. I have been on the Senate Agriculture Committee ever since. So I am proud of having served the farm families of Kansas and around America who make a lot of sacrifices.

This year we did not have a wheat crop, hardly at all, in Kansas because of the drought. I am advised by Senator DORGAN that they are not going to have much of one because of the rains and the water.

So farmers make a lot of sacrifices. I remember back during the Vietnam debate. Some of us were here. Some were on each side of the issue. The so-called Cooper-Church amendment that went

on and on and on, week after week after week on whether we ought to withdraw our troops, or shut off funding, which I thought was wrong. As I look back on it, I think I was right because we had courageous men like BOB KERREY, JOHN MCCAIN, and others in this Chamber who were risking their lives, and they deserved our support. That was a big debate at the time.

I have also been proud to be involved in nutrition programs. Somebody mentioned that earlier today. I remember working with Senator McGovern on that, and there was a conservative article saying I cannot be a conservative because I know George McGovern. I think George McGovern is a gentleman and has always been a gentleman. But we worked together on food stamps. I will confess, when I made my first tour with George McGovern, I said, "This guy is running for President." I was not convinced. There were a lot of skeptics in this Chamber; probably some on each side. You cannot have truer motives. It is always something political. But after being on that trip about 2 or 3 days, I changed my mind. Senator HOLLINGS from South Carolina was in the forefront of that effort. He remembers how bad it was.

So we worked together on food stamps, the WIC Program, and the School Lunch Program, particularly when it affected poorer Americans. I think, as I look at it, that no first-class democracy would treat its people like second-class citizens.

I remember standing on this floor managing the Martin Luther King holiday bill. We had the majority. It was a proud day for me. It is now a national holiday.

The first speech I ever made on the floor was April 14, 1969, about disabled Americans. There are a lot of people in this room who have worked on this program. I know Senator KENNEDY and Senator HARKIN and Senator Durenberger, when he was here, and Senator Jennings Randolph before—maybe before many of you came—was in the forefront. We stood with many who could not stand on their own, and the highlight was passing the Americans With Disabilities Act. Forty-three million Americans—they are not all seriously disabled, but there are many in wheelchairs, many who cannot even sit up. It was a very impressive sight to be at the White House the day that bill was signed by President Bush, and I am forever grateful. I know Senator KENNEDY and Senator HARKIN are. Have you ever seen so many wheelchairs at the White House at a signing ceremony? Never. And now more and more Americans with disabilities are full participants in the process. They are in the mainstream.

So, I remember in 1983—I know PAT MOYNIHAN remembers—we were standing right over in this aisle. We had a bipartisan commission on Social Security. We had met week after week, month after month. It was about to go down the drain. We had about given up. Everybody was disgusted. We were getting short-tempered. We were Democrats and Republicans. At the time the late John Heinz was a member of the commission. As member of the Finance Committee, I was a member. Senator MOYNIHAN was a member. And Senator MOYNIHAN—I think just by chance or fate or whatever—and I happened to meet in this aisle on my right. We said we have to try one more time to rescue Social Security—one more time.

It was not a partisan issue. And we did. That afternoon we convened three more people, we had five of the commission, and it was not long until we were back on track. We finally made it happen, and 37 million people have gotten their checks on time.

I think I read in the Washington Post just this weekend, Social Security is going to be in pretty good shape until the year 2029. So that is a pretty good fix. Maybe, as I said earlier in the day, that is a pattern we can follow for Medicare for the long-term solution: Take it out of politics as we did on Social Security, make it work, make it solvent. And the people who get the credit are the people who get the checks—37 million of them. So, we reached across partisan lines.

So, I worry a little about the future. I worry about our defenses. I know there are a lot of very talented people here who are going to continue to do that. I am not here to make a partisan speech or even a partisan reference, but I would hope that we would keep in mind there are still threats around the world and also keep in mind that we are the envy of the world.

I learned, meeting with a lot of leaders, foreign leaders, as leaders get to do in this business—the chairmen of the Foreign Relations Committee, Senators HELMS and PELL and others, Senator LUGAR when he was chairman—I remember when the Berlin Wall came down and the Soviet empire collapsed, a lot of people started coming to America. They were leaders. They were young and they were old and they were men and they were women, and they did not come for foreign aid. The cynics said, "Oh, they are coming after more of our money." They knew we did not have any. But for the first time in 70 years, in some cases, they had a right to travel. They could get on an airplane without checking with the government and waiting for a year or 2 years or 3 years. They could go to church, they could vote—all these basic rights that we take for granted. And they came to America.

Some are now Presidents, like Lech Walesa, some are leaders of their party. As they came to our offices, and I am certain it was true in every other office, they did not ask for money. They wanted to come to America to see America. They wanted to take a look at America. And I can recall almost everyone who left my office, sometimes with tears streaming down their cheeks, saying, "We want to be like America."

We are the envy of the world. That is why so many people want to be like we are.

So, we have lit Liberty's torch with a glow that can truly light the world. That is what America is all about. We are much more than a place on a map. We are the United States, and we are a beacon of hope. We are a magnet for the oppressed and a shield against those who would put the soul itself in bondage.

I think we did that in Kuwait, and we may be called on to do it again. But I would guess one thing. I would hope, when they catalog all the amendments and all the bills and do all the commentaries, whenever it is all over for us here, that we have left our children something other than a legacy of debt. Our children are important. None of us have a perfect solution, but there has to be some solution here where we can come together, Republicans and Democrats, because everybody loves their children. Everybody loves their grandchildren. We have all these young pages here. We have an example every day of young people who want to get ahead, who are willing to work. They just want the opportunity.

I think, if I could hope that anything might happen, it probably will not happen today, but this year or next year—I felt strongly about the balanced budget, but not enough people did. But that will be around.

So I would close with, again, thanking all of my colleagues. I do not believe—I am just trying to think back—I do not believe we have ever had any real disagreements. I remember one time, I remind the Democratic leader, that I offered an amendment that you thought you were going to offer, and I made a mistake. I was not trying to one-up the Senator from South Dakota. So I withdraw my amendment. Then he offered the amendment. I think that is called civility.

So, I would close with the words of my hero, Dwight Eisenhower, because he was our supreme commander. He also came from Abilene, KS; born in Texas but quickly moved to Kansas. He was only 2 years old. It took a while. But, in any event—this is his quote.

> As we peer into society's future, we—you and I—and our Government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow.
>
> We cannot mortgage the material assets of our grandchildren without risking the loss of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

I think those words are just as good today as they were 35 years ago when

President Eisenhower spoke them. We can lead or we can mislead as the people's Representatives, but whatever we do, we will be held responsible. We are going to be held responsible and accountable. I am not talking about 1996. I am talking about any time over the next century.

So the Bible tells us that to everything there is a season, and I think my season in the Senate is about to come to an end. But the new season makes this moment far less the closing of one chapter than the opening of another. We all take pride in the past, but we all live for the future.

I agree with prairie poet Carl Sandburg, who told us:

Yesterday is wind gone down,
a sun dropped in the West.
I tell you that there is nothing in the world,
Only an ocean of tomorrows,
A sky of tomorrows.

Like everybody here, I am an optimist. I believe our best tomorrows are yet to be lived. So I, again, thank you.

God bless America, and God bless the U.S. Senate.

[Applause, Senators rising.]

RECESS

The PRESIDENT pro tempore. Under the previous order, the Senate now stands in recess until 2:15 p.m.

Thereupon, at 12:51 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BROWN].

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER [Mr. COATS]. Without objection, it is so ordered.

Mr. LOTT. I believe, Mr. President, momentarily we will have the introduction and swearing in of the new Senator from Kansas.

For a moment, 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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CREDENTIALS—RESIGNATION AND APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a letter of resignation from the Honorable ROBERT J. DOLE, a Senator from the State of Kansas.

Without objection, it will be considered as read.

The letter is as follows:

UNITED STATES SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 11, 1996.

Hon. AL GORE,
President of the U.S. Senate,
United States Capitol, Washington, DC.

DEAR MR. VICE PRESIDENT: I hereby resign my office as a United States Senator from Kansas effective June 11, 1996 at 2:00 p.m. eastern daylight time.

Sincerely,

BOB DOLE.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of SHEILA FRAHM, appointed a Senator by the Governor of the State of Kansas on June 11, 1996, to represent such State in the Senate of the United States until the vacancy of the term ending January 3, 1999, caused by the resignation of the Honorable ROBERT J. DOLE, is filled by election as provided by law.

Without objection, it will be considered read.

The Certificate of Appointment is as follows:

State of Kansas, Office of the Governor

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Kansas, I, Bill Graves, the Governor of Kansas, do hereby appoint Sheila Frahm a Senator from Kansas to represent Kansas in the Senate of the United States until the vacancy therein, caused by the resignation of Bob Dole, is filled by election as provided by law.

Witness: His excellency our Governor Bill Graves, and our seal hereto affixed at Topeka, Kansas, this 11th day of June, in the year of our Lord 1996.

By the Governor:

BILL GRAVES,
Governor.
RON THORNBURGH,
Secretary of State.

CEREMONY OF ADMINISTRATION OF OATH OF OFFICE TO SHEILA FRAHM AS SENATOR FROM THE STATE OF KANSAS

The VICE PRESIDENT. The new Senator will now present herself at the desk for the administration of the oath of office.

Mrs. FRAHM, escorted by Mr. DOLE and Mrs. KASSEBAUM, advanced to the desk of the Vice President; the oath prescribed by law was administered to her by the Vice President; and she subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

(Mrs. HUTCHISON assumed the chair.)

Mr. LOTT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

Mr. EXON. Reserving the right to object, and I do not intend to object. Is it the Senator's intention that we would go to the budget then at 3:30? Is that the plan?

Mr. LOTT. Madam President, if I can respond to the distinguished Senator from Nebraska, it is our hope that the Senate could consume much of the 10 hours allocated to the budget conference report this afternoon. That is provided, of course, under the statute. We would be able to set the final vote on the conference report for midafternoon on Wednesday, in all probability. Certainly, we are now consulting with the Democratic leader, and he is making sure that that is agreeable.

We hope to have a unanimous-consent request on that in, hopefully, a few minutes. Between now and 3:30, since a number of Senators did not have an opportunity to speak this morning in tribute to Senator DOLE, we hope that can be done in this hour. Then we hope to begin on the budget resolution.

Mr. EXON. I have no objection whatsoever. This Senator was one of those, also, who wishes to speak. I will be seeking 5 minutes of my own time for that subject during the next hour.

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

TRIBUTE TO SENATOR BOB DOLE

Mr. LOTT. Madam President, there is no question that some of the most eloquent speeches I have heard since I have been in the Senate were presented this morning by Senators on both sides of the aisle as a tribute to our good friend and majority leader, BOB DOLE. They really were very impressive in terms of the relationship that Senators have had with Senator DOLE and their love for him and for this institution. Many Senators have enjoyed working with Senator DOLE and have learned a great deal from him. Certainly, I am one of those that has been studying at the feet of BOB DOLE. It has been something to behold. He is truly a master of how to get things done. We can all learn from that. I hope that I am one that has learned and will remember those lessons.

I served in the House for a number of years after having worked for a Democratic Congressman named Bill Colmer, the chairman of the Rules Committee. Until this very day, when I remember the lessons I should have learned from that old gentleman, I do well. When I forget those lessons, I usually get in trouble. So I think that as we go through life and as we go through political life, as we work in Government, and as we go through our daily activities in the Senate, there are certain giants like BOB DOLE that we can and should all learn from.

Madam President, there is a little known custom, I guess, in the Senate for Members to carve their names in the drawers of their desks. In fact, when constituents come on the floor when we are not in session, that is one of the things they find most interesting. They pull the drawers out and see who signed these desks.

When you look into some of these desks, you find the great—and sometimes not so great—names of the past. They are a veritable rollcall of our country's history.

In 28 years in the Senate, BOB DOLE did more than make his mark upon a congressional desk. He made his mark upon this institution, not just its legislation, but more importantly, its character.

He devoted most of his career to the Senate, but not because this Chamber and its business were an end in itself. For BOB DOLE, serving the Senate was serving his country.

That service took precedence over most other considerations in his life.

Indeed, it took precedence over his Presidential campaign—until today.

The reason BOB DOLE will not be with us on the Senate floor after today is no great secret.

The reason is that he was convinced he would better serve his country by restoring leadership to its Presidency than by handling the day to day affairs of the Congress.

We all know it was hard for him to leave, and it was hard for us to see him leave. It affected us all, and it reminded us once again who we are and what we are about in this institution. Those who really know BOB DOLE know that he is leaving not out of ambition for higher rank, but out of determination to finish the fight and be in a position to do all that he can do for his country.

That fight, in terms of his country's future, is every bit as important as the fight which gravely injured the young BOB DOLE in 1944.

There are some who think of duty as a burden, heavy to bear and best shrugged off onto someone else.

There are others who embrace duty, and carry it proudly, and do not put it down until the journey is done.

In walking out of this Chamber today, BOB DOLE carries with him a lifetime of duty.

As we saw him exit this door, we all felt an emotional surge, and every Member of this Senate knows he will not put that responsibility and duty down.

No one would understand better than BOB that not every Senator wants him to succeed in his present mission. Indeed, a goodly part of this body will move Heaven and Earth to prevent that success.

That is not perfidy. It is democracy. It is something BOB DOLE went to war to defend, and something he still can appreciate more than most of us.

But I dare say, despite the political and partisan divisions on this Senate floor, as we quite often experience, all of us understand something historic is happening here today.

Something none of us will soon forget.

It brings to my mind two other reluctant departures in our Nation's past.

The first would be Washington's reluctant leaving of Mount Vernon to assume a position he did not seek, but which his countrymen insisted he take.

The second would be Lee's agonized departure from his post of military honor to fulfill what he considered a higher duty.

Were he here, BOB DOLE would modestly dismiss any comparison with Washington or Lee—or any other of American's great statesmen of the past.

He would rather let the future judge such things, and so should we.

Whatever the outcome of this year, whatever the course of its conflicts and controversies, the future holds a place for BOB DOLE as a giant of the Senate, a man set apart from most by a quiet passion for his country that we are only now beginning to understand.

But Lord willing, we will benefit from it for years to come.

I yield the floor, Mr. President.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair. I wish to associate myself with the remarks by the distinguished Senator from Mississippi.

I just want to say a few words about my friend BOB DOLE. I suspect my feelings are not significantly different by what has been thought and what has been said by my colleagues on both sides of the aisle. So aside from the BOB DOLE that we all know so very, very well, I just want to say that I was pleased to be here and to hear that excellent speech that Senator DOLE gave as his farewell address in the U.S. Senate. It was sad in lots of ways, and yet it was so reassuring to see someone of the integrity, the ability, the character, and the good nature of BOB DOLE spelled out in that speech so very, very well. I hope that many, many people in the United States heard that speech by my friend and colleague, the man from Kansas.

I have worked with him so very, very long on so many issues. Many times we have been on the same side, but on many of the items we have been on opposite sides. But never, as Senator DOLE mentioned in his speech this morning, has he ever, to my knowledge, violated that cardinal rule of the U.S. Senate—unwritten, which is just as effective: A man's word or a woman's word is their bond. In all of these nearly 18 years that I have had the pleasure of my association with BOB DOLE, I have never known Bob even to give a hint of breaking his word, because if there was ever a man in the U.S. Senate for whom we all know his word is his bond, that is BOB DOLE.

On a personal note, I just want to say when I saw Bob walk out after his address, it took me back to times in all of our lives when there have been breakups. I suppose the first was when we graduated from grade school and that old gang of ours broke up and went on through our educational process. And certainly it is true. When you left the service of the United States of America, that old gang was broken up. That old gang that BOB DOLE was with was suddenly broken up when he nearly gave his life in combat, in defense of the national security interests of the United States of America and the free world. But I thought of that breakup when I saw BOB walk out that door an hour or so ago.

BOB DOLE meant so much to me because, despite our differences from time to time, we always had an excellent personal working relationship. He came into Nebraska on two or three occasions to support my opponent in one of my races. But never did BOB DOLE say anything bad about JIM EXON, even though he could have probably found some legitimate things that he could and maybe should have said. But that was not BOB's way. BOB came into Nebraska, and he campaigned for my Republican opponent—not against JIM EXON. I think that is the mark of not only a great statesman but a very effective leader, which he was of his party as majority leader on that side, but also someone that you could be truly proud of and call your friend.

Little known outside the Senate, I suspect, was BOB's strongest characteristic, and that was his sense of humor. I am not sure that the public at large has understood that. But I have had an ongoing relationship—very friendly—with BOB DOLE on many, many occasions. In fact, this year when he was running for President of the United States, I suggested to him—and he knew it was facetious—that I might consider a draft to be his Vice Presidential running mate, if he was interested in that. BOB knows that I am a Democrat—always have been and always will be, and we had lots of jokes about that. But over the years of friendship, over the years of serving on

very tough issues, sometimes we were maybe at sword's point, one would think, when we were debating a measure of some importance on the floor of the U.S. Senate. BOB DOLE never lost his sense of humor. He never forgot his sense of humor. And I think that is what helped carry him through probably that life-threatening wound that he received in battle and probably through some of the more heated debates that have taken place here on the Senate floor. I have never seen BOB DOLE do anything but smile when someone said something or told him something that he thought was humor.

So I am saddened by the fact that a coworker for whom I have great respect, has made a choice that I think was the right choice for him to make, especially with regard to the heavy responsibility that he carries for his party, and he will carry in the Presidential election this year. In that regard, maybe I can sum up my feelings, friendship, and understanding with BOB DOLE by a statement that I made to him in one of our more humorous conversations maybe 6 months ago right in the heat of those very tough Republican primaries for President of the United States. I said to BOB DOLE, "You know, BOB, if we have to have a Republican President"—then I repeated it—"if we have to have a Republican President, I hope it is you." People that do not understand humor might think that was a cutting thing for JIM EXON to say, but BOB DOLE knew what I was saying. BOB DOLE knows that myself and all, likely, on both sides of the aisle respect not only the man's talent but the man's sense of responsibility and his sense of humor which has endeared him to those of us on both sides of the aisle.

Godspeed, BOB DOLE, to you and your wonderful wife, Elizabeth. You are a great couple. And whatever the future holds, we will always hold you in high esteem.

I thank the Chair. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

TRIBUTE TO SENATOR BOB DOLE

Mr. HATCH. Mr. President, I thank my colleague from Nebraska for his kind remarks about our friend BOB DOLE, which were very eloquent. I think he expressed it beautifully for a lot of Democrats. I think everyone in this body has tremendous esteem and affection and love for BOB DOLE. He is one of the all-time great Senators. There is no question about it. He will go down in history as one of the all-time great Senators.

Mr. President, 20 years ago, when I was first sworn in as the junior Senator from Utah, BOB DOLE was among the first of my Republican colleagues to come up and put his arm around me, and helped guide me and helped me to learn the ropes.

I rise today to thank him for that, and for his extraordinary leadership in the years since. When the citizens from Kansas elected BOB DOLE as their Senator, they chose a man who epitomizes the qualities of mainstream America, a team player, a war hero who demonstrated tremendous courage and perseverance both on the battlefield and afterward, a hard worker and an honest and decent man, a man whom all Americans can look up to.

By now, most of us are aware of the wounds Lieutenant DOLE suffered on that April morning in 1945. That was about the same time that my brother was killed in the Second World War. BOB DOLE could have been killed too, and almost was.

We have also heard about his amazing and long recovery. But less is known about how BOB DOLE was injured. Richard Ben Cramer's book, "What it Takes," tells us how:

> Dole got his men down to the low stone wall. Dole could have stayed in the middle [of the platoon]. But he knew his job, and he did it. He was out in front, with the lead squad.
>
> They were pinned down quick. They were pinned down in the field, when a farmhouse on the left opened fire: a Jerry machine-gun nest . . . the men in the field were hamburger.
>
> Dole had to get that machine gun. The lead squad was going to have to flank that house and get that nest of Krauts [sic]. Sergeant Carafa assumed he'd be going out with the squad, but Dole said, "Sergeant, I'll take 'em."

BOB DOLE saw many men die trying to knock out that machine gun. It was that morning, trying to take it out, that he was wounded. BOB DOLE could have let someone else go out with the squad. BOB DOLE could have stayed behind and provided cover. BOB DOLE could have stayed in the middle. Instead, BOB DOLE was out in front.

BOB DOLE has been out in front ever since. He became a skillful legislator. He knew how to get things done around here. But he also knew that duty required him to take action when it wasn't always in his own best interest or when he saw public policy going down the wrong path.

Take, for example, his leadership on addressing the crime issue. Throughout his career, BOB DOLE consistently supported legislation to fight crime and help the victims of crime. From the Organized Crime Control Act of 1969 to the 1996 Antiterrorism and Effective Death Penalty Act, BOB DOLE has fought to bring accountability to the criminal justice system. But, in 1994, Senator DOLE stood up for what he thought was right and opposed the so-called Crime Control Act of 1994 because it was a pork-laden, big dollar, Great Society social spending boondoggle. Some of our colleagues thought we had lost our minds when we opposed a so-called crime bill in an election year. But BOB DOLE did it because it was the right thing to do.

He worked tirelessly for comprehensive habeas corpus reform. He worked to crack down on frivolous inmate lawsuits and was at the forefront of reform when, in 1984, he cosponsored the Sentencing Reform Act, which brought truth-in-sentencing to the Federal system.

Mr. President, Senator DOLE has been a leader and a fighter for civil rights from the beginning of his career. Senator DOLE knows full well that prejudice and artificial barriers can hold a person down. As a Member of the other body, he voted for landmark legislation including the Civil Rights Act of 1964 and the Voting Rights Act of 1965. He was a leader in the effort to extend the Voting Rights Act in 1982. In 1967, then Congressman DOLE voted for the Age Discrimination in Employment Act. In 1990, Senator DOLE supported the expansion and clarification of this law to protect older workers from the loss of their employee benefits.

Senator DOLE led the passage of the Martin Luther King holiday bill. It was a bill I voted against, and I consider it the worst mistake I have made in my 20 years here. I thought that we should not add another holiday due to both the public and private sector costs involved. But, frankly, in hindsight, I made a mistake.

BOB DOLE, however, did what was right, and he brought that bill up and helped to pass it.

He played a key leadership role in enacting the landmark Americans With Disabilities Act. I worked hard on that bill, and I know what he did. I was in the late night meetings. As the ranking Republican on the Labor and Human Resources Committee, I was in the leadership meetings. I have to tell you, without BOB DOLE, that bill would not have passed. The ADA extended civil rights protections and opportunities to millions of Americans with disabilities. I can remember when it passed, he and I had tears in our eyes because it was such a monumental day.

Yes, BOB DOLE has been there for the big fights, let me tell you.

BOB DOLE recognizes that rights inhere in individuals, not groups. In 1995, he introduced the Equal Opportunity Act, which prohibits racial, ethnic, and gender preferences in Federal employment, Federal contacting, and federally administered programs. He sparked a healthy and timely national debate on affirmative action. In his view, every American should be treated with equal rights under the law, without preference based on race, ethnicity, or gender.

BOB DOLE helped build the Republican Party that we have today. He helped build the Republican majority we have today. There were no litmus tests under BOB DOLE's leadership. He

successfully knit together Senators from Alaska to Virginia to form a working team whose sole purpose was to achieve the goals for America that we all held in common—goals that I personally believe we hold in common with the American people.

We are going to miss BOB DOLE in the U.S. Senate. I suspect even his worthy adversaries on the Democratic side have come to admire his determination, skill, and faithfulness to the people he represents. I believe there is unanimous agreement in this body that BOB DOLE served with honor and distinction as one of the greatest Senators in the history of this Federal Republic.

I have to say something here that I am sure BOB DOLE does not know, but I am going to say it publicly because it means so much to me. My brother died shortly before BOB DOLE got wounded in the Second World War. My brother was very dear to me. I was only 10 years old when he died. When we received the news, I immediately got a white streak of hair on the right side of my forehead because it was such a shock to me.

He was killed in the Ploiesti oil raid, which, of course, was the pivotal oil raid of the European war because it knocked out all of the Vienna-Austrian oilfields that Hitler depended on. But Jess' death was a tremendous shock to us.

When I came to the Senate, BOB DOLE put his arm around me. He looked like my brother, to a large degree. My brother had the same color hair, was about the same height, about the same build. My brother was a football player as well. He looked a lot like my brother. I have always considered BOB DOLE, for good or bad, to be my brother.

I have tremendous respect and admiration for this man, this fellow who has given so much to his country and who, if everybody in America knew him—knew him like we do—there would be no question that he would be the next President of the United States.

I have to say I love BOB DOLE. Elaine does, too. We love his wife Liddy. She is a tremendous human being. As both chairman and ranking member of the Labor Committee, I worked with Liddy Dole, who served as President Bush's Secretary of Labor. I have to tell you I appreciated those days and appreciated her kindnesses to me and her great work for the country.

Today, BOB DOLE is leaving the Senate to pursue a different calling. Yet it still is the calling of public service. He did not have to leave the Senate. Nobody could have pushed him out of here. It would have been safer to stay. But we have already learned that BOB DOLE does not stay safely in the foxholes. That is not what we expect of our leaders, and BOB DOLE, in my opinion, has what it takes.

Whatever the future may hold for BOB and Elizabeth Dole, I just want to wish them both happiness and Godspeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The President pro tempore of the Senate, the distinguished Senator from South Carolina, is recognized.

Mr. THURMOND. Mr. President, in recent years, many in the media, the public, and even some Members of Congress, have come to regard those who seek positions in the public sector with some amount of contempt and mistrust. Most of us in this Chamber know such characterizations are not only unfair and inaccurate, but do much to harm the sanctity and reputation of a body dedicated to debate and providing for the Nation.

The large majority of those who become Government officials are honorable individuals, but there are a handful of Senators in particular whose conduct and dedication to service are above reproach, and who stand as living contradictions to those who believe that this is an ineffective and partisan body. These Senators are men and women of principle who are dedicated to the noble cause of working to benefit all the people of the United States. Today, it is with great regret that I mark the departure of a man who sets a standard for service to the Senate and the Nation that is truly unmatched—the majority leader and Senator from Kansas BOB DOLE.

I doubt it came as a surprise to anyone in Russell, KS, when BOB DOLE first ran for elected office in 1951. The bright young war veteran and attorney had already established a well-deserved reputation for courage and hard work when he declared his candidacy for a seat in that State's House of Representatives. It was these two simple attributes that not only help BOB DOLE to win that election, but have helped to guide him through life of challenges, hardships, and accomplishments.

The heartlands of the Kansan prairies are where BOB DOLE learned about being tough and not giving in when in the same situation the average person might simply give up the fight. While this is a region of simple beauty, kind people, and strong values, during the time of BOB DOLE's youth it was also a place that was rife with hardships for those who lived there. It was a place where hard work was not a virtue, it was a necessity for survival, especially during the Nation's most severe economic crisis, the Great Depression.

In his hometown of Russell, KS, BOB DOLE also learned about things such as patriotism and a commitment to serving the Nation. He was taught that these words represented more than mere ideas or ideals, they were part of the responsibilities of citizenship in this great land. During World War II, BOB DOLE served his country as an officer in the Army, and when he was ordered to lead an attack on a German-held hill in Italy, Lt. BOB DOLE never had any question about his duty. It was this dedication to duty, a commitment to serving the Nation, and pure, unadulterated courage that sent Lieutenant DOLE up that hill, and it was those same qualities that not only saved his life after being gravely wounded by hostile fire, but gave his life purpose in the years following his near life-ending injuries.

As he lay in a hospital bed, it took a man of fortitude, determination, and courage to face 39 months of surgery, convalescence, and rehabilitation. It took courage, fortitude, and determination for BOB DOLE to face the fact that his dream of becoming a doctor and helping others had ended. It took courage, fortitude, and determination for him to make the decision to not make his disabilities a handicap, but to force forward with life and to dedicate himself to serving others through public service rather than medicine. It took a man of fortitude, determination, and courage to learn again how to do all the things that you and I take for granted; to go back to school in order to finish his undergraduate degree and earn a law degree; and, to begin his career. Simply put, it took grit to survive what BOB DOLE survived and to essentially start life anew.

Since entering politics and public service, BOB DOLE has never looked back and he has never faltered in his duties. He has approached each position he has held with enthusiasm and has earned a reputation for thoroughness, fairness, and honesty. These qualities, along with those outlined earlier, endeared him to his fellow Kansans who sent him on to positions of progressively more importance and responsibility. From the Kansas Legislature, he served as Russell County attorney, and then as a U.S. Congressman for four terms before coming to the U.S. Senate in 1968. It is here that I met BOB DOLE and immediately took a liking to this serious-minded fellow veteran who had a pragmatic approach to the issues before the Nation, and a fire in him to serve.

Over the next 28 years, I became quite fond of Senator DOLE as a colleague and a friend. I was pleased to watch him grow into his position as a Senator and to become one of the leading spokesmen for our party not only in this body, but throughout the Nation. His abilities as a public servant did not escape many, including President Gerald Ford, who selected Senator DOLE to be his running mate in 1976. The longer BOB DOLE served in the Senate, the more prominent and critical his role became in the legislative process. His razor sharp mind gave him an encyclopedic familiarity with legislation and legislative procedure, both which he put to good use as he ascended the ladder of Senate leadership.

Furthermore, his years of experience as a Member of Congress gave him an insight into the affairs or the Nation that could be matched by a few with whom he served, and made him a valued advisor to fellow Senators, and to Presidents. In short, BOB DOLE was, and continues to be, a man of tremendous abilities and background whose experience allows him to have an impact on the governing of the United States that is unique and nothing short of beneficial.

It seems hard to believe that BOB DOLE is leaving the Senate. After almost 30 years of prominent and dedicated service, he seems as much a part of this building as the statute of Armed Freedom which sits atop the Capitol and guards the District and the Nation. More important and significant than merely enduring the rigors and battles of the Senate for almost three decades is that during his life and in his tenure in Congress, BOB DOLE has made a difference in the history of the United States. Among other things, he has stood tall for a budget that will not saddle future generations with an unfair debt; he has fought hard to give our men and women in uniform the resources they need to keep America free and safe; he remained firm on the need for drawing the line against the crime and criminals that prey on innocent Americans; he did not flinch in working to contain our former Communist enemies; and, he has worked hard to ensure that the United States maintains the most dynamic economy in the world. Time and time again, BOB DOLE has been on the right side of the issues, working to create legislation and policy that is beneficial to the citizens of this Nation, and leading this body toward a vision of an America that is safe, wealthy, and full of opportunity as long as there is a United States. It is with no small regret that I say I will miss my colleague, my leader, and most importantly, my friend, BOB DOLE. I wish him well and thank him for his service, and for the example he has set for selflessness, patriotism, and humility.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, today a giant in the annals of the U.S. Senate, Senator ROBERT DOLE of Kansas, the Republican leader, has chosen to leave this great institution to pursue and, I believe to win the Presidency of the United States. The Senate will never be quit the same; for Senator DOLE has that rare and admired quality of making things happen, getting things done, and moving this tradition-layered institution forward.

All of BOB DOLE'S adult life had been spent in service to the American public and today he has not ended that service. He is just entering the final phase of his public service—campaigning for the highest office in the land.

Mr. President, for the past 16 years, I have been privileged to represent the people of the State of Alaska in the Senate. And throughout my tenure in the Senate, BOB DOLE has been a friend to the people of Alaska and a leader who has always been sensitive to the special needs of our young State.

BOB has traveled extensively in Alaska. And he understands that unlike States that entered the Union in the 18th and 19th centuries, Alaska, which has only been a State since 1959, is far more dependent than other States on decisions made in Washington.

Almost 70 percent of Alaska is owned by the Federal Government. Fifty-four million acres of Park Service land is in Alaska—68 percent of all Park Service land in the Nation. Fifty-seven million acres of designated wilderness is located in Alaska. That's over 60 percent of all wilderness lands in the country.

And 76 million acres of Fish and Wildlife Service land is in Alaska—That's 85 percent of all Fish and Wildlife Service land in the United States.

The purpose in providing these statistics is to reiterate to my fellow Senators that almost any economic activity that is done in Alaska can only get started if the Federal Government does not stand in the way. BOB DOLE has always understood that.

BOB DOLE also understands that our natural resources can be developed in a responsible manner using our best technology without harming our environment.

BOB DOLE does not sell America's technology and ingenuity short—he believes that it is better to harvest our abundant resources in an environmentally responsible manner rather than sending our dollars and jobs overseas by importing resources.

Mr. President, BOB DOLE has served as the Republican leader for more than 11 years-longer than any Republican leader in history. He has had to juggle and balance the interests of States as different as Florida and Alaska in order to get legislation from the drawing boards to President's desk.

Throughout all of the time I have known BOB, he has never sacrificed what is important to Alaska's 600,000 citizens in order to get a piece of legislation adopted. In fact, it was BOB DOLE'S leadership that ensured that for the first time last year, Congress authorized oil exploration in ANWR.

And when BOB DOLE moves to the White House next year. Alaskans can be assured that the roadblock to our economic development will finally be removed. He knows that America's economic security cannot be assured so long as we are dependent on foreign countries for more than 50 percent of our energy needs.

Mr. President, Alaskans will miss Senator DOLE'S leadership and sensitivity to our State's needs. I will miss him as a person and friend that I have grown accustomed to talking with every day. BOB DOLE'S destiny will take him to even greater challenges and responsibilities next year. And I know he will always keep Alaska's special needs in mind whenever he makes decisions on economic policy.

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. STEVENS. 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. STEVENS. Mr. President, we have just said goodbye to the majority leader, who has just retired. He has left the Senate with great support from those of us who have known him and really do have a great love for BOB DOLE.

I have known him since he was a Member of the House. I was not a Member of the House, but I knew he was there in the House. BOB DOLE and I came to the Senate at the same time. As he leaves today, I am, as he just said, the sole survivor of the class of 1968. He has been a great friend of mine. I have been on the floor before to say how I felt about BOB DOLE.

I have also remarked about the fact that he has also been a great friend of the State I represent. He assisted us greatly in the passage of the Alaska Native Land Claims Settlement Act, which paved the way for the trans-Alaska pipeline. He assisted me many times in matters pertaining to the oceans—the Fishery Conservation Act, which protects the fisheries off our shores. He voted with us on the Alaska Lands Act, on issues that we tried to change in that bill in 1980. He and Elizabeth Dole were very helpful in assisting us on the Alaska Railroad transfer. As a matter of fact, as I have told many of my friends, their Christmas card that year was the photograph of the Secretary of Transportation and her husband standing at the back of the superintendent's car on the Alaska Railroad. That was Elizabeth's trip to Alaska, and BOB was traveling with his wife in her official capacity. He was of great assistance to me at the time that we had the terrible disaster of the *Exxon Valdez* oilspill. I could go on and on and talk about things that BOB has done with me.

What I really want to talk about, though, today is BOB DOLE as a leader.

As he said to some of us today, he believed that, as the leader, he tried to reach out to those of us here in the Senate who might disagree with him, and reach out to Americans. Recently, we had a report of a poll in my State that showed BOB DOLE is more popular than almost any of us who are elected officials in Alaska. He is well known in the north country because they know that he has gone out of the way on the campaign trail to go as far away as Alaska. I am one of those.

There are not very many of us remaining here now who saw service in World War II. Part of my role has been to work as chairman of the Defense Appropriations Subcommittee to assure that we keep the mandate we received from the Constitution to provide for the common defense.

BOB DOLE has never, ever voted against those of us who believe in a strong defense. He joined all of us who worked together in the Reagan years to see to it that we could rebuild our national defenses—really our total military capability—at the time that the Soviets were going into an enormous military monolithic Communist dictatorship. He was quite successful in getting the Senate to help President George Bush at the time of the Desert Storm victory. He knows the value of defense. One of the issues he is talking about now, as he leaves us, is our missile defense system.

He has told us himself today about his role in the Disabilities Act. He has worked with us in child nutrition, and he certainly has been responsible for the family tax credits coming back to where they should be. We hope to really increase those in the future. As was remarked here on the floor by our leader, he has reduced the tax rates in our country from a maximum of 90 percent to a maximum of just over 30 percent—for most Americans, 28 percent.

But I am really full of memories today as we have seen our leader leave us because, as he mentioned in his statement, in 1984, I, too, was a candidate to become the leader of the Senate. After several votes, it came down to a contest between Senator DOLE and myself. During the counting of the vote, he came over and congratulated me and thought that I had won. To the contrary. He won the election by a narrow vote. At that time, I asked for recognition and asked Senate Republicans to vote unanimously for Senator DOLE because it was clear we needed a united Republican group in the Senate to move forward. In retrospect, I think that was probably one of the smartest moves I ever made and one of the best votes I cast—to assure that BOB DOLE was elected the leader of the Republican side unanimously. He has shown us what he can do.

I want the Senate to know how much he demonstrated his philosophy of reaching out. After that election, he asked me to come see him, and he told me that he had some things in mind. For instance, one of the things he wanted to do was have the Senate more involved in the oversight of the arms control negotiations that were going on at that time. He asked me to chair the arms control observers group which he created at that time. He got the support of the minority, and we created a bipartisan group that played, I think, a very successful role in working on arms control negotiations.

He also came to me—I think this is probably not too well known in the Senate—and said that he was disappointed that the move to bring television to the Senate had failed, and he asked me if I would work with others in the Senate to bring that about. It was at that time a privilege, really, to represent the leader in meeting with Senators from the other side and on our side of the aisle. There were some Senators who changed their positions when they realized that the new leader was very sincere and wanted to have the American public know what was going on in the Senate.

I think that the Senate has been changed by television coverage in the Senate—some good and some bad, but mostly good. I believe it has demonstrated for the country what is ahead of us if BOB DOLE is successful in his new quest, because he does reach out for people. He makes sure that everyone involved around him has a meaningful role and listens. He listens to advice. If there is one thing that I think can be assured in the days ahead, it is that candidate DOLE is going to listen to America and America is going to listen to candidate DOLE. For myself, I can think of no better thing for the country than to know that we go to the beginning of the new millennium with a new President.

So I hope, Mr. President, that this day, this decision that my good friend has made to leave this Senate, which he loves and we all love, proves to be the right decision for him and for the country. I know that he has not left our hearts because those of us who know him will be with him all the way along the trail.

As the statement made by Theodore Roosevelt was read today in our meeting, as we gave him the bust of Teddy Roosevelt, BOB DOLE has known both victory and defeat, and he has shown his courage and his ability to stay the course. I believe he has what it takes. I hope he will know victory in the days ahead.

Mr. FEINGOLD. Mr. President, I rise to salute the energy, intelligence, and personal strength of a man who is leaving a remarkable career in the U.S. Senate, the majority leader, Senator ROBERT DOLE.

Many of my colleagues have worked with Senator DOLE far longer than I, but it didn't take me long after I arrived here in 1993 to develop a healthy respect for his skill as a legislator and for his ability to lead his Republican colleagues. Moreover, it quickly became clear to me that Senator DOLE is a man shaped and defined by his ability to meet challenges without flinching and to overcome them.

He has been accorded well-deserved praise from both sides of the aisle, and his colleagues on the other side have demonstrated their respect for his abilities by making him the longest-serving Republican majority leader in the Senate's history.

Mr. President, Senator DOLE's government career since he joined the Senate in 1968 is widely known and respected. He has played a pivotal role in the passage of several pieces of important legislation, including, for example, the landmark Americans With Disabilities Act in 1990.

For many years, Senator DOLE was a supporter of legislation to protect civil rights. For example, his efforts were crucial in the passage of the renewal of the Voting Rights Act in 1982.

His imprint is also on the Food Stamp Program, on Social Security, and other important measures.

One legislative achievement that may not get much notice, but which helps some of our Nation's most vulnerable people, is Senator DOLE's support for the Program of All-Inclusive Care for the Elderly, or PACE. Senator DOLE and I share an interest in this innovative long-term care program, which is a nationwide effort to integrate services for certain elderly Medicare and Medicaid patients. PACE has managed to provide an extensive array of services while saving money, both laudable goals.

On another issue—committing United States forces to Bosnia—Senator DOLE and I were in disagreement, but even though we were on opposite sides of the final vote to send American troops there, I recognized his efforts to work for bipartisanship and to take a risk to support what he regarded as the necessary action in this area.

Mr. President, it is unfortunate that, during an election year, the Senate is so often consumed by partisan tensions and maneuvers. Nevertheless, the U.S. Senate is an institution where it is possible to reach across the aisle and find common ground.

Senator DOLE has devoted many, many years to the Senate and to working on issues of enormous public interest. He has earned the respect and admiration of all of his colleagues, Republicans and Democrats alike.

Mr. President, BOB DOLE will be long-remembered in the U.S. Senate, and this Chamber will simply not be the same without him.

Mr. LEVIN. Mr. President, today the Senate loses one of its true legislative craftsmen. When I came to the Senate, BOB DOLE had already earned a reputation as a legislator, a Republican who

could cross the aisle to work with Democrats to solve problems and reach compromise. This is the essence of the Senate. I soon learned that the reputation of the Senator from Kansas was well earned. Over the years my respect for his ability to craft a legislative solution has grown. We will all miss his skill.

We will also miss BOB DOLE for his sense of humor. The Senate can be a place of high drama, high pressure, and sometimes high dudgeon. BOB DOLE, who has himself shown a real bite from time to time, and who is a tough fighter for his point of view, more often than not is able to defuse the situation, and sometimes disarm his opponents with a quip or a flash of his wit which leaves them laughing.

But, most of all, Mr. President, BOB DOLE will be remembered in the Senate as a man of his word. There is no greater compliment which one Senator can pay to another.

In this body, a Senator is only as good, only as reliable, only as effective, as his or her word. Senator ROBERT DOLE has earned the respect of all who have served with him in this Senate.

Mr. COHEN. Mr. President, there are few true heroes in this country, but one who has lived in our midst for many years is BOB DOLE, who has accomplished so much in his life and is going off to accomplish more. He was a hero in war who now and forever will bear the scars of his service to his country. And he is a hero in peace—a man who can maneuver through the legislative trenches with grace and daring, avoiding minefields and pitfalls, running the gauntlet while dodging bomb blasts from his opponents.

He leaves us today to enter a new battleground, where, I have no doubt, he will prevail with the same creativity and tenacity that had made him such an able Senate leader.

BOB DOLE has the experience, the temperament, and the judgment to be President. He is a man of honor and courage who understands the workings of Government at the highest levels but has never lost his understanding of common men and women. That's because he is a common man, who through the sheer force of his intellect and industry has reached uncommon heights.

There are, of course, many stories that could be told to illustrate the spirit and fortitude that has brought BOB DOLE to such heights, but two of my favorites date to 1952, the year he was elected county attorney in Russell, KS, and began his political career.

One night after Bob was elected, a man named Huck Boyd was driving through Russell after midnight and saw the light still on at the county courthouse. Huck Boyd was editor of a weekly newspaper and thought there might be a break-in, so he pulled over to investigate. It turns out that BOB DOLE, the new county attorney, was still working at his desk. And it also turns out that Huck Boyd was Kansas' member of the Republican National Committee, and was so impressed by this hard-working young man that he started talking him up throughout Kansas as a future political superstar.

But the quote I like best comes from the story of the 1952 county attorney election itself. Two young men who had come back from World War II were running—BOB DOLE and Dean Ostrum. Dean was a bright young man who had enjoyed many of life's advantages and was the son of perhaps the best lawyer in Russell. BOB DOLE didn't have all the advantages of life, had seen more adversity in 29 years than most people see in a lifetime, and was the son of Doran Dole who worked in a local creamery. As the campaign wore on, Bob outthought and outhustled his opponent, won by 200 votes, and launched his political career. The quote I like is from Dean Ostrum years after the campaign was over:

"How long was my day? I don't know, but it wasn't as long as BOB DOLE's I'm sure of that."

Forty-four years later that statement still rings true. No one I know has ever outworked BOB DOLE.

One of the reasons I believe so strongly in BOB DOLE's candidacy is because we share common views and values. We believe that consensus and compromise make for good government. We believe that rigid ideas and hardened positions drive people apart and lead to stalemate and paralysis. We believe in Ronald Reagan's theory of the big tent—that the Republican Party is a caring and compassionate organization that welcomes people of all backgrounds, a party that does not demean minorities by ridiculing their ancestry, a party that speaks of hope and promise and does not exploit fears and anxieties.

We believe in a strong national defense, that America cannot be the world's policeman, but neither can we afford to become a prisoner of world events. Some want to walk away from the world, but BOB DOLE knows the world won't walk away from us.

We believe that the best protection for American industry and workers is to open up our minds through education, training, and competition—not by shutting down our ports. We believe we must prevent illegal immigration but not punish those who seek the blessings of America by complying with our laws.

BOB DOLE, like Ronald Reagan before him, has dedicated his life in public service to tearing walls down around the world and not putting them up around America.

We also share a common belief that for government to operate most effectively—or in this day and age some might say to operate at all—it is necessary for policymakers to understand that goals cannot always be achieved at once. Progress must often come in small steps. BOB DOLE understands that principle better than most and he has the judgment, gleaned from years of experience, to know when those steps can be taken safely—or when one more step will send us hurtling over a dangerous precipice.

BOB DOLE understands that power and responsibility must be returned to the States. We have a $5 trillion debt that is gobbling up our children's economic future, and we know we have to slay this monster or it will surely slay us.

The man who stood for so many years beside us in the Senate does not appear to be wearing armor. But he is. It's made of a composite stronger than anything that can be manufactured by campaign strategists, pollsters, or spin-meisters. It's made of a belief in God, country, family, honor, and duty.

I have known BOB DOLE for more than 20 years as both a friend and a leader. He is a man of good heart and good humor who calls forth the better angels of our nature.

As President of the United States, he will make America safe and sound for us and our children. As President of the United States, he will help make the world safe for America.

Mr. LUGAR. Mr. President, as BOB DOLE leaves the U.S. Senate today, we are participating in a celebration unlike anything we have witnessed in the Senate for many years, and are unlikely to see again in this century. The abundant flow of affection in the midst of applause and tears are testimony to our recognition of BOB DOLE's investment in the Senate, our recognition of the hold his leadership has on our perceptions of the Senate, and the meaning of statesmanship, public service, and patriotism.

Senator BOB DOLE of Kansas was easily reelected to a fifth term in the U.S. Senate. After 8 years of service in the U.S. House of Representatives, he is in his 28th year of Senate service. On most days in the U.S. Senate and in most battles, BOB DOLE has been the voice and the very visible, energetic leader of the Republican Party.

BOB DOLE is the personification of hard work, constructive intelligence, personal loyalty and the determination to succeed against all odds.

His life has been filled with honors and recognition for significant achievements. But perhaps the defining moments of his life were those he spent on a mountainous Italian battlefield.

The troops he led as an Army infantry lieutenant were exposed to deadly enemy machine gun fire. He led the charge to eliminate the enemy emplacement. He absorbed withering fire which tore his body and almost ended his life.

His heroism was recognized promptly. But his ability to force feeling and

movement into his wounded body, to restore some hope that he could feed himself, dress himself, and function as a working, contributing man, took years of agonizing treatment, therapy, and persistence beyond comprehension.

BOB DOLE is intellectually and physically tough because his very life and being have depended upon that toughness. But those same fateful experiences have undergirded his compassionate championship of all handicapped Americans who have counted upon him to extend a strong hand back to pull them into the fullness of life in America.

From his early days in Russell, KS, BOB DOLE has understood the struggle of many families to keep food on the table. He has been the Senate champion for thoughtful nutrition programs, including comprehensive knowledge about food stamp distribution and a host of food programs for the working poor of our country.

I first met BOB DOLE when he was Chairman of our national party, and later as our Vice Presidential nominee in 1976. In the days following that election, I called BOB DOLE to thank him for his leadership and to ask for his help in fulfilling my first Senate campaign pledge, namely, to seek a seat on the Agriculture Committee. Even at a time of his own personal discouragement, he was characteristically helpful to me. I was seated at the end of the minority side of the table as the most junior member. I have witnessed for 20 years the mastery of BOB DOLE as a farm legislator.

His energy level is astonishing. His capacity to entertain new ideas and his generous ability to boost other people have strengthened my enthusiasm for this remarkable Kansan.

He deserves the opportunity to serve our Nation as its President. The Nation deserves his Presidency, which could be a term of remarkable achievement based on his innate courage and wisdom, and his universal experience with public persons and public issues.

I will be one who strives to help him realize new dimensions of leadership, because I have witnessed his integrity and I have confidence in his judgment. For the moment, I believe it is most important simply to recognize that to applaud BOB DOLE is to applaud the vitally important concept that good people arise in America to assume great responsibilities. Our country is stronger because this Senator always saw his duty and inspired so many Americans to follow him.

Mr. KENNEDY. Mr. President, I join in wishing the majority leader well—but not too well—as he takes his leave of the Senate.

He and I have differed on many occasions on many issues during the many years we have served together. But we have also been able to find many opportunities to work well together on many different issues of both foreign and domestic policy, and I have great respect for his ability as a Senator and Senate leader.

Of course, I liked it better when he was minority leader instead of majority leader.

In fact, we have worked closely on many significant issues over the years. I think particularly of the Americans With Disabilities Act in recent years. Senator DOLE was a strong supporter from the beginning. He stepped in early and often, and prevented many abrasive confrontations on that bill. As a result, it was enacted with broad bipartisan support in Congress, and has become one of Senator DOLE's and Congress' most notable achievements.

Senator DOLE and I also worked well together on other civil rights bills, on voting rights bills, on child nutrition legislation, and a range of other issues. In addition, we served together on the Senate Judiciary Committee for 6 years at the end of the 1970's and the beginning of the 1980's, and I was consistently impressed with his day-to-day ability on the issues and his tireless energy and dedication.

I also have many warm memories of the daily radio debates we did together for 4 years in the 1980's on our program called "Face Off." We were usually, but not always, facing in opposite directions on the issues, but Senator DOLE's intelligence and wit always shone through, and helped make the daily analyses both enlightening and enjoyable.

Often, even in the most contentious debates in the Senate, his excellent sense of humor was particularly effective, and he used it skillfully to defuse the tensest moments.

Now, Senator DOLE leaves the Senate with a record of many accomplishments that have served the Senate well, the Congress well, the State of Kansas well, and the people of America well.

I join Senators on both sides of the aisle who have found it a great privilege, a great honor, and a great education to work with Senator DOLE over the years. We admire his leadership and statesmanship, and we value his friendship. We respect him, and we will miss him very much in the months and years ahead.

Mr. FRIST. Mr. President, I rise today, as have my Senate colleagues, to pay tribute to the distinguished Senate majority leader, Senator ROBERT DOLE of Kansas.

Mr. President, the great American patriot Henry Clay, who also served as a Member of the House and the Senate, once said, "Of all the properties which belong to honorable men, not one is so highly prized as that of character."

He was right. As imperfect beings, we all strive to cultivate virtuous qualities—we endeavor to be kind; we are mindful to be courteous; in trying times, we struggle to maintain a sense of humor, but character, as the fiery turn-of-the-century evangelist, Dwight L. Moody, once so bluntly defined it, "is what you are in the dark."

Character is not something one can put on, like a new set of clothes. It is not something one trots out on special occasions, like courtly manners. It is not something one can pretend to possess. Yet, despite its ethereal quality, character is unmistakably apparent. It is the steady hand in times of crisis, the quiet voice in times of stress. It is courage in the face of adversity, strength of purpose, when all else seems to fail. It is a "property," as Henry Clay put it, whose value is beyond measure, a characteristic no amount of money can buy.

Mr. President, ROBERT DOLE is a man of character. A man who has remained true to his convictions; a man unafraid to defend his beliefs; a man who says what he thinks, and means what he says. He is a doer, not a talker; a fighter, not an equivocator; a leader not a dodger.

Today he leaves the U.S. Senate and the battlefield he's loved so well for so many years, the Senate floor. But he goes not gentle into the good night. He leaves on one last mission. He leaves to engage perhaps the most important battle he will ever fight—a battle not just for the heart and soul of America, but—more importantly—for the future of America. A battle that will lose or save America for the next generation; a battle to accomplish what all generations except ours have done before us—leave America a better place for our children and our grandchildren.

Mr. President, it is a battle that must be fought; a battle that must be won. And I can think of no one better to lead the mission than BOB DOLE.

Mr. COATS. Mr. President, today Senator DOLE becomes citizen DOLE. He has every right to be proud of that hard, courageous decision. We in the Senate have every reason to be sorry for it.

Senator DOLE leaves a legacy of lasting influence. He led this body to historic accomplishments, including the rescue of Social Security and the first balanced budget in a generation. He led his party, 2 years ago, to historic victory. And now he has accepted one more opportunity to serve—one more chance to lead.

This is the common thread that runs through an uncommon life—leadership. He has provided a definition of the term.

Senator DOLE has mastered the art of consensus. He knows when a breakthrough depends on one well-placed word. He knows how to cool tempers and emphasize agreement. He knows how to turn the chaos of this process into tangible achievements. These are rare and important qualities.

But this is only half of the story. I have seen another side of Senator

DOLE's leadership. He once put it this way:

I believe there is a place for honest negotiation in politics. It is an essential part of Democracy. Every political movement, and every public official, however, must locate a place where compromise ends—a core of conviction where we keep our conscience. There comes a time when even practical leaders must refuse to bend or yield.

For Senator DOLE that core of conviction is basic and clear, permanent and solid: safe streets, strong families, military strength, fiscal responsibility, a decent public culture. These commitments are nothing new and everything important. They are rooted deeply in the soil of the midwest in the lessons of a small town in his experiences of suffering and service. BOB DOLE understands the secret strength of America, because he embodies it.

Senator DOLE understands that Americans value freedom and responsibility, but must still care for one another in times of crisis and need. He understands the fears at the edge of poverty, because he felt them in his youth. He understands the price of liberty, because he paid it himself. He fights strongly, because he believes deeply. We have come to depend on this core of conviction, based on the lessons of a life.

In his legislative career, Senator DOLE has displayed both elements of true leadership: consensus and conscience, flexibility and firmness. He is an example to all of us who work with him—who follow him—who respect him. Leaving the security of the Senate is just another example of the moral courage we have come to know the essence of leadership at the moment of testing.

T.S. Eliot wrote, "in my end is my beginning." This is the end of a distinguished legislative career. It is the beginning of a new mission. That mission takes Senator DOLE beyond this body, and we regret it. But I am convinced it will take him to the White House. Senator DOLE—citizen DOLE—has only begun his service to this Nation.

Mr. CRAIG. Mr. President, I rise to honor and remember our distinguished majority leader, our colleague, and our friend, BOB DOLE, as he prepares to leave the Senate.

When you work with or around BOB DOLE, you soon realize: He has consistent values and an unwavering commitment to them.

He's been in there fighting for a balanced budget—not because of some green eyeshade interest in the numbers, but because he knows its a moral issue.

He's been fighting for years, consistently, for a balanced budget constitutional amendment because he understands this is a principle of fundamental fairness, and he understands how the Constitution really works, protecting the basic rights of the people by preventing the Government from abusing its powers.

I've worked with BOB DOLE on other constitutional issues, from protection of second amendment rights to private property rights.

When Congress passes the 28th amendment—the balanced budget amendment—some time in the near future, even though he will have left the Senate, it will be, in part, a monument to Senator DOLE's years of hard work.

I remember many events, many battles, high points and defeats, as BOB DOLE and I have worked together for the balanced budget amendment.

When I was in the House, in the early 1980s, CHARLIE STENHOLM, a Democrat from Texas, and I started CLUBB—Congressional Leaders United for a Balanced Budget.

Pete Wilson was our Senate Co-Chair and BOB DOLE was a charter member.

When we met with taxpayer groups, and stood on the steps of the Capitol with mail bags full of hundreds of thousands of letters and petitions from Americans everywhere—BOB DOLE was always there with us, promoting the balanced budget amendment.

CLUBB worked with taxpayer groups to schedule Members of Congress around the country to meet with local leaders, State legislatures, and others on behalf of the balanced budget amendment.

I remember back to 1985–86 and how it impressed me that, here was the majority leader of the U.S. Senate, a man busy with every issue before Congress—and he took the time and effort to travel whenever he could, wherever he could, to bring the balanced budget crusade to Americans everywhere.

And last year, after our constitutional amendment fell one vote short, and then again this year, he showed that the Senate could break with history and make history, could muster enough courage, under his leadership, to actually produce a balanced budget.

Citizen, Senator, Majority Leader BOB DOLE has worked, fought, and spoken to the Nation for the balanced budget amendment because he cares about the future of our Nation; because he cares about our children, and what kind of opportunity we leave for them; because he cares about having a country that provides for the security of our seniors and the best possible jobs for our working men and women.

Many, many aspects of BOB DOLE's life have demonstrated how much he cares about people, especially the helpless, and about our country.

Much has been said about his record as a war hero and his war injuries. And, of course, much has been said about his public service.

Unlike many in politics, he has not just sympathized with people's pain, he has been there.

Doctors first said he would not live because of his war injuries. Then they said he would never walk again.

But he did much more than walk—he soared on the wings of self-sacrifice and service to others.

Because of the values he learned growing up in Russell, KS, because of the lessons of life, he understands people and cares about people.

This understanding has shown through in his leadership here in the Senate, where he has been perceptive about the strengths of his colleagues and what things are important to them.

It has particularly struck me how he, as leader, has always looked to match those strengths and interests with the tasks at hand to give his colleagues leadership opportunities, and to accomplish something good for the Nation.

The Senate will miss his leadership, his dedication, his integrity, and how he cares about people.

And in the coming months the Nation will learn much more about those qualities, and will call upon him for one more heroic mission.

Mr. SANTORUM. Mr. President, I rise today to join my colleagues in paying tribute to the Senator from Kansas.

The significance of this day should not be diminished by reference to or discussion of the gentleman's future pursuits. They should more importantly reflect the tenure and service that he has already given his State of Kansas, the office of majority leader, the institution of Congress, and this country as a whole.

Mr. President, I remember my first direct interaction with BOB DOLE in 1993 as we crafted fundamental entitlement reform to the supplemental security income system. I could talk today of our work in shaping the direction of our Nation's social policies, more recently during a very intense debate here last fall on a comprehensive welfare reform package. I was honored to have been of assistance to him in managing the floor discussion, and it was during this debate that Senator DOLE's guiding hand was once again exhibited in maneuvering this body through one of the more contentious and important discussions of national policy.

As the youngest member of this body, however, it is with a different perspective that I would like to focus my remarks today. Many of BOB DOLE's most significant experiences, especially his service in defending this country in World War II, largely precede my 38 years. His 35 years of service and leadership in Congress roughly bridges the span of my life. And while I have only had the honor to serve under his direct leadership in the Senate for a year and a half, I have indirectly benefited from BOB DOLE's sacrifices, courage, and convictions for the better part of my life.

Today's speeches have been filled with personal reflections, tributes to service, and legislative and policy histories that all have been influenced by the gentleman from Kansas. As moving

and genuine as these reflections have been, time and history will truly capture and attest to the magnitude of Senator DOLE's service and the importance of his departure.

Rapid change in the character and makeup of both Chambers has marked my 6-year service in the U.S. Congress. Since my election in 1990, the U.S. Congress has experienced not only one of the largest single year turnovers since the 1974 elections, but has also ushered in a historic change in the majority parties of both houses.

And in the midst of this profound change, individuals like the Senator from Kansas have remained a stabilizing force to this institution. As it is far too easy to get lost in the direction of our own careers, we must not allow ourselves to lose sense of those who have shaped the institution of Congress and those who have left a lasting imprint on the direction of our Nation. History will undoubtedly record Senator DOLE as one of those people.

As the longest serving majority leader in the U.S. Senate, Senator DOLE possesses an instinctive ability to navigate the Senate's process of forced compromise. While at times during this session these abilities have served as a source of personal consternation, I readily acknowledge that these are qualities that a leader must exhibit to carry out the duties and responsibilities of this Chamber. These are qualities that a leader must espouse to bridge the ideological differences that manifest themselves in the direction of our policies.

Clearly, the history and service of Senator DOLE's 35 years in Congress is an inspiration to all of us and a challenge as we, in his absence, try to foster and maintain the integrity and direction of the institution of the Senate.

The hallways of the Senate will long be filled with the images of Senator DOLE's presence and the echoes of his trademark late night walks from this Chamber, through the Vice President's lobby, and to the majority leaders office overlooking America's Mall of monuments to this Nation—the view across what will now be known as the BOB DOLE balcony.

Mr. President, it is indeed a distinct honor to congratulate and thank the Senator from Kansas for his service to our country. I rise with the distinction of being a U.S. Senator from Pennsylvania and the honor of being a colleague of the Senator from Kansas. I rise with the privilege of representing 12 million Pennsylvanians in the rich tradition and history of Senators Hugh Scott, John Heinz, and Harris Wofford, who have had the honor to serve with Senator DOLE at this very desk before me, and have been enriched by the shared service and experiences. But most importantly, I rise as a personal beneficiary of the Senator's sacrifice, his service, his steadfastness, and his wisdom.

In closing, Mr. President, I stand today with the privilege of speaking in some small way for those Pennsylvania voices in sharing our blessing for the continued strength, courage, and conviction in life's pursuits for Mr. DOLE and his family.

Mr. D'AMATO. Mr. President, I rise for a final, heartfelt tribute to Senator DOLE.

In another unselfish act on behalf of his country, Senator DOLE will leave the Senate where he has so well served the people of Kansas in order to better serve the American people as our next President.

Mr. President, by any definition, BOB DOLE is a great man—a man whose entire life has been dedicated to serving his country with honor, with courage, and with integrity.

BOB DOLE is an American hero. He fought to defend this country during times of war. And throughout his career he has fought for policies to ensure prosperity and security at home and peace around the world.

Mr. President, BOB DOLE has remained dedicated to the same causes and principles that led him into public service over 40 years ago. He is a man certain of his core values, and anchored to his unwavering principles of service to country, honoring individual freedom, and bettering the lives of every American.

Mr. President, BOB DOLE represents what's right about America: integrity, courage, compassion, and patriotism.

Mr. President, it will be difficult to imagine the Senate without BOB DOLE's strong presence and skillful leadership. BOB DOLE's monumental legislative achievements—first as a legislator and now as leader—are the direct result of his strongly held convictions, his forceful advocacy, his skill at debate, and his respect and tolerance for other Senators' views, perspectives, and experiences.

His native State of Kansas and the many noble causes he has championed over the years have benefited from his legislative skills. As his colleagues, we know—and history will record—that he has had an indelible influence on this body, our Government, our people, and our times that will be felt well into the next century. He will leave an imprint deeper and stronger than few Senators in history can rival.

Mr. President, some personal comments on Senator DOLE are unavoidable at this moment. How could a Midwestern-Kansas conservative from a rural and agricultural State become friends and have so much in common with an ethnic second-generation Italian from Long Island?

In BOB DOLE's own words:

Al D'Amato and Bob Dole—at first glance it seems like an unlikely friendship. One was raised on his mother's pasta in the heart of America's largest city. And the other was raised on his mother's fried chicken on the plains of rural Kansas. But when New Yorkers sent Al to the United States Senate in 1980, it didn't take me long to discover that we had a great deal in common.

Both of us call them like we see them. Both of us believe in the neighborhood values that made America great—values like hard work and personal responsibility. Both of us don't give up without a fight. And both of us have never forgotten from where we came.

Mr. President, these insightful words are from BOB DOLE's introduction to my book. They reveal BOB DOLE's basic decency, his solid foundations, and his strong character. These are the qualities that attract people to BOB DOLE and the reasons he is so admired.

Mr. President, as my dear friend, colleague, and leader, BOB DOLE, departs the Senate to pursue the Presidency; he leaves with my continued admiration and support. His unique and historic journey has taken an unexpected but necessary turn. With his beloved Elizabeth beside him in his quest for the Presidency, I know my friend has made the right choice.

Mr. President, the Senate will miss BOB DOLE and I will certainly miss my friend.

Mr. MOYNIHAN. Mr. President, one of the stories BOB DOLE likes to tell in speeches and interviews has to do with the events in the first 2 weeks of 1983 when, quite literally, the Social Security system was saved. As with many tales told on political campaign trails, it is not one hundred percent accurate. We all recall that opening passage from Huckleberry Finn in which Huck tells us that we will recognize him from the book about Tom Sawyer which was written by Mr. Mark Twain, "and he told the truth mainly."

Which BOB DOLE does. The only part of the tale he leaves out is his own role. It could not have happened without him. To the contrary, he made it happen.

I was there. I so attest. It was January 3, 1983. A new Congress was convening. I had just been sworn in for a second term. This was agreeable enough, indeed, hugely so, but there was a cloud over the occasion. I had gone on to the Finance Committee in 1977 and had worked on the Social Security Amendments of that year, under the superb leadership of Gaylord Nelson. We had realized the actuarial troubles the Social Security Trust Fund would face with the curious demography of the baby boom on the still-distant but recognizable horizon. We put in place a number of F.I.C.A. tax increases to provide for this. And thought our work was done. Then came the second oil shock and the great inflation of the late 1970's. For the first time in our history price increases ran ahead of wage increases. The Trust Funds sank to the point of approaching insolvency. In 1981, the new director of the Office of

Management and Budget, David Stockman, warned the country to expect the "world's largest bankruptcy" on a date certain in the near future. It wasn't as bad as that, but Robert J. Myers, the former chief actuary, knew it was bad enough and he passed this on. President Reagan called for and Congress created a Commission on Social Security Reform, headed by Alan Greenspan. We met all through 1982, but could come to no agreement on what to do. The year ended, the Commission ended, an inconsequential report was drafted.

But something had, in fact, happened. BOB DOLE, a member of the Commission, had listened. He always listens, as Senators know. But this time he was listening to information quite at odds with all he had ever heard. That Social Security was not a crazy New Deal Ponzi scheme certain to go broke one day. That day being at hand. Which is what so many members of his party were willing to believe. No; he learned, largely from Myers, there were difficulties but they could be resolved and should be resolved.

On that January 3 morning, Senator DOLE had an op-ed article in The New York Times. I ask unanimous consent that it be reprinted in the RECORD.

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

[From the New York Times, Jan. 3, 1983]

REAGAN'S FAITHFUL ALLIES

(By Bob Dole)

WASHINGTON.—In this city, which makes history but prefers headlines, today's hottest story is President Reagan's problem with his allies on Capitol Hill. But those who believe that they see a divisive split between the President and Congressional Republicans ignore Ronald Reagan's many achievements, misunderstand the role of Congress, and exaggerate the tension between the Presidency and Congress that has naturally existed since the Founding Fathers found room for both in the Constitution.

It is important to understand that Presidents of both parties have always had differences with their friends on Capitol Hill. Thomas Jefferson had to endure a Speaker of the House who was not only a fellow Democrat but his own son-in-law and who had the irritating habit of publicly charging members of the Jefferson Administration with corrupt land speculation.

Abraham Lincoln found his military decisions criticized by his own party's select committee on the conduct of the war, and his nascent plans for Reconstruction roadblocked by the so-called radical Republicans.

Theodore Roosevelt's pioneering efforts to regulate commerce and preserve the natural splendors of the West ran counter to the property-loving instincts of Republican legislators.

Franklin Delano Roosevelt saw the wave of his personal popularity crest in 1937, when disgruntled Democrats shot down his plan to pack the United States Supreme Court.

Lyndon B. Johnson failed to unite Democrats behind the Vietnam war and, in the end, abdicated. So did Richard M. Nixon when many of his strongest supporters made clear their distaste for his handling of Watergate. Earlier still, Mr. Nixon watched as two Supreme Court nominees were torpedoed by Republican Senators.

Jimmy Carter's term was rendered all but irrelevant by Democrats of the Kennedy stripe. Now, after two years of remarkable leadership, the equal of anything seen in this city since the heyday of Lyndon Johnson's Great Society, it has become fashionable to claim that Ronald Reagan's mastery over Congress has become frayed and that his options for future guidance have narrowed to little more than graceful acquiescence.

Much of this is the product of journalistic boredom or perhaps, Democratic wishful thinking. Those interested in the sounds of genuine partisan division ought to pitch their hearing to the tunes of Mondale and Glenn and Hart and Hollings and Askew and Cranston.

What's more, those now debating responsibility for next year's agenda all too easily overlook Ronald Reagan's achievement in setting the decade's agenda. They forget that the President has already engineered a major shift in relations between the individual and his Government. And, in their own preoccupation with current headlines, they obscure a personal history of political resourcefulness and a gift for compromise familiar to anyone who has examined Ronald Reagan's Governorship in California.

So, before Republicans start believing the fashionable theory of a White House-Capitol Hill split, we ought to remind ourselves that we are led by a persuasive chief executive, that we enjoy strong, experienced leadership in both houses of Congress and that the issues confronting us present as much opportunity as peril.

Social Security is a case in point. With 116 million workers supporting it and 36 million beneficiaries relying on it, Social Security overwhelms every other domestic priority. Through a combination of relatively modest steps, including some acceleration of already scheduled taxes and some reduction in the rate of future benefit increases, the system can be saved. When it is, much of the credit, rightfully, will belong to this President and his party.

Similarly, the mashed-potato circuit echoes to the plaintive cries of born-again protectionists who address the symptoms and not the illness plaguing our economy. Whether through local-content legislation or export subsidies, they would scuttle free trade and risk a global war, with tariffs and other trade barriers as lethal weapons. Wrong as they may be in their prescription, these new economic isolationists have struck a responsive chord in a nation deeply worried about present and future employment. Again, the trade issues provide Republicans at both ends of Pennsylvania Avenue with the potential to reach out to working people, to demonstrate not only verbal concern but practical solutions.

The nation's headline writers like to call President Reagan The Great Communicator. Historians, I'm convinced, will label him the Great Reformer. It is his willingness to question this city's conventional (and costly) wisdom that Republicans must emulate as we tackle priorities too pressing to put off. No one is more eager to extend the Reagan revolution and to avoid political trench warfare in the coming session than Congressional Republicans.

The atmosphere within which the new Congress convenes will be shaped by perceptions that, in politics, are sometimes the equivalent of reality. And it is as a supporter of the President's objectives that I express concern about perceptions of his program. Clearly, they will not be improved so long as the Congress, public and news media discern an imbalance between human needs and military hardware. When the Constitution mandated the Federal Government to provide for the general welfare, it said nothing about the generals' welfare.

The problem of perception might also be improved by a closer partnership between the White House and its natural allies on Capitol Hill. A modest but useful first step would be more frequent and constructive give-and-take sessions with G.O.P. leaders. For we, no less than his own department Secretaries and other personnel, belong to the President's official family. And we, no less than they, wish the next two years to be as successful as the last two.

Certainly, tackling Social Security and trade issues will engender controversy. But the alternative is momentum surrendered and an anxious public disillusioned. This President has always insisted that purely political considerations will not affect his judgment. That is one more reason why he is free to propose and achieve reforms on a historic scale. By doing so, he insures that he will not have to wait for history to express gratitude.

Those who say that the bloom is off the rose for Ronald Reagan forget that the rose is a perennial. With a little imaginative gardening now, it will blossom handsomely in 1984.

Mr. MOYNIHAN. Mr. President, note that paragraph about Social Security. ". . . The system can be saved."

I had read it. I went up to Senator DOLE on the floor and said, "Bob, if you think that, and I think you are right, oughtn't we give it one more try?" He asked me if I could meet with him the next day. Both of us were planning vacations, but this came first. At 4 o'clock next, Tuesday, January 4, we met in his office. I give you now the events of the next 13 days. They are written from my daily schedule, but think Bob DOLE all along.

Tuesday, January 4, 1983, 4:30 p.m.: Senators Dole and Moynihan meet with Robert J. Myers re Social Security.

Wednesday, January 5, 2:00 p.m.: Senator Moynihan meets privately with Alan Greenspan, Congressman Conable and Robert J. Myers re Social Security.

4:30 p.m.: Meeting at James Baker's residence with Senator Dole, Cong. Conable, Robert J. Myers and Alan Greenspan.

Friday, January 7, 8:30 a.m.: Meeting at Blair House re Social Security.

2:30 p.m.: Senators Dole and Moynihan meet with Robert J. Myers.

Saturday, January 8, 9:30 a.m.: All-day confidential meeting at residence of James Baker—also with Richard Darman.

Tuesday, January 11, 5:15 p.m.: Confidential meeting at Blair House.

Wednesday, January 12, 3:15 p.m.: Meeting re Social Security at Blair House.

Friday, January 14, 10:30 a.m.: Meeting with David Stockman, Richard Darman and Robert Myers in Senator Moynihan's office.

Saturday, January 15, 11:00 a.m.: All-day meeting re Social Security at Blair House—Agreement reached.

Monday, January 17, 7:10 a.m.: Senators Dole and Moynihan, and James Baker interviewed on ABC "Good Morning America" re Social Security.

Indeed, I have a handwritten note in my Economist Diary, "Noon Jan. 3, 10:00 p.m., Jan. 15, 13 days."

Thirteen days that changed the world for a good many Americans. They were Dole days and should never be forgotten.

Mr. KERRY. Mr. President, though I cannot join my Republican colleagues in wishing Senator DOLE success in his next endeavor, I join with Senator DASCHLE and all of my colleagues in wishing the distinguished majority leader and his wife and daughter good health and every happiness in the future. To leave his beloved institution after such a long and illustrious public service career—for whatever reason—is, I am sure, difficult, but there is no greater reward than the legacy of honorable public service.

Though we may not have agreed on many issues in the time we have served together in this body, there is one in particular we agreed on and we worked together to make it happen. The Brockton, MA Little League became a national model for the establishment of a challenge division for little leaguers with disabilities, thanks to the efforts of Senator DOLE. He is a fellow veteran and a man of proven personal courage and deep political conviction. He has been an integral part of the history of this institution and he will be missed.

Whatever our politics, whatever our philosophy of Government, this Nation, the democratic process, and the U.S. Senate are well served by those who have both the courage to survive against the odds in the face of extraordinary personal hardship, and the common sense to seek reasonable compromise for the survival of the Nation. The distinguished majority leader's life has indeed been one of personal courage and political compromise. His record of public service speaks for itself, and as he leaves here today, we wish him well. As colleagues, we must put politics aside for a moment, remember the man and his career, and say to the distinguished major leader: Thank you for the lesson in service and democracy that you have given us.

"THE MEASURE OF A MAN"

Mr. NICKLES. Mr. President, today we recognize the departure of a great friend and colleague, Majority Leader ROBERT DOLE, from the U.S. Senate. In honor of his departure, I ask unanimous consent to have printed in the RECORD a poem by Albert Caswell, a longtime guide for the U.S. Capitol, which pays tribute Majority Leader ROBERT DOLE.

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

THE MEASURE OF A MAN

(By Albert Caswell)

What is the measure of a man?
Today, high atop the Senate we sit and understand.
What is the measure of a man?
It's not power, wealth, or looks, but how we conduct our lives.
This alone, is what put us in the record books.
What is the measure of a man?
In the Senate this day, comes a great leader of character and class,
Who climbed every mountain the Lord put in his path.
What is the measure of a man?
For against all odds, time and again, his back to the wall,
One Robert Dole, heart of a lion, has always stood tall.
What is the measure of a man?
Yet for all his strength and all his glory,
His warmth, kindness, and humor tell the story.
What is the measure of a man?
He walks in, stillness in the gallery, listen closely, hear the silent tears.
Historians and friends sadly know, a man of his stature will not come our way for many years.
What is the measure of a man?
For on this day, June 11, 1996, Robert Dole gives up his greatest love of all,
To answer our nation's cry for leadership, he hears the call.
Today, we see and understand,
What is truly the measure of a man.

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

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

UNANIMOUS-CONSENT REQUEST—H. CON. RES. 178

Mr. LOTT. Mr. President, I ask unanimous consent that debate now begin on the conference report to accompany the current budget resolution, House Concurrent Resolution 178, and that once the Senate receives the conference report, it be considered as having been read and all time consumed be considered used as part of the statutory 10-hour time limit.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that request be vitiated. We need to get one final clearance on that.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, we are hoping that the Senate can momentarily begin debate on the budget resolution and conference report. All interested Senators, interested in coming to debate the budget conference report, are encouraged to do so this afternoon. Hopefully, we will have an agreement here momentarily where we can get started. I know the distinguished Senator from Nebraska is ready to begin the discussion. I know the chairman of the Budget Committee is going to be here momentarily. We hope to go ahead and start discussing this very important conference report.

It is our intention to adjourn this evening, if we can get an agreement worked out, at a relatively early hour, 7:30 perhaps, or earlier, if no further Senators would be seeking time to debate on the floor at that time. We do not anticipate any further rollcall votes occurring during the remainder of today's session. We expect that there will be a rollcall vote at some time to be determined on Wednesday. The two leaders will be talking with the ranking members on the Budget Committee to get a time specific.

As soon as we get final approval, we will ask consent to go ahead and begin that debate.

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. 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.

TRIBUTE TO SENATOR ROBERT DOLE

Mr. SHELBY. Mr. President, today has been a very interesting day for our former leader, BOB DOLE. While the U.S. Senate suffers what I believe is a tremendous loss today with the departure of the majority leader, Senator ROBERT DOLE, I can tell you it is a great day for America. I believe that. For, while Senator DOLE leaves behind a legacy of extraordinary leadership and commitment to this institution, his departure promises the American people a much more important commitment to this country. But, perhaps more important, his departure gives the American people a better opportunity to learn more about a man that I and many of my colleagues greatly admire and have come to know. So I would like to spend just a few minutes to describe the man that I have come to know, with whom I have worked, and I hope the American people will come to know over the next few months.

BOB DOLE, Senator DOLE, is a man of his word. You can trust him. He is a plain speaker and not one for flowery oratory. He believes in what he says. He means what he says. He does not try to be everything to everybody. He stands for a few important principles—not everything.

Senator DOLE is honest and he is very straightforward. He is loyal. He is a

doer and he is not a talker. His values are constant; they do not change from day to day. He knows who he is, where he comes from, where he wants to go, and his word is his honor. He is a man who chose sacrifice over self, finding strength at an age when others sought the leisure of self-expression.

Briefly, BOB DOLE is a man of courage, a man of character, a man of integrity. These measures of the man are what sets Bob DOLE apart and what has led his colleagues in the Senate to entrust him with leadership time after time.

It will be these same characteristics that will distinguish for the American people who they should trust to lead them in the years ahead. While it may be easy for others to constantly change what they stand for in order to distinguish themselves on the issues, character, courage, and integrity are not mantles of convenience. They cannot be adopted at will, converted by choice, or otherwise assumed. They are bedrock principles.

They are like a fingerprint, intractably a part of you, easy to trace and difficult to fake.

Over the next few months it will be for the American people to ask the same question that the Senate has, who do they trust to lead this Nation? I believe the answer will be the same ultimately. It will be Senator DOLE.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, we will shortly be moving to the budget resolution, but I understand the Senator desires to speak up to 5 minutes as in morning business on a statement regarding Senator DOLE.

Mr. DEWINE. That is correct. It could be 7 minutes.

Mr. DOMENICI. I ask unanimous consent that he be granted 7 minutes as in morning business.

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

A LEGISLATIVE GIANT

Mr. DEWINE. Mr. President, I thank my colleague from New Mexico. On behalf of the people of Ohio, I join all my colleagues in paying tribute to a legislative giant who left the stage of the U.S. Senate just a few moments ago.

The BOB DOLE America saw earlier today is a person we all in the Senate know: A man of character, a man of integrity and a man of utter devotion to the future of this country.

It is strange in politics, it is really an oddity in politics that a person's public image sometimes differs from his or her true qualities. That sometimes is the case with BOB DOLE.

I have watched some of his press conferences earlier in the campaign and particularly read some of the earlier stories and newspaper articles about him. When I did that, I realized there was something missing, that this really was not the BOB DOLE that I have seen for the last 18 months.

The BOB DOLE that I have seen was the real Bob DOLE, the individual, the leader, the war hero, the consensus builder and a man of enormous compassion. In listening to his speech earlier today on this floor, I did see those qualities clearly on public display, as did the American people. This is BOB DOLE, many times a man of few words, but a man who shows tremendous character and leadership in his actions.

Upon joining the Senate a little over a year ago, I became a BOB DOLE watcher. I had the opportunity as a Member of the House for 8 years to watch him from afar, but I have had the opportunity now for a little over a year to see him up close and watch how he operates and watch how he gets things done. I have seen him, as we all have, preside over four different meetings at once, moving from room to room to room and never lose track of what is going on.

BOB DOLE is someone who keeps in mind the big picture. I think the majority leader of the U.S. Senate always has to keep the big picture in mind. Yes, he has to understand details, he has to understand the nuances of legislation, how you get bills passed, but he also has to keep in mind the big picture: That you have to ultimately get the job done, that you ultimately have to get the bill passed, that you ultimately have to get things to happen.

This is the BOB DOLE I saw earlier today. Earlier today, BOB DOLE told how he and Senator MOYNIHAN and others made the last, brave attempt to reform Social Security in 1983, with the result that Social Security is safe for another generation.

That leadership ability is still there. I had the opportunity to see that many, many times in the last year, year and a half, but my favorite example that I use to illustrate BOB DOLE's leadership is the welfare reform bill that we passed. Unfortunately, the President ultimately vetoed the welfare bill, but the bill we passed in the Senate, BOB DOLE was able to get 87 votes for.

I do not think anyone in this Chamber, anyone in this country, none of the political experts a year ago, a year and a half ago, if we had been talking about welfare reform, would have thought BOB DOLE could have brought a welfare reform bill to this Senate and could have gotten 87 votes. What an achievement—what an achievement.

BOB DOLE was able to deal with the Governors, trying to put that together, certainly no easy task, and the Senate, equally difficult. And he put together a fair and balanced welfare reform measure. He was able to accomplish this amazing feat, because he never lost sight of the need to ultimately reform a system that has long failed the people it was intended to help.

Mr. President, here is a man who is capable of making tough decisions and right decisions. As he pointed out in his speech earlier today, the Senate is not like the House of Representatives. The Senate leader has fewer tools to control the Senate than the House Speaker possesses in the House. The Senate leader rules—not rules—really leads by consensus. He cannot dictate, he must lead, and I have seen, as we all have in this Chamber, BOB DOLE lead.

I have been to more than one meeting with Senators, and Senators only, where a Senator complained that he or she had not been consulted on an issue or had some other complaint to the leader, Senator DOLE, about how things were going, what he had done, not done. I had seen BOB DOLE look at them, as only BOB DOLE can, and say, "Well, if you want someone else to lead, if you want someone else to be a leader, that's fine, but you elected me to lead. As long as I am the leader, I intend to do just that." And that was the end of the conversation. That is BOB DOLE. That is leadership.

But, Mr. President, my admiration for BOB DOLE goes far beyond his ability as a majority leader. It is personal as well. BOB DOLE has the insight born of someone who suffered an enormous and unexpected tragedy. He was a star athlete who went off to war and came back with crippling injuries. This is not campaign hype of anything. Senator DOLE would rather downplay, and always has throughout his life, the struggles that he encountered when he came back and what he had to go through when he came back from World War II. He would rather downplay what he struggles with every day, since he was literally blown apart in World War II.

We all expect in life to lose our parents, even a spouse. Certain things you expect to happen, but there are other defining tragedies that go beyond the normal course of events, that go beyond what we are taught to expect. I have thought about this often since suffering the loss of our daughter, Becky. I, too, am also very reticent to talk about such a deep and personal tragedy, but I cannot help but admire the way BOB DOLE has worked through his own suffering. He understands daily pain, and I take great comfort from seeing this in him. He understands that life is not fair. Through dealing with pain, he has learned to understand himself, and these, Mr. President, are not bad qualities to have in a leader or in a President.

The President who comes to mind who reminds me the most of BOB DOLE in some ways is Franklin Roosevelt, who also faced physical disability with silent courage. Like Roosevelt, BOB DOLE's identity and his understanding of life were forged by pain. When Senator DOLE made the historic announcement last month that he would leave the Senate, the room was very crowded. It was so crowded that where I was, I could not see the expression on his face as he made the speech, but I could hear the emotion in his voice. BOB DOLE has the two seemingly opposite qualities of toughness and compassion. He had to be tough to leave the Senate. Most people do not leave voluntarily after spending a lifetime to get here. But he showed his more emotional side, too, when he made his announcement. His voice quivered during his announcement, not an easy public display for him, and he was even more emotional when he broke up during an earlier private meeting with us.

But as difficult as this decision was for him, I believe he will find it liberating to have left the Senate. I recall my own decision to make a second run for the Senate after losing the first time. I realized at that point that if I lost the second bid that my political career was over. If I lose this race, what happens? The same is now true for BOB DOLE who said he has "nowhere to go but the White House or home."

BOB DOLE had fixed in his own mind that his time as majority leader had passed and that the time had come for another challenge. Once he made the mental leap from the Senate Chamber, it was time to act.

This is the real BOB DOLE. And as he said goodbye to us then and again today, his friends and coworkers, BOB DOLE looked like a leader. He looked like a President.

Mr. President, I, like the rest of my colleagues, will always remember the demeanor and courage of this great statesman as he said farewell to the U.S. Senate.

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

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

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

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I believe we have now reached an agreement with reference to how we will handle this conference report in terms of timing and the vote. I will proceed with a unanimous-consent request. I ask unanimous consent that debate now begin on the conference report 104–612 to accompany the concurrent budget resolution, House Concurrent Resolution 178, and once the Senate receives the conference report, it be considered as having been read.

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

Mr. DOMENICI. I further ask if the Senate has received the papers by 3:30 p.m. on Wednesday, June 12, then the Senate proceed to vote on adoption of the conference report at that time. I further ask if the Senate has not received the papers by that time, then the vote occur on Thursday, June 13, at a time to be determined by the majority leader after consultation with the Democratic leader.

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

Mr. DOMENICI. For the information of all Senators, the Senate will now begin debate on the budget. All Senators interested in debating the budget conference report are urged to speak this afternoon.

It is the intention of the leadership to adjourn the Senate at approximately 7:30 p.m. this evening or earlier if no further Senators are seeking floor for debate. Therefore, no rollcall votes will occur during the remainder of today's session. The next rollcall vote will occur at 3:30 p.m., on Wednesday, June 12.

Mr. EXON. Mr. President, I just want to clarify, I understood you said we would vote by 3:30 tomorrow if it is here; is that right?

Mr. DOMENICI. Yes.

Mr. EXON. That would be Wednesday. If we do not vote then, we vote when?

Mr. DOMENICI. I said if the papers are not here, we cannot vote tomorrow by 3:30; then we will vote on the following day, which is Thursday, at a time to be determined by the majority leader in consultation with the minority.

Mr. EXON. We have no objection.

Mr. DOMENICI. Mr. President, there is a unanimous-consent request I want to make that has been cleared with the other side. There is an error in section 103(b) of House Concurrent Resolution 178 with respect to the levels of outlays in the Social Security Program. Therefore, I ask unanimous consent that the correct levels be printed in the RECORD at this point and they be deemed the appropriate levels for the purposes of enforcement of this budget resolution and the Congressional Budget Act.

I send a copy of the appropriate levels to the desk and ask that it be printed in the RECORD.

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

Corrections to section 103(b) of H. Con. Res. 178:

	Outlays
Fiscal year:	
1997	$310,400,000,000
1998	323,000,000,000
1999	335,900,000,000
2000	349,300,000,000
2001	363,900,000,000
2002	378,800,000,000

Mr. DOMENICI. Now, Mr. President, Senator EXON has cleared this, too. There are a number of errors contained in the statement of managers which accompany House Concurrent Resolution 178 with respect to the tables displaying the budget authority and the outlay allocations to the committees of the Senate for purposes of section 302(a) of the Budget Act. I, therefore, ask unanimous consent that the correct tables be printed in the RECORD at this point. These tables will be considered to be the allocations to the committees for the purposes of enforcement of this budget resolution and the Congressional Budget Act.

I send a copy of the correct tables to the desk and ask unanimous consent they be printed in the RECORD.

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

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FOR FISCAL YEAR 1997

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	791,195	832,273		
Appropriations (Violent Crime Trust Fund)	4,683	3,073		
Agriculture, Nutrition, and Forestry	6,017	2,990	10,068	8,492
Armed Services	40,058	39,929		
Banking, Housing, and Urban Affairs	5,881	−9,017		
Commerce, Science, and Transportation	7,429	4,799	605	602
Energy and Natural Resources	143	222	52	54
Environment and Public Works	23,969	3,201		
Finance	627,429	624,564	130,818	130,886
Foreign Relations	11,429	12,859		
Governmental Affairs	54,093	53,017		
Judiciary	2,429	2,373	239	238
Labor and Human Resources	5,534	5,009	1,412	1,412

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FOR FISCAL YEAR 1997—Continued

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Rules and Administration	95	25		
Veterans' Affairs	1,309	1,456	19,688	19,731
Small Business	3	−296		
Select Indian Affairs	392	362		
Select Intelligence				
Not allocated to committees	−267,328	−265,828		
Total	1,314,760	1,311,011	162,882	161,415

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FIVE-YEAR TOTAL: 1997–2001

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	17,361	2,652	81,443	48,025
Armed Services	223,276	222,626		
Banking, Housing, and Urban Affairs	35,375	−18,628		
Commerce, Science, and Transportation	31,876	18,051	3,352	3,334
Energy and Natural Resources	5,219	5,067	252	276
Environment and Public Works	128,545	10,883		
Finance	3,282,774	3,268,828	776,267	776,549
Foreign Relations	50,945	56,772		
Governmental Affairs	294,435	288,737		
Judiciary	19,705	19,386	1,257	1,254
Labor and Human Resources	30,605	28,251	7,499	7,499
Rules and Administration	486	402		
Veterans' Affairs	2,552	3,908	103,415	103,285
Small Business	9	−1,264		
Select Indian Affairs	1,965	1,832		
Select Intelligence	2			

Mr. DOMENICI. Mr. President, there are some additional errors within the narrative of the statement of managers. I therefore ask unanimous consent that the following corrections to the statement of managers be printed in the RECORD at this point. I send an attachment, along with a table, to the desk in compliance with that request and ask unanimous consent they be printed in the RECORD.

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

Corrections to the text of the joint explanatory statement in H. Rpt. 104–612:

(1) On page 58, for function 150, International Affairs, the 1997 budget authority figure should be $131 million.

(2) On page 59, for function 370, Commerce and Housing Credit, the 1997 budget authority figure should be $3,092 million; the 1997 outlay figure should be $2,990 million; the size-year budget authority total should be $17,789 million; the six-year outlay total should be $16,879 million.

(3) On page 88, the table includes the incorrect levels for nondefense discretionary budget authority and outlays because it fails to include the levels from the Violent Crime Reduction Trust Fund. Section 301 of the budget resolution establishes a cap on nondefense discretionary spending, which includes spending from the Crime Fund. The following table includes funding from the Crime Fund and provides the correct levels for nondefense and total discretionary spending.

DEFENSE/NONDEFENSE LIMITS

[In millions of dollars]

	1997	1998	1999	2000	2001	2002
Defense:						
Budget authority	266,362	268,971	271,500	274,024	276,672	279,459
Outlays	264,968	263,862	267,048	270,657	269,744	269,608
General Purpose Nondefense:						
Budget authority	226,305	219,646	213,718	218,515	214,445	221,133
Outlays	270,571	258,492	252,981	248,847	246,479	244,611
Violent Crime Reduction Trust fund:						
Budget authority	4,683	5,100	6,050	6,050		
Outlays	3,073	4,664	5,456	5,747		
Subtotal Nondefense:						
Budget authority	230,988	224,746	219,768	224,565	214,445	221,133
Outlays	273,644	263,093	258,437	254,594	246,479	244,611
Total Discretionary:						
Budget authority	497,350	493,717	491,268	498,589	491,117	500,592
Outlays	538,612	526,955	525,485	525,251	516,223	514,219

Mr. DOMENICI. There are some Senators who want to be heard on the Dole departure, but I believe I have used enough time.

I will yield to you, Senator EXON, if you would like to open now, at your convenience.

Mr. EXON. I say to my friend and colleague from New Mexico, the Senator on this side has been trying to accommodate Democratic Senators who wanted to speak on the budget. I had a Senator scheduled for 4:30. I set him back to 5 o'clock. I thought we had agreed, and I used time in the 1 hour, for salutes to Senator DOLE.

All I am saying is it is very difficult for me to schedule speakers on the matter at hand if we keep setting these things back. I wish to accommodate all Senators. When you accommodate one Senator, you "disaccommodate" someone else.

How many speakers do we have that wish to speak on the Dole matter?

Mr. DOMENICI. Mr. President, Senator HATFIELD has indicated he wants to speak for 3 minutes, 10 minutes for Senator KEMPTHORNE, and 5 minutes for Senator COVERDELL.

I will yield them my 18 minutes as if I were making an opening statement, and that will be the end of my opening statement. Then it will be your turn, and you can yield to some Democrat Senators after that.

Mr. President, I yield to Senator MARK HATFIELD 3 minutes, I yield 10 minutes to Senator KEMPTHORNE, and I yield 5 minutes to Senator COVERDELL. I yield in that order at this point. Then I will be gone from the floor. When

they finish, we will return to Senator EXON.

Mr. HATFIELD. Mr. President, I am happy to yield to the Senator from Idaho who was on the floor before me. I will follow the Senator from Idaho. I ask unanimous consent for that.

Mr. KEMPTHORNE. I thank the Senator from Oregon for his courtesy.

TRIBUTE TO SENATOR BOB DOLE

Mr. KEMPTHORNE. Mr. President, 15 months ago I told BOB DOLE I would enthusiastically support his quest for the Presidency of the United States. We see in his quest for the Presidency that he now has left the Senate of the United States. I think all of us have so many emotions that we are feeling today. I know the Nation, the Senate, and I would regret the day when the clerk would call the roll and the name of BOB DOLE would no longer be called. That day has now arrived.

It would be easy to dwell on the truth that the Senate will lose a man that history will hold in a place of great honor. Rather, I think it is more important that we celebrate BOB DOLE's victories, his leadership, his humor, and his ability to get things done.

Mr. President, I want to discuss for a moment, then, a personal experience that I had with Senator DOLE. It was with great pride and honor when Senator DOLE designated my legislation to stop unfunded Federal mandates, S. 1. As we all know, the significance, of course, is that this denotes a majority leader's stamp of approval in his priority on legislation. A majority leader does not want his bill that he has designated "No. 1" to fail.

Having said that, it is all the more remarkable that he chose my legislation because I had only been here 2 years. I had no track record. It would have been far safer for Senator DOLE to choose some of the seasoned veteran Senators, such as Senator DOMENICI, Senator ROTH, or Senator HATFIELD, to carry this type of legislation. Not only did he choose my legislation, but he then designated me to be the floor manager, a responsibility I had never, ever done before.

I say this not in any way to somehow bring attention to myself, because I say this with all humility, to make it clear that BOB DOLE was not taking the normal course of action. It was indicative of his leadership of reaching out to others who may not have had all of the credentials, all of the experience, but who do have a passion to get something positive done.

He transfers his belief in a person so that that person will not ever want to let BOB DOLE down. I believe that is what he will do for all of America. He will tap that spirit in others and help them to reach new heights. It is one thing to have the ability to do something yourself, as BOB DOLE has that great ability, but it is a greater achievement to instill in others that same can-do spirit and then go and do it. But you must have someone who believes in you.

BOB DOLE believes in people. BOB DOLE believes in America. He instills in others that desire to reach within yourself and to do something great. It is a high honor to be elected by your fellow citizens to serve in the U.S. Senate. To then have been able to serve while BOB DOLE was here magnifies that honor.

When we had the debate on Senate bill 1, Senator ROBERT C. BYRD described the new majority leader, BOB DOLE, to his Democratic colleagues by saying, "The leader over there is tough. Wait and see. He will use the rules on me, and I respect that, and I admire that."

Well, yes, BOB DOLE is tough. He is tough, but he is also wise. When duty calls for him to be bipartisan, the man knows how to be bipartisan. But he also knows when it is time to be partisan, and he can be partisan. He is tireless. How many times have we been here on the floor of the U.S. Senate at midnight, and many of us are starting to find that our energies are sagging, and there is BOB DOLE, crisp, with his humor that props us up, keeps us going. There is BOB DOLE, who has a solution.

I am going to miss hearing BOB DOLE telling Senators to work it out, work it out, work it out. If it could not be worked out, he would always say, "Do you have the votes? Let us vote." For my part, BOB DOLE taught me the importance of working with and listening to all Senators and of seeking solutions that do not abandon principle. I want my children, Heather and Jeff, to learn from BOB DOLE that they can overcome any adversity—any adversity that comes their way. I cannot think of a more honorable man that I would entrust the future of my children to.

Finally, a word to Elizabeth and BOB DOLE. I hope you leave the Senate with a deep and abiding satisfaction of mission accomplished, job well done. My wife Patricia and I will keep you in our prayers in the coming months, and we will ask for God's peace and protection for your family. We look forward to working with you—you, who I believe will be the next President and First Lady of this great country.

With that, Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I join my colleagues today in wishing our majority leader a senatorial farewell. His contributions are well known, his integrity is unquestioned, and his service has been an example for each one of us on both sides of the aisle.

I want to just comment about the service factor in his life and how we are all drawn to those who serve—whether it is a Boy Scout who walks a hobbling grandmother across the street, or a community clothing drive, raising money for charity, or a PTA member spending hours at local meetings. Service we admire, service we respect, and service from our elected officials we always expect.

Majority Leader DOLE is no exception. Kansans expect him to represent their interests. Republicans expect him to lead the party, and Senators—well, we expect him to guide us through the joys and trials of partisan politics. So, as a U.S. Senator, I have often expected him to serve me as well. Long before leaving this Senate, BOB DOLE had my admiration. Long before he led this Senate, he had my respect, and I am led to believe that long before he was decorated as a war hero, I would have wanted Bob DOLE as my friend.

The issues we debate during the 104th Congress we have debated before. Like a pendulum, important issues swing away from us, and eventually they swing back. Every so often, we see a leader who is able to stop the pendulum, who is able to lead us into a solution that gives the pendulum a bit of a rest. For the causes of the disadvantaged and disabled Americans, Senator DOLE has proven to be such a leader. And for the need to reduce our deficit, he has few equals.

As chairman of the Appropriations Committee, I have seen the work that he has done. I have seen the money come in and, with greater detail, I have seen the money go out. Senator DOLE's legacy is his willingness to fight for the welfare of today while just as eagerly vying for the welfare of our children and our grandchildren for the future.

So, in 1968, he joined the ranks of this body, and in 1996 he leaves. I shall not wish him a happy retirement, for no matter what lies ahead, he will not retire. I expect his service will always continue. I wish him well. Antoinette and I both pray that BOB and Elizabeth's future will be strewn with God's blessing.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, not far from the Capitol, on Constitution, across from the Navy Memorial, is a building that houses the Declaration of Independence and the Constitution of the United States and other major artifacts of our beginning. On the outside of the building, it says, "The Past is Prolog."

As I have heard the eloquent statements throughout the day and throughout the past several weeks about our majority leader, this has come to mind, because the future is always guided and shaped by the past.

BOB DOLE is a man of this century. BOB DOLE's life experience is that of a giant figure in American history. The experiences of his life are immeasurable. The knowledge that has been accomplished by it would be hard to calculate. The capacity that it represents has a far and long reach. So when the Senator from Kansas came at midday and gave us his farewell address, you could measure some of the energy and reach and capacity of this world figure, of this American figure, by the response that he received on both sides of the aisle, and throughout America, I am sure.

I have always said that whenever I think of BOB DOLE, I think of the heart and soul of America. I think we saw that expressed over these last several days. He truly is the embodiment of everything that we have come to think of as America—the fortitude to overcome adversity, perseverance, patience, strength, agility, entrepreneurship, problem solving, getting things done. He leaves with the love of his family of colleagues, all who have wished him a safe and secure journey. He characterizes what is yet before him as "one more mission." I think that statement properly casts what lies before him, but it also reminds us of what he has endured. He is a man who has endured and built the American mission. He brings to his task, as I have said, immeasurable resources.

I believe, as Senator SIMPSON alluded, that as Americans come to know him as his colleagues do, they will readily embrace this man and his mission and his love for America. I loved it when he gave that famous address as he announced that he would retire from the Senate. He said, with no disrespect to the Congress, that his life had not been about the Congress. He said, "My life has been about America." Gratefully, it still is. So I join those in wishing him a safe journey and Godspeed.

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

Mr. DOMENICI. Mr. President, I ask that the time be charged equally. Senator EXON will be right along. He is going to speak next.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. EXON. Mr. President, I yield myself such time as I may need off of our 5 hours. I believe it is the first time charged to us. We are now proceeding as I understand it with debate on the conference report on the budget.

Mr. EXON. Mr. President, we are on the final leg of this Republican budget's journey, and it is a fruitless one. It does not lead our Nation to any new horizons. It blazes no new paths. It offers no compromise to break the budget deadlock. This Republican budget makes a beeline, it pains me to say, to another dead end.

Dead ends are becoming an all-too-familiar haunt for my Republican colleagues if they want to move ahead to something that is workable. Thanks to their intransigence and their extremist budget, that is where we spent most of last year. And it looks as though we will waste another session of Congress trying to back out of yet another dead end.

The majority has held the Senate hostage for almost 2 years with basically the same budget. Perhaps they are hoping that the Stockholm syndrome will set in and Democrats will start identifying with their captors. They are wrong. Our will and our vision are strong.

The chairman of the Senate Budget Committee did his best to repair the damage from last year's budget debacle. I compliment him for the fine job he did. In the hopes of attracting some unsuspecting buyers, the 1997 Republican budget has been spruced up in places. But if this budget were a house, it would still be condemned as unfit. It is still out of touch with mainstream America and I suggest that it should be rejected.

All of the efforts of the Republican majority to portray their budget as a moderate one are in vain. The Republican majority have done a superb job to airbrush their budget, but the American people can see the real thing—warts and all.

It retains the same unflattering profile as its predecessor: unnecessary reductions in Medicare and Medicaid paying for tax breaks for the wealthy. This is in fact the Newt Gingrich Budget.

The agenda has included a $50-billion-plus rehash of star wars that not even the Pentagon wants. And we have frittered away precious time reconsidering the balanced budget amendment to the Constitution. I have consistently voted for the balanced budget amendment, but could not cast my vote for it this time because the Republicans fouled the fiscal nest with senseless and in my opinion, irresponsible tax cuts if we are going to balance the budget fairly.

I am baffled by the inconsistency. It is enough to give a prudent man pause. One moment the Republicans bring back to the floor the balanced budget amendment to the Constitution, the next he resurrects discredited supply-side economics with tax breaks that could turn into the hundreds of billions of dollars.

Mr. President, all of this is a great concern to this Senator who has been trying to be bipartisan in my approach to the concerns that all of us have.

I had hoped that we could have used the good will engendered by the majority leader's departure to pass something meaningful for the American people. I ask with all sincerity, "What has happened to the priorities that matter most to American families?" What happened to the minimum wage? What happened to the modest health insurance reform package that passed the Senate 100 to zero? What happened to welfare reform? And the big question, we should be asking today, what happened to a balanced budget that all Americans could support?

One bill after another has been shackled to failed Republican dogma.

This rehashed budget is a prime example. It is part and parcel of the Republican strategy of no-work and all-political-play. Like ancient Gaul, the Republicans divided their budget reconciliation bill into three parts. They wanted to ram through—I emphasize ram through—their failed and stale political agenda and confront the President at every turn of this crooked legislative road. Worst of all, two of these baby reconciliation bills will be devoted largely to cutting taxes—an act that will worsen the deficit without any sense of being responsible or reasonable.

We are already seeing the House voodoo work its way in this conference report. At least the Senate language required that all the entitlement spending reductions be enacted into law before—I emphasize before—we considered the tax breaks. The House, not surpisingly, shamelessly tossed that requirement out the window and the Senate concurred in conference. What a fiscal sham all of this is.

The first reconciliation bill contains Medicaid, welfare, and tax breaks. Yes. Mr. President and tax breaks. So much for performing deficit reduction before doling out the tax breaks. So much for fiscal conservatism. The first reconciliation bill will reduce the deficit by just $2 billion, if it reduces the deficit at all. This is as plain as the light of day. The majority now want to eliminate the Medicaid guarantee of meaningful health care benefits for 18 million children, 6 million disabled Americans, millions of nursing home residents, 36 million people in all, to fund their tax breaks.

The conferees assume a net tax cut of $122 billion, yet Chairman KASICH maintains that the cuts will be as large as $180 billion. You can look but you will not find a single specific mention of closing tax loopholes or of ending corporate tax giveaways. The same budget that eagerly reduces funding for our Medicare and Medicaid Programs

cannot find the courage to call upon the special interests to assume any of the burden of balancing the budget. By contrast, President Clinton has proposed that $40 billion be raised from corporate reform and loophole-closers, money that keeps the President's tax cut within reason. This Senator would prefer no tax cut at all until we truly balance the budget.

Experience also shows that once the tax-break game begins, the bidding keeps increasing with no thought to the consequences. Chairman DOMENICI says that the Finance Committee can use tax increases to offset additional tax breaks, and he is well aware that $35 billion is readily available simply by extending three excise taxes. But that won't be enough to satisfy their tax cut appetite and I predict that, like last year, the Republicans will soon be proposing to raid pension funds for working families to pay for the tax breaks that primarily benefit those earning above $100,000 a year. Fiscal insanity is galloping through this Chamber, and we do not have enough votes, unfortunately, to rein it in.

One thing that has not changed in the conference report are the deep reductions in Medicare and Medicaid. The Republican budget would reduce Medicare spending growth per-beneficiary far below projected private-sector growth rates. It would diminish quality and access to health care for millions of middle-class Americans. Doctors and hospitals will be able to charge seniors for the entire balance of the charges above the Medicare payment. The Republican majority may assert that premiums are not going up, but they cannot make the same claim about seniors' out-of-pocket expenses, and that is where, primarily, the seniors are going to be hit.

The $123 billion reduction of Medicare hospital insurance spending will devastate rural and some urban hospitals as well. The Republicans assert that it is necessary to preserve the solvency of the trust fund through 2006. That is bending the truth to fit their agenda. Funny, is it not, if that is humor, that the net tax breaks—at $122 billion—are almost exactly equal to the cuts in Medicare part A—at $123 billion?

President Clinton's budget proposal extends the life of the trust fund without such deep reductions. The Republican-appointed CBO Director has certified that the administration's proposals would extend the life of the Medicare hospital insurance trust fund until 2005.

And if the recent alarm over the date of insolvency tells us anything, it is not that we should reduce Medicare more to pay for tax breaks for the wealthy. That is truly Medi-Scare. The trustees' report is a call for the majority to come back to the bargaining table to work with the President on an acceptable compromise plan that is within reach with just a little effort.

And what about Medicaid? Instead of attempting to reform Medicaid in a manner that would be acceptable to mainstream America, the Republican majority put a hard edge to their proposal.

I believe you would take a whole nation by surprise if you told them that Republican Medicaid reform might mean that middle-class, working American families might have to pay thousands of dollars out of their own pockets for nursing home care for a loved one. Or that millions of low-income children might have their health care jeopardized.

In other words, reform means conform to their way of thinking, even if it means taking out a second mortgage on your home to pay for nursing home care for a sick or elderly parent. With a $72 billion reduction in Medicaid from projected spending, combined with a block grant approach, that may well be the scenario.

I would like to conclude my remarks with an observation on this and the previous Republican budgets. I am reminded of an old print I once saw. It showed a man on a horse-drawn sleigh being chased by a pack of wolves. With the horses galloping as fast as they can, the driver is tossing out everything that is in the sleigh. If he does not lighten the load, the wolves will catch him. A pack of hungry wolves focuses the mind wonderfully on what is truly important. So should this debate on balancing the budget.

The problem with Republican budget after Republican budget is that they will not give up on what is not important. What is important to the American people—and they have said it time after time, is balancing the budget and balancing it fairly. They would far rather jettison the tax breaks but maintain a first-rate health care system, and balance the budget than run the risk of deficits in the years ahead, eating into the future of their children.

But my Republican colleagues cling to the tax breaks—the tax breaks that fuel the reductions in Medicare and Medicaid and divide our great Nation. That is why they and this budget will ultimately fail. And that is not only a tragedy for the departing majority leader but for the American people as well.

It is sad to have to conclude on this note, but this is clearly a failed budget. Once it passes, as it will, we will be starting over again on what we went through last year—meeting after meeting, crisis after crisis, and not a workable budget that can be supported by the President, by the minority in both the House and the Senate, and certainly not by the American people. When, oh, when, will they learn?

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder, since nobody else is seeking recognition, if I might ask the Senate if they would mind my yielding up to 5 minutes to Senator ABRAHAM for comments on Senator DOLE, to be taken off my time.

Mr. EXON. We have no objection.

Mr. DOMENICI. I so request and so yield.

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

The Senator from Michigan is recognized.

TRIBUTE TO SENATOR BOB DOLE

Mr. ABRAHAM. Mr. President, I rise at this time to speak in concert with so many others who have spoken today about the career of Senator BOB DOLE who today moved on to a new role and new responsibilities and left behind a legacy that is virtually unsurpassed in the history of the Senate. Obviously, the accomplishments that BOB DOLE achieved, both as a leader in the Senate as well, in his earlier career, as a Member of the House of Representatives, have been chronicled pretty thoroughly both by the media as well as by Senator DOLE himself today. It is a legislative record that any of us would be, I think, immensely proud to have at the end of our careers here in this institution.

So, what I thought I might do instead was to just spend a minute or two talking about the personal side of BOB DOLE, the side that many of us here in the Senate know but which is maybe not as well known to the American people.

I have certainly come to know BOB DOLE as a friend. He is somebody who, from the very day that I arrived in the Senate, had a door that was open to me, and I know it was open to others in the freshman class that makes up this 104th Congress. He is a man who did not view himself as a senior Member and we as, somehow, junior Members not to be on the same playing field, but somebody who viewed us all as Members of this institution, as equals, who treated us that way, as he treats everybody.

He is a man of great compassion, a person who, through his own life's experiences, I think, probably cares about and sympathizes and understands the problems that his fellow citizens have more than virtually anybody else in national leadership. He is a person who, I think, personifies the words trust and honesty and integrity more than anybody I have ever worked with in the political process or in the private sector. I have never known anybody who has served with BOB DOLE who has not said that his word was good, that his word was always one that you could count on. That is clearly a reason why he is held in such high

esteem on both sides of the political aisle.

These qualities, his capacity to be a good friend, his compassion for his fellow citizens, the honesty, the trust and the integrity that he brought to his service here in the Congress of the United States, make him a giant, in my opinion, a giant who will be remembered far beyond the balcony which today was named after him. But he will be remembered along with the names of Webster and Clay, Johnson, Mansfield, and others who have served and who are remembered as the important ingredients in the formation of our democracy and its continuation.

I would just say this. Although my tenure in the Senate has lasted only a year and a half, I am extraordinarily proud that I had the chance for that year and a half to serve with BOB DOLE. I happen to be one of those who believes that his career in public service is not coming to an end today but that in just a few months he will be back in a different role, working together with us. But I am proud that I had the chance to serve as a fellow Member of the U.S. Senate with him.

Some people come to this Chamber and perhaps never are given the opportunity to work closely with one of the giants of our Nation's history and of the Senate's history. I feel very lucky and fortunate to have had that chance, even if it was only for a year and a half.

I wish him and his family great good fortune as they move on to a new challenge in this political campaign, and the best of luck and best wishes for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, just for purposes of some kind of accounting, how much time has Senator EXON used and how much have I used, with all of that which I asked that I yield and asked be credited to me even though the speeches were on Senator DOLE?

The PRESIDING OFFICER. The Senator from New Mexico has used 28 minutes; the Senator from Nebraska has used 17 minutes.

Mr. DOMENICI. Mr. President, I ask Senator EXON if he has any other Senators coming down this afternoon.

Mr. EXON. I advise my friend, I am expecting Senator KENNEDY momentarily. I have no certainty beyond Senator KENNEDY, but I am certain Senator KENNEDY will be here very shortly, and I will yield to him such time as he needs when he comes. Other than that, I know of no Senator on this side who will be speaking tonight, but we have had surprises before, as you know.

Mr. DOMENICI. Mr. President, I will just ask again if there are any Republican Senators desiring to speak on this budget resolution or ask any questions regarding it. While there will be some time tomorrow—I am not at all sure how much time there will be—to speak on the resolution. I think we are going to be here—

Mr. EXON. I might advise my colleague that Senator KENNEDY will be using approximately 30 minutes when he arrives, and I have just been advised Senator SIMON, a member of the Budget Committee, wishes 15 minutes. So that is about 45 minutes that I know of for Senators at this juncture.

Mr. DOMENICI. Mr. President, I repeat for Senators on this side, if they would like to speak this evening—I know it is somewhat of an imposition since we have already announced there are no votes for the remainder of the day—there will be some time this evening and there will be some time tomorrow. Clearly, there will be some Members who would like to be heard.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I did not get to hear all the remarks of the distinguished Senator from Nebraska, but I believe I know generally what his criticism is, and I would like to address my views and my beliefs with reference to this budget.

First, Medicare, the trust fund for the senior citizens' hospital protection—and I do not say this with any joy in my voice—is going broke. I do not know how else to say it. This is not partisanship that determines that the trust fund is going bankrupt. It is not Republicans predicting it, it is not Democrats predicting it, in the sense of elected Members of Congress.

The trustees who are in charge of telling the American people the truth about the trust fund and making recommendations have, once again, reported—I do not say this to frighten anyone; it is just true—we are now spending more money out of the trust fund for senior citizens than is coming into the trust fund. In fact, we started doing that last year by a small amount. It is growing this year, that is, the amount that is spent in excess of what is coming in, and the next year after that it is more, and the trustees say in 5 years—in 5 years, not 30, not 20; 5 years—there will not be any money in the trust fund to pay the hospital bills for senior citizens.

No one has violated the trust fund. Congress has not taken money out of the Medicare fund. All of the money in those payroll deductions is going into that trust fund. The problem is that the hospital costs and home health care costs which are in that trust fund are growing more rapidly than the money that comes in.

Can you believe that when we try to fix it and save money that somebody says we are doing this because we want to cut taxes? I do not know how else to present it. When the trust fund is going bankrupt and you say, "Let's save money for the trust fund", and then you save the money for the trust fund and the trust fund gets more solvent, and over on the side you are cutting taxes, how in the world can it be said that saving the trust fund is being done so you can cut taxes?

What if you did not cut any taxes? Would the trust fund be any more solvent? What if you said, no tax breaks for families with children—which we want to do—does that make the trust fund solvent? Not at all. It has none, zero, impact on the trust fund. If the trust fund continues to spend more than it takes in, it continues bit by bit to go bankrupt.

Everyone knows that, and yet time after time, as we move along and say, "Let's fix the trust fund and let's fix the insurance program for seniors," as soon as you say you are doing that, somebody says, "You're doing it to cut taxes."

The President is cutting taxes. In fact, he made another announcement recently of another tax cut. Are we running around saying that he is doing that because he is reforming Medicare to try to save it, albeit he is not doing very much? He is doing it more than a few billion dollars' worth of savings, of reforms. Can it be said then that the President is doing that so he can cut taxes? Of course not. They are not even related.

That is bad enough, but then we hear it is not changed no matter what we do to this budget. It is the same song and dance: "You're cutting taxes for the rich."

I want to repeat one more time, and I defy anyone who reads budgets to say this is not true, taxes are reduced in the next 6 years by the sum total of $122 billion. That means, as best you can calculate, taxes were going to be *X* billions of dollars over the next 6 years. We have said, "Let's assume they will be $122 billion less." What more can we do than to say in a budget resolution that $122 billion shall be used for, what? For up to $500 child credit for 46 million American families. That is what the $122 billion is for.

Is that for the rich of America, or is that because we are worried about families in America? Is that Republicans cutting taxes for the rich of America, or is it to say that it is very tough to raise two or three children with the tax deductions you get because they have not kept pace with the demands and the needs and the moneys required to raise children?

If they want to say, "Republicans are trying to give families with children a $500 credit for each child," we will stand up and say, "We are guilty."

Right? We will say, "We are guilty as charged." But then to then turn around and say, "That's not the case, you're helping rich Americans"?

Mr. President, look at the budget. Read the budget, and that is what it says. It says precisely what I have just done, and I ask for Senators who will come to the floor and say you are reducing the expenditures and the outlays under Medicare so you can cut taxes, I ask one question: What if you do not cut any taxes, does the Medicare fund get any better? Does it last 10 years instead of going bankrupt in 5? Of course not. You have to reduce expenditures within the trust fund or increase taxes that go into the trust fund to give it more longevity and a longer life.

Having said that, does the President of the United States not propose to save Medicare? If he does, must he not think it is going bankrupt? I believe he uses the same principles we use. But I want to stay on this subject for just a couple more minutes.

The President has a very, very strange way of saving Medicare, and let me explain it. Frankly, the President of the United States plays games with Medicare and the taxpayers of America when it comes to Medicare for the future. Now let me tell you how.

The President says, "Yes, my trustees," four of whom are part of his Cabinet or appointed by him to run Social Security and Medicare, "have told us this trust fund is going to be bankrupt in 5 years."

So the President says, "Let's fix it." Now, how does he fix it? If this is not a sham, then I have never seen one. If this is not smoke and mirrors, then I have not been around when smoke and mirrors were perpetrated as part of a budget. He says, "Let's just take $55 billion of the current expenditures under that trust fund of the current obligations, just take them out." What does he take out?

He says, "Let's take out the fastest growing item in Medicare, take it out of the trust fund, and not pay for it out of the trust fund anymore. Magic. What is the fastest one? Home health care. Home health care has been part of the trust fund for a long, long time. So seniors expect their home health care bills and their hospital bills to be paid for out of that trust fund. Sort of like magic. What is the word? Abracadabra. I am making it $55 billion more solvent because it does not have to pay those obligations anymore. I just take them out of there and let somebody else pay for them.

Who is the somebody else? The President says the taxpayer will pay for it. They do not even know it. They are about to be given a big gift by the President. The gift is, you taxpayers pay $55 billion for the home health part of Medicare, which I just relieved the Medicare trust fund of, so that I can say it is getting solvent.

What is happening to America? It may be getting solvent, but America is getting whacked for $55 billion in taxes that a couple sitting around at their table one morning, wondering about how much taxes they are paying and will it ever stop, they just got a new present. The present is another tax burden, because the President wants to claim he is fixing Medicare by letting that couple, who are paying income taxes on their hard earned money, let them pay.

Is that the right way to fix Medicare? I ask in all honesty, if you brought before the U.S. Senate a proposal, freestanding, just put one up here one of these days, and resolve that henceforth $55 billion over the next 6 years of Medicare expenditures will be paid for by the general tax coffers of America, and then vote. I surmise there may be 10 Senators that vote for it, but we have never voted to put general tax money in Medicare part A or in Social Security, because we understand those are trust funds that should be paid for by the revenues dedicated to those entrusted funds, not by the general taxpayer. But this is being done in this bill, and at the same time the President and my good friend from Nebraska can run away and say it is the Republicans who are restraining and cutting back on Medicare, not the President.

What do we do? We say how much money is necessary to make it solvent in the next decade, and keep it solvent for 10 years. We are told how. We have said, "Let's reform the system, give seniors options to have their coverage in different ways," but always they can keep what they have, the same system they have, and let us ratchet back on how providers are paid and hospitals are paid and save enough money to make it solvent. We have not increased 1 cent of cost to the senior citizens, yet we are making it solvent for 10 years.

Frankly, when we say we are doing that and Democrats and the President say you do not have to do that, we have done it another way. I just told you the other way. This is a very short-term fix. Medicare will be growing at an annual rate of 6.2 percent—not cut. The per capita expenditure for seniors will not go down. It will go from about $5,200 to $7,000, an $1,800 increase over that 6-year period. All of that in the name of doing what is right, for which we are accused of harming seniors, of doing this so we can cut taxes, when it will be insolvent whether you cut taxes or whether you do not cut taxes.

Let me move for a minute quickly to how we treat two big other items in the budget. The President of the United States produced another very interesting phenomenon in his budget, 1997, which will be appropriated before October of this year, an election year. The President of the United States says for all of the discretionary accounts, the non-Social Security, the non-Medicare, the nondefense domestic accounts, the President says, "I think I want to balance the budget, but I think for 1997 I better increase spending." So he increases it $15 billion. The discretionary accounts are increased $15 billion. But, Mr. President, only for 1997. After all, we have to balance this budget.

Then read the Broder article on Sunday where Senator BOND is making the case that after you get the $15 billion increase, and then you still say you are going to balance by the year 2002, you let the discretionary spending just fall off the log, $72 billion in cuts in the last year in discretionary accounts, but not in the year of the budget, not in the year of the election. Then you get Cabinet Members telling the public of the United States that the President is not serious about that. After all, he is not going to cut veterans that much, even though if you look at where that leads you, veterans get scalped.

But they are saying, "We will take it 1 year at a time." How, 1 year at a time, when the dollar numbers keep going down, how are you going to fit them all in with an increase? Something will get cut. They would like to let the American people think it is only Republicans that have to make these cuts.

What do we propose? We propose a freeze, fellow Americans. In a year we are really trying to get a budget, if we cannot live with a freeze in domestic spending, we will never get the budget balanced. So we are not cutting this year. The conference report that comes back has a freeze in budget authority. Program authority for all domestic bills freeze at exactly the level we are now spending for all of these programs. I believe that is a fair approach in a difficult year. I hope we produce these appropriations bills at a freeze level, one after another. I hope there will be no strings attached and no riders, and we will see whether the President wants to close down Government based upon a freeze, especially if he has to say we want $15 billion more to keep it open. We will not mind that battle this time. We will not mind that battle this time.

Which do you really want? Are you serious about a balanced budget? We will give you a freeze. No harm, no gain. Or do you want to spend $15 billion more? Those are the basic elements. I have given the tax proposals. I have given Medicare. Medicaid will grow at 6.2 percent a year on average, not be cut, but more power is going home to our Governors and to our legislators to see if we cannot streamline and make the programs more efficient.

From my standpoint, I do not think it matters what we change in this budget and how it is different from last year or the year before. We will hear the same broken-down medley, "hurting senior citizens, helping the rich

with tax cuts, hurting the poor with Medicare cuts," when, as a matter of fact, what we are really trying to do is help seniors, keep the fund from going bankrupt, and do little or no harm to them. We have the exact same dollar amount of savings for the insurance program for senior citizens as the President. He found he needed $44 billion. We got the same amount.

When you are all finished, clearly, there is a lot of politics surrounding all of this. I wish it was not the case. Sooner or later we have to fix Medicare, fix Medicaid. We have to save money on both programs. We have to reduce taxes on working families in the United States significantly, sooner or later. We think this is the right year to do it.

I yield the floor.

Mr. GRAMS. Mr. President, under the leadership of a Congress committed to fundamental reform of the Federal Government, we have once again delivered a balanced budget to the American people. I have no doubt that this budget is a blueprint that will protect the future of every American child.

Last year, Mr. President, the debate on the budget was mainly focused on whether we should have a balanced budget by 2002. Today, all sides, including President Clinton, have agreed that we should and can balance our budget by 2002, while we provide tax relief to middle-class American families. The remaining question is how.

In my view, our budget priorities should reflect traditional American values: a smaller government, less spending and more savings, and helping those who want to help themselves. Mr. President, I must say that this budget resolution moves us confidently in that direction. The budget resolution will balance our budget in 6 years, yielding a $5 billion surplus in 2002. It will also create more jobs, provide more affordable education, make Medicare more secure, and offer real welfare and Medicaid reform.

Mr. President, I am particularly pleased that this resolution has kept our promise to the American people to provide meaningful tax relief for middle-class Americans. The resolution explicitly recommends that this should include a tax credit of $500 per child. I am proud that this provision, which I have made a priority since my election to Congress, remains at the heart of our efforts to balance the budget while reducing the tax burden on working families.

The tax burden has become increasingly unbearable for middle-class Americans. This year, the average American worked from January 1 until May 7 to pay his or her tax bill. Only after paying the Government more than one-third of their earnings can the taxpayers then spend to meet their own needs. If we do not impose discipline in our budget, children born today would have to pay as high as 84 percent of their lifetime earnings for our Government spending and national debt. This is simply outrageous. We must provide tax relief for middle-class families to reduce their financial burden, and encourage saving and investment.

It is my belief, Mr. President, that the $500-per-child tax credit is essential. Cutting taxes creates more real spending power for Americans. It would allow more than 201,000 families in my home State of Minnesota with 437,000 children to save or spend more of their own money—money that should not have been taken from them in the first place. The $500 per-child tax credit would return $297 million to the taxpayers of Minnesota, $45 million to the taxpayers of South Dakota, $39 million to the taxpayers of North Dakota, $329 million to the taxpayers of Wisconsin, and $180 million to the taxpayers of Iowa.

Mr. President, we not only need to eliminate wasteful and unnecessary spending, but we also must reform and control our entitlement programs. Without responsible reforms, entitlement spending will consume all Federal spending in 2015, leaving nothing for education, environment, defense, and other domestic discretionary programs.

I am therefore pleased, Mr. President, that this budget resolution has included my amendment on long-term trends in budget estimates. In the past, budget estimates were projected for only 5 years. My amendment requires both CBO and OMB to provide a 30-year projection of the budget impact on entitlements. This is good policy and will help Congress and the American taxpayer understand the long-term commitments were are imposing on future generations. My amendment also requires the President to include long-term economic projections in his budget. Entitlement programs can then be reviewed and analyzed for their economic impact today and for generations to come.

Mr. President, although I personally would prefer more cuts in Federal spending and more tax relief for working American families, this budget resolution is a well-balanced one. While it reduces Federal spending by $580 billion over 6 years, it has kept vital programs such as law enforcement and crime prevention, education, veterans' benefits, R&D, and environmental protection as national priorities. In my view, this budget resolution is a credible, workable and no-gimmicks plan for getting our fiscal house in order.

If we want to rebuild the financial integrity of this Nation, avert the Nation from fiscal disaster, and leave our children a viable government, we must pass this balanced budget to control government spending and reduce the burden for our children.

Mr. President, I believe strongly that it is the responsibility and duty of this Congress to ensure our children and grandchildren a strong economy, a good education, a clean environment, and a debt-free future. Let us fulfill that responsibility and pass the balanced budget resolution conference report.

Mr. DOMENICI. Senator EXON, can we accommodate a couple speakers on Senator DOLE statements?

Mr. PRESSLER. Mr. President, I would like 5 minutes.

Mr. MCCONNELL. Mr. President, I would like 2 minutes.

Mrs. KASSEBAUM. Mr. President, I wish to speak on the health insurance reform legislation. So I am happy to wait my turn.

Mr. DOMENICI. We have an arrangement that the Senator from Massachusetts will go next. It is your turn.

Mr. EXON. With the understanding, I might say, that the Senator from Massachusetts has been very patient. I scheduled him at 4:30, the best I could.

Mr. KENNEDY. That is fine.

Mr. EXON. We understand that you will have 7 minutes for other matters, and then we will yield to the Senator from Massachusetts, is that correct?

Mr. DOMENICI. That is exactly what I hope and agree to.

Mr. EXON. We agree with that.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes; following that, the Senator from Kentucky will be recognized for 2 minutes; then the Senator from Massachusetts will be recognized for such time as the Senator from Nebraska may yield him.

The Chair recognizes the Senator from South Dakota.

TRIBUTE TO BOB DOLE

Mr. PRESSLER. Mr. President, I rise to pay tribute to our friend, BOB DOLE. It has been my pleasure over the years to hold over 30 joint meetings with him in my State, in my time as a Congressman and as a Senator and when he was running for South Dakota's early primary. There were at least 30 meetings. I learned a great deal from BOB'S service, and I learned that his tireless energy was always an inspiration to me. In fact, he would always shake hands with everybody at the end of those meetings, regardless of how long it took. But he offered a great deal of substance when somebody asked him a complicated question. He would give the full Senate answer, so to speak. I believe that he will go down as one of the great Members of this Chamber, in terms of legislative accomplishments and contributions.

I was one of the first Senators to commit to him for majority leader or minority leader—whichever was the case, because at the time we did not know for sure. I was one of the first

Senators to endorse him for President. I think his career in the Senate represents the best of Senate life. I guess everybody knows about his wit and his determination. I could never believe or comprehend how he had so much energy. He literally went 7 days a week. He would be as energetic on Sunday night when he was coming back to Washington.

I also visited at least 15 States with him during the time he was a Presidential candidate or chairman of the party or when I was a Congressman, and he did the same thing there, too. He was not a golfer or a tennis player. He just worked all the time. I have never seen anything like it. He would fill up the whole weekend with work and visits. To him, it was service. I just would not have that much energy because I need a day off now and then. I pay tribute to him because he is one of the great Members of this Chamber that I have served with, and it has been my pleasure to work side by side with him.

I have a number of other reminiscences, which I will place in the RECORD. During this short time, let me also say that I have felt a great deal of friendship and still feel a great deal of friendship with BOB DOLE. He is a person with whom I could always talk to if I was struggling in some of my campaigns, or whatever. He would always be there to help. Just recently, he invited me along on four stops in several States with him. His energy is as great as it has ever been.

BOB DOLE is a great man. He will be a great President, and I will miss him very much here in the Senate. It feels lonely around here without him already, without his quips, and so forth. I came in a little late at lunch today and he said, "You are late, PRESSLER. We are going to count you late." He was full of quips all the time. I pay tribute to my friend, BOB DOLE, a great U.S. Senator, who will be a great President.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we witnessed today the departure from the Senate of one of the giants of American history. On a day like this, obviously, all of your memories come back to you. I remember the first time I met BOB DOLE. It was in this room in the early part of 1969. I was a fuzzy-cheeked staffer back here on what was then these big stuffed couches. BOB DOLE was a freshman Senator. Since desks on the floor of the Senate were assigned on the basis of seniority, he sat near the back. I remember him as being the most popular of the freshman Republicans with the staff. Why? Because he was nice to us. This is a place where, as many know, some Senators are a little full of themselves and frequently are not all that nice to staff. BOB DOLE was not only nice to us, his humor was often practiced on us before he related some of it on the floor.

In short, you could sense from the beginning, from the day BOB DOLE walked in here, that he was something special, that he was not going to be just your average Senator. So like everybody else, I watched his development over the years. I left as a staffer and went back home to do my own thing. My next recollection of BOB DOLE was in 1980, his first campaign for President, which was not conspicuously successful. I remember picking him up one day in Kentucky and taking him to a meeting and watching him tirelessly work the crowd. He had to have a sense that his campaign was failing. But as Woody Allen said, "Eighty percent of life is showing up." BOB DOLE was driven. He always showed up. He continued to push.

The next time I saw him was in 1984, 3 days before the Senate race in Kentucky. All of a sudden, the word had spread around that this challenger in the Senate race in Kentucky might have a shot. BOB and Elizabeth Dole came in, and we wheeled around the State in their plane, and they gave me the boost I needed at the end to get over the finish line.

In short, like everybody else here, I have had a number of reminiscences of this great American. On a day like this, they all come back. It seems like there is a giant sort of gap here in the Senate with his departure. Today was a bittersweet day for all of us. I think it is kind of a mixture of exhilaration for him that he goes out on this new challenge, undeterred by all of the restraints that are obvious here, but at the same time he regretted his departure. I only add: Godspeed, BOB DOLE. I think we will be seeing you in Government once again.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. EXON. I yield to the Senator from Massachusetts whatever time he needs off of our 5 hours.

Mr. KENNEDY. I thank the Senator from Nebraska. I see the Senator from Kansas on the floor, who was here earlier than I was. She has indicated that she has just a short comment to make. I am glad, if it is agreeable with the Senator from Nebraska, to yield to her to speak briefly.

Mr. EXON. I will yield whatever time she needs from our time.

The PRESIDING OFFICER. The Senator from Kansas.

HEALTH INSURANCE REFORM

Mrs. KASSEBAUM. I very much appreciate the Senator from Massachusetts giving me some time at this moment. I would have been happy to wait. But both the Senator from Massachusetts and myself have worked for many months on health insurance reform. I very much appreciated Senator KENNEDY, the ranking member of the Labor and Human Resources Committee—his efforts to help us achieve what the Senate voted on 100 to 0 for some very important health insurance reform measures.

Today, I want to speak for a moment about where we stand on this issue. First, because I heard the chairman of the Budget Committee speak on the budget resolution before us, I want to speak with respect to the admiration I have for Senator DOMENICI and his honesty and vision regarding what is needed in our budget. Both he and Senator EXON from Nebraska, who is the ranking member, have worked many years on budget matters, and I am sure that at some point there must be a certain weariness that sets in as yet one more budget resolution comes before the Senate. But it takes dedication, which I greatly admire, on the part of the Senator from New Mexico through the years to speak to what he feels. I strongly support the vision that he has and that is required of us today.

Speaking to health insurance reform, which both Senator KENNEDY and myself feel is very important, negotiations are still going on. The agreement that was reached last night on this measure represents a consensus among Republican members, who have been meeting informally for some weeks. Both myself and Senator KENNEDY have been in conference and negotiations ourselves to see if this issue cannot be advanced.

As a participant in the process of informal negotiations among Republicans Members, I would say much was given up by Members who feel very strongly about particular provisions. For example, Members of the House of Representatives agreed to drop provisions on medical malpractice reform, which many Members there strongly supported and which was in the House-passed measure, and the multiple employer welfare arrangement, MEWA's, which would have most certainly led to a Presidential veto.

Likewise, as I am sure, all realize more was added—particularly with respect to medical savings accounts—that others would like to see. I count myself among those who would have preferred a more focused bill. We added here in the Senate parity for mental illness insurance, which many here strongly support, and many in the House support. But to come to some agreement for those who question whether we can do that at this time, or not, meant that provision was dropped as well.

However, I have been around here long enough to know that no one gets everything they prefer. I listened very carefully to my colleagues in the House, and it is my assessment that the proposal now on the table is what

it will take to bring our efforts to fruition. There may have to be—and I guess there would be—some more minor adjustments. I want to speak particularly to the medical saving accounts provision because that is what has been perhaps the hardest and biggest hurdle to get over, and to what I believe represents a fair and credible approach to this issue. Briefly, beginning in January of next year, the medical savings accounts will be available to the self-employed and to employees of businesses with 50 or fewer employees.

A study regarding the effect in the small group market on adverse collections, health cost, use of preventive care, and consumer cost would be conducted over a 2-year period.

Mr. President, I believe that starting with the small group market where many of the most important issues with respect to MSA's have been raised will provide Congress with the most accurate assessment of their advantages or disadvantages on how perhaps MSA plans should be drawn that would be the best devised plan possible for medical savings accounts. This is the group where concerns have been raised about the possibility of adverse collections and where States have developed the greatest expertise in providing insurance access to small businesses. The proposal goes on to extend MSA's to individuals and employers with 50 or more employees on January 1 in the year 2000. Unless the Congress acts to delay or repeal the expansion, separate votes would be guaranteed on both the individual and large employer expansion.

In addition, the proposal includes new means for consumer protection standards as a condition of deductibility. These provisions assure that the consumers will have sufficient information to judge this new product, and they can take into account a recent Rand study showing that adverse collections can be minimized by limiting the level of MSA deductibles.

First, MSA plans would be required to disclose the information about cost-sharing requirements, deductibles, and limitations on coverage, if any, under the plan.

Second, MSA plans could have a maximum deductible of $5,000 for individuals, or $7,500 for family coverage, indexed for medical inflation. That is a high deductible, but it would, we thought, be better than a floor being placed and that a ceiling should be placed.

Third, once deductible limits are reached, individuals would be required to pay on average no more than 30 percent cost sharing for their health benefits.

In addition, six adjustments to the structure of the House MSA provisions were made in response to recommendations by the administration. These modifications could tighten tax rules regarding any possible abuse.

Finally, it should not be forgotten that there are core elements of the health insurance bill. Those dealing with portability and preexisting conditions are firmly in place. Those are provisions which we all agreed on were very important, Mr. President. They are the ones Senator KENNEDY cared about and that I cared about. We argued no amendment should be added in order to achieve those core provisions. But then that is not the way the House and Senate worked their will. Amendments were added in both Houses.

In addition, of course, the agreement includes Senate provisions dealing with deductibility and long-term care insurance, which will make health insurance not only more portable but also more affordable for millions of Americans.

These are important changes, and I am confident that further reflection on this proposal will produce a public law, I am absolutely confident, that we can come to an agreement on both sides of the aisle on with the administration to achieve health insurance reform which will benefit millions of Americans. I recognize that compromise is always difficult. It was a difficult process in committee and on the Senate floor. As an even broader range of issues were put on the table by the House, it became even more of a challenge to find common ground among disparate views. Nevertheless, I think that each of us recognize the need to compromise, and I believe this proposal will strike a fair and equitable balance which will put meaningful health care reform within our grasp.

Mr. President, I have had concerns about the medical savings accounts. I think we need to go slow and understand them—understand where there may be difficulties and how to achieve them in a way that will benefit many Americans, particularly those who have not had any other access to health insurance. But, by doing it slowly and phasing it in and studying it carefully, I think it can and should be achieved.

So I hope that as we continue negotiations, we can actually, over time, achieve some agreements on the proposals in health insurance reform that will allow us to succeed in efforts that we know will benefit many, many.

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

Mr. DOMENICI. Mr. President, may I have a little dialog with Senator KASSEBAUM regarding that bill?

Mr. KENNEDY. Please do.

Mr. DOMENICI. I do not choose tonight to go into an indepth analysis of the bill as it pertains to the severely mentally ill or those who need mental health care in America. I do want to suggest as one of the prime sponsors of amendment, which will be dropped, that I believe we should not have a commission in this bill—a commission getting bigger and bigger and broader and broader and more and more issues. Frankly, I think we would rather have an opportunity to address this issue one more time in another manner. I do not think a commission is going to solve many of the issues that we think need to be solved, at least in any of the iterations we have seen on the commission. I would ask that it not be included. I mean, I think it is no compromise for us, and we just should not have it, and let us get on with this fight in another way.

So I personally will ask them not to put it in. I will return to my office and advise the House lead conferees that I personally would like not to have the commission in it.

I see my cosponsor on the floor.

Mr. WELLSTONE. Might I indulge the Senator for a moment on a comment on this?

Mr. KENNEDY. Sure.

Mr. WELLSTONE. I have a different perspective. I also feel it is not much of a compromise. I just wanted to say, having been a cosponsor of this amendment with my colleague from New Mexico, that when the medical savings accounts—I am all for working out an agreement—came to the floor of the Senate, that amendment was defeated. Then we talked about compromises. I know the Senator from Massachusetts will talk about that. The mental health amendment, I think, passed with 68 votes. Then we worked very hard to pare this down. What we came up with was a very reasonable formulation, if you want to talk about a compromise, which dealt with lifetime annuals; just have the same cap parity with that, which would have been so important to families to get under.

I urge my colleagues, as we get into negotiations, I would like for that to continue to be in the mix. It was a very reasonable formulation. The Congressional Budget Office projection was like two-tenths of 1 percent increase. To me it is just unconscionable that this cannot be accepted. I mean it passed by 68 votes. I do not believe that this should now be knocked out of the mix.

I have urged my colleagues on the Democratic side to please hang in there on this. The White House supports this. The Democrats support this. I know many Republicans do. I do not know anyone who has worked harder on this than Senator DOMENICI.

I urge my colleague from Kansas, whom I believe in, and certainly my colleague from Massachusetts, please, as we go forward with these negotiations, do not just simply cancel us out. By the way, the "us" is not Senator DOMENICI and myself. The "us" are citizens all across this country who thought finally that they were going to see a time come when the U.S. Congress would put an end to some of this

discrimination and do something very good and very positive and very helpful for families all across the country.

Do not shut us out.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, if I may say so, I know that there is no one who cares more about this than Senator KENNEDY, as well, and Senator DOMENICI and Senator WELLSTONE went a long way in proposing something which many of us hoped would work and be successful in compromise. At this point, it has not been. But it has been probably the question of how much further we can get in negotiations.

I very much appreciate the Senator from Massachusetts giving some time to discuss the health insurance reform effort, and I appreciate all that he is doing and continues to do to try to help achieve a successful resolution.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Kansas for her comments. I appreciate her addressing the Senate on this particular measure about the state of negotiations. Initially, I have to respond to my good friend from New Mexico as well as Senator WELLSTONE. It is not my purview about whether this matter will be in or outside the compromise. It appears that whatever has been recommended by the Republican leadership has at this time included a study in the proposal. I myself, as Senator WELLSTONE has pointed out, strongly believe that what would have been a reasonable compromise of perhaps extending mental health to Federal employees would have had included a comprehensive program of up to another 10 million without affecting businesses' bottom lines. But that was not to be considered.

Then I supported strongly the position that has been outlined here in terms of the yearly inclusion and the yearly caps of the longer lifetime caps for the funding of mental health programs. But that has been dismissed. I think the bottom line is just to dismiss those proposals or to have a study.

I come down on the side of the Senator from New Mexico because I fear, if we do a study, that may very well be utilized as a way to compromise further progress in addressing mental health down the road on some future health care proposal.

I for one hope very much that, if we are able to get this particular proposal, the Kassebaum-Kennedy bill, forward, the health issue will go back on the agenda. Mental health being as important as it is, we may very well have a real opportunity to move ahead on that in another Congress.

Not that I would find it persuasive personally, but maybe there would be others who would: not to debate this issue since we are doing this comprehensive study over a period of years, and therefore let us wait until the study results are known.

But I hear the Senators. They have spoken well on this issue, and we will, to the extent we can, pass on their observations and their strong views to the conferees.

Just very briefly, I thank my friend, Senator KASSEBAUM, for her explanation as to what was basically included in a proposal that has now gathered the support of the Republican leadership in the House and the Senate. As I have said many times, I admire her continued leadership in moving this whole debate so far forward that there still is, I would hope, real opportunity of enacting the core legislation. We have some difference on the proposal which has been outlined. But there still is a very strong desire, I believe, on everyone's part, as there should be, to try to achieve the desired outcome of legislation.

The concept of the legislation Senator KASSEBAUM has outlined on other occasions, which goes back to the end of the 1994 congressional debates on health care reform, pulled together the various proposals that were advanced, Republican and Democrat, and included many of Senator DOLE's proposals. It was spoken of as an issue of importance by Senator DOLE at that time, and he has reiterated those comments in a number of statements in recent days.

So this really was a very important proposal, a modest step but a very important one, a vital one to the 25 to 27 million Americans who have preexisting conditions and other millions of Americans who would be able to take advantage of the portability provisions.

So I stand with the Senator from Kansas in hoping we will be able to work the will of the Senate and be able to achieve those objectives. The principal concern that I had in the proposal as outlined here this evening, and that has been reported previously, is that, first of all, we would be including not just a test, we would be immediately including about a third of the work force in an untried and untested program, which would inevitably include the entire work force in just three short years unless the Congress acts to prevent it.

So the signal very clearly is, let us move forward with a national program that would include the MSA concept. What many of us have believed is that this idea is untested and untried, and sufficient questions have been raised about it. For example, the Urban Institute, which the Senator refers to, has pointed out that, at a $1,500 deduction, evidence of adverse selection is not quite evident. But once you move to $2,500, adverse selection becomes a major factor and a major force. In this proposal, we are talking about a $5,000 deductible as a possibility.

So the underlying concept that all of us have had in urging the Kassebaum-Kennedy proposal has been, when it comes to MSA's: Let us do no harm. Let us do no harm to the existing health insurance system. Let us do no harm.

Now as to the issue on malpractice. It is an issue we have debated and discussed on many different occasions and will again. It was not something that was so special, so unique to this occasion that an independent bill could not come over here on that measure. It was before the Congress earlier in the session and it was set aside for, I think, very, very sound reasons, which we will be glad to debate at another time.

The issue of MEWA's was not really a new idea. That has been around for a number of years. The problem with the MEWA's in the early 1980's is that they were so involved in fraud that by 1982 it was the judgment of both the Federal and the State governments that State enforcement against fraud and abuse should be put into effect. That was under a Republican Congress, and that was put into effect.

Now, without really any review, without any kind of hearings, without any kind of examination, we want to take the State enforcement away. That is a very important policy issue to debate, but that is certainly something that we could do tomorrow or do the next day. There ought to be hearings. We ought to find out about the role of the State and the Federal Government in terms of the enforcement.

The fact is, enforcement by the States on MEWA's has worked well. It has reduced significantly the instances of fraud and abuse. I would be quite interested in listening to those on the floor of the Senate try to persuade the Senate why that is a good idea, to go back to a time when States were not providing oversight and regulations to protect working families.

So we saw those two elements dropped. I think, as I say, I would have hoped they could have been dropped and we could have debated them at another time. They were dropped. But I find it very difficult to be convinced that these were major elements of a major proposal that were given up in order to try to reach common ground with the Senate—when the Senator from Kansas understands very well that what she has fashioned and what has been supported here was really a unique, special, targeted effort to deal with the preexisting conditions and portability, which is really a new way of trying to come to grips with the health care needs of many of our citizens.

At the same time, as was pointed out, another area where I think there

is broad agreement in terms of considering in parallel mental illness as well as other physical illness was completely set aside. That would have been new ground that was being broken. But that, for the financial cost, was really too much. I regret it. I am personally convinced, as we have seen with many insurance companies, that those companies that have effective mental health as well as physical health programs actually see a reduction in the outlays for the physical conditions because of the programs that they have there that are available in mental health. Actually, it is going to save money over a period of time.

We have not been able to make that case in a convincing way, although I am, frankly, convinced. I know Senator WELLSTONE is convinced as well. But we have the basis of a very strong indication from a number of the insurance companies. But we are too late in the session to have been able really to consider that. I regret it.

So I thought it made a good deal of sense that we have some kind of test of the MSA's, and we had advanced three different proposals. The White House had advanced proposals. Those were effectively dismissed. Then there were proposals that were discussed last week by Republican leadership and then further refined over the course of the weekend.

So there is where we are. One of the features I mentioned to the Senator from Kansas is that the evaluation for all these programs is going to be as a result of the chairman of the Finance Committee and the chairman of the Ways and Means Committee naming the committee that is going to do the evaluation. I think that was sort of a nonstarter, but there may be Members who would differ with that. If we are going to get the kind of clear evaluation which is needed, and which has been outlined, in fairness, by the Senator from Kansas, the types of things that should be considered are a review by an independent body to give reports. That would be very, very important.

Another item in the proposal is, with the acceptance of the deductibility for small business only going up to 80 percent, here you have 100 percent in MSA's, so you have a skewed condition just to get started with any kind of comparison. We phase in the 80 percent up to the year 2000. They would go into an MSA immediately in terms of 100 percent. So you are obviously skewing this in terms of what is included in the other parts of the legislation.

These are the kinds of things which I think people who would have a chance to review these issues and get into matters could address. But the most basic and fundamental part of it is putting in place an untested and untried program in which many of those groups that have looked at it, in all fairness, have felt it would be particularly threatening. To whom? To our seniors, to working families, to children for prevention, and consumers generally.

Those who are supporting it primarily have been those—I know there are individual Members, and I respect their views—but, frankly, the outside interests that have been talked about have been the particular companies who have been involved in these programs that have been involved in some of the greatest abuses of the health care system.

So I think when you have the Joint Tax Committee talking about the cost, if we get to 1 million people, it will cost $3 billion over a 10-year period. Here we are talking, at the outside, 40 million people. It raises some questions about what the cost would be. When you have the Urban Institute talking about what would happen in terms of adverse selection and moving from $1,500 to $2,500 in deductibility—this goes all the way to $5,000—I think you can say there is certainly some reasonable kind of questions about who would become involved in this program, whether it would be, as many of us believe, the wealthiest and healthiest individuals.

When you have the refusal of the insurance companies that are involved in this process making available to the Academy of Actuaries the kinds of numbers—not the proprietary information —but just the numbers in terms of markets and getting some kind of fair evaluation of what is happening in the industry and not only the particular golden door industry, but others involved in it, being turned down on that issue raises questions. There have been CBO studies, as well. I referred to those at other times, and I will not take the time to do so now.

So, Mr. President, this issue is not going to go away. We will have it, and we will be required to address it. I am personally convinced that we will be successful in passing the core legislation in this Congress, because it is not going to go away. It is too powerful. There are too many families that will be affected by it. We may have some rocky roads and bumps along the way until we get there, but I think this issue is too important for families to give way on it.

I know I and others and I know Senator KASSEBAUM is still strongly committed to achieving the objectives. We will just have to work this process through.

But I thank the Senator very much, and I look forward to continuing to work very closely with her.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I know there are others who want to address the Senate. I want to speak to the Senate on two issues, briefly: the first being where we are on the budget proposal for education.

There have been a number of representations about where we are going with current funding, how we are going along with the continued baseline expenditures, that we are going to see a continuing commitment in the area of education.

I want to review for the Senate very briefly, because I see other colleagues on the floor who wish to address the Senate, where we are in the area of education funding and why this budget proposal continues to run contrary to what I believe is the fundamental commitment of this Nation, which should be in the area of education.

We can start off with the fact that just spending resources and money does not solve all of our Nation's problems, but it is a pretty clear indication what a nation's priorities are all about. I believe in education and I believe that it is important that we continue to make a strong investment in the area of education and the young people of this country. If the programs are faulty, we should correct them; if programs are successful, we ought to expand them. We ought to be in a period of constant review of many of these programs.

We did have the opportunity in the previous Congress to review a number of the programs—whether it was in the Head Start Program, title I, or Goals 2000—to provide reforms and funding to the local school level—90 percent of the funding went to the local school level that could be used by parents, teachers, the business community to expand education and academic achievement—the School-to-Work Program which was as a result of America's Choice, an excellent report reviewing many of the programs that were taking place in other parts of the world. Three-fourths of the children who go to high school do not continue on to college. That is an extremely important area for this Nation if we want to both provide the opportunities for the young children of this country and also to ensure that our country is going to be strong in the next century.

And then the Direct Loan Program, the simplification of the efforts for young people. I see my friend and colleague, Senator SIMON, who was such a leader of that program over a period of years.

So we have here, Mr. President, the 1997 education funding in the Republican budget compared to a true freeze. This represents a compilation of all the discretionary education programs, those programs K through 12, and those programs that go on to higher education.

If we go back to 1995, we will see the figure on this chart of about $39.5 billion. We heard a great deal as we went on into 1996, "Let's get back to 1995,"

and there is this freeze of current funding. Let us look at what has actually happened over this period of time. The total amount of budget authority in 1995 is $39.5 billion.

Then under the omnibus appropriations, that figure was reduced to $38.8. Of course, even $38.8 billion, $700 million below fiscal year 1995, was only reached after a long fight to preserve education funding.

It took a lot of shifting of funds to get close to fiscal year 1995 in fiscal year 1996. A good deal of funds that were uncommitted, or not spent, were spent in fiscal year 1996 to make up for the draconian cuts proposed to education—to get as close to the funding level of 1995 as possible. In April, education was finally funded just about $700 million below fiscal year 1995.

Then we had the budget resolution that was passed based on the so-called freeze at $36.3 billion. Actually, this freeze does not take into account the addbacks made for fiscal year 1996 alone, and leaves education funding $3.2 billion below fiscal year 1995.

The Senate budget resolution, with the Domenici amendment, added $5 billion to discretionary funding—of which $1.7 billion was earmarked for education—came right back up to $38 billion, still $1.5 billion below the 1995 level. Then the bill went to conference and $500 million more were lost—$500 million were lost in the conference. They added $1.2 billion to the original budget resolution, but cut $500 million from the Senate resolution.

Every time we close the doors of negotiations on education funding, the commitment to young Americans go down. It is only when we are out here on the floor of the U.S. Senate, when we are battling in front of the public, whether it has been on the various votes Members remember—the Snowe-Simon amendments or the Specter-Harkin amendment—that we restore some of the funds. But once you close the office doors and begin to conference funding bills, education is one of the first to get cut.

This is where we are in this resolution, right on our way back down again. The Domenici amendment increases education funding—though leaves it well below current funding—and then $500 million were cut in conference.

We have to ask ourselves what is happening to the total number of students at this time. The number of students was about 46 million in 1990 and will increase to 54.6 million by the year 2002. The student population is gradually increasing by 7 percent. Even with a freeze at the current funding level, you are falling behind, because you are not dealing with the expansion of the student population and inflation.

Last year alone, it would have meant 100,000 additional teachers just to hold even, 50,000 for the makeup of those numbers of teachers that were being lost, and 50,000 more to take into consideration the expansion of the school population.

That is something we have to understand. The school population for kids in grades K through 12 is gradually increasing by 7 percent, and for college-age youth it is increasing 12 percent. Do you think there is any effort in the budget resolution conference report to take into consideration the expansion of college students or expansion of student population in grades K through 12? Absolutely none, absolutely none. The President has talked about a 33-percent increase in the Pell grants. This proposal would be a $6.7 billion reduction over the period of time in the Pell grants targeted to the neediest students over there. The list goes on and on.

Mr. President, I speak for those who are committed, as I know many in this body are committed, toward education. It is only fair to point out what this budget does to our commitment to the young people in this country, for the Head Start programs, the title I programs, the math and science programs, the new technology programs to try to provide the best kind of new technology to our students in schools that train our teachers, to the school to work program that tries to bring young people into the private sector to make sure they will get decent jobs, and then actually is phased out over a period of time once those links and once those paths are created.

(Ms. SNOWE assumed the chair.)

Mr. KENNEDY. In the conference report, education is cut by 20 percent in real terms from where we were in 1995. I find that is highly unacceptable. When we had the chance to let the Senate, Republicans and Democrats, vote on these matters, we restored education funding.

I see in the chair the distinguished Senator from Maine, who has been a strong advocate for education and for meeting this Nation's commitment when we have the expansion of college and K-12 populations.

Madam President, I find this is a dangerous trend. It is complicated by the fact that in this legislation we have set aside the billions of dollars for tax cuts for wealthy individuals. That is what makes it completely unacceptable: we are cutting crucial education programs in order to pay for the tax breaks for the wealthy. That is intolerable. That is wrong. That is unacceptable.

I see others on the floor who want to address this. I intended to speak about the Medicare proposals, as well. I will yield now and hope perhaps maybe I will get a few minutes tomorrow at the convenience of the floor managers to address the Senate briefly on that. That is an issue of enormous importance as well and should be addressed. The Senator from Nebraska has been very kind in allocating time.

I yield the floor.

Mr. EXON. Madam President, I thank the Senator from Massachusetts for his excellent statement. There will be time tomorrow if he wishes to get into the Medicare matter. We discussed that to some extent already, and I think we should be discussing it further. There will be some time tomorrow, and I would be delighted to yield whatever time the Senator from Massachusetts wishes.

I will shortly yield 15 minutes to the Senator from Illinois who has been waiting patiently. However, I want to elaborate a little bit on what the Senator from Massachusetts has been saying about projected growth costs featuring education. The same thing is true with Medicare, and the same thing is true with Medicaid.

We have been bamboozled around here, I say to my friend from Massachusetts and my friend from Illinois. We have been bamboozled by the statements that an increase is a decrease only in the Nation's Capital. What we are talking about here are not increases in education funding, net, or increases in Medicare funding, net. What we are talking about is trying to disguise the honest dollar amount that keeps the level of the programs where they are today. Yet there has been a hue and cry across the Nation that the Republican budget does not cut Medicare, it provides more money for Medicare. It does provide more money for Medicare. The facts are it does not provide enough money to meet the real needs of the increased population, the longevity of senior citizens and more and more people who will rely on Medicare. You can see it is not a cut in real dollars, but it is a cut in real needs and what the real costs will be for people who are depending on it. Therefore, it is a cut. We get all tied up with semantics around here.

Let me point this out. I had made reference earlier, Madam President, to the fact that Medicare costs were going to outstrip what the Republican budget provides for Medicare. An example: The projected rate of growth in private-sector health care costs over the period that we are talking about would be 7.1 percent per person. Yet the Republican budget on a per-person basis allows Medicare spending to grow only by 4.7 percent. Now, the difference between the projected costs and the Republican budget is 34 percent. Yet the Republicans are saying their increase is reasonable and provides more money.

Plainly, Medicare spending will not be keeping up with inflation in the Republican budget when you consider what the inflation is going to be in the private sector and how many more people are going to have to come into this program. We are being bamboozled here, and the American public know that, even if the U.S. Senate majority does not want to address it.

I say also that the distinguished chairman of the Budget Committee attributes the steep reductions in planned Medicare spending in his budget to an effort to save Medicare. He neglects to note that the Republicans sought to reduce Medicare spending by $270 billion even before last year's Medicare trustees' report came out. He also neglects to mention that the President's budget guarantees the solvency of the Medicare trust fund through the year 2005, without making the deep reductions planned in Medicare spending.

To back that up, Madam President, I ask unanimous consent to have printed in the RECORD a letter of May 9, 1996, addressed to myself, the ranking minority member of the Committee on the Budget.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 1996.

Hon. J. JAMES EXON,
Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has examined the effects of the Administration's budgetary proposals on the Hospital Insurance (HI) trust fund. Under current law, the HI trust fund is projected to become insolvent in 2001. CBO estimates that the Administration's proposals would postpone this date to 2005.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. EXON. I drive home the point that the President is looking at this realistically and should not be put down for that effort.

One more thing, and then I will yield to my friend from Illinois. The chairman of the committee complains about how steep the cuts in domestic discretionary programs are in the President's budget. Yes, it is true the President does achieve substantial savings from discretionary spending, but the President still maintains these domestic investments at a rate of $60 billion higher than the Republican budget in the year 2002. If the chairman believes that the President's cuts are steep, then the chairman would also have to agree that the cuts that he is endorsing in his particular budget are absolutely fatal.

The difference between the two budgets is that the Republican budget also cuts taxes so much more. The $122 billion that the chairman mentioned is just the tip of the iceberg. The real iceberg is much larger than that. The chairman of the House Budget Committee, JOHN KASICH, promises $180 billion in tax breaks.

The chairman promised, "We would have our own tax cut that we originally said we would have—that there will be a capital gains tax, that there will be a full child tax credit * * * and there will be a host of other tax relief measures."

Who is kidding whom? I simply say that to keep honest, we have to be reasonable. We have to recognize if you are going to provide massive tax cuts primarily to benefit the wealthiest among us, something in the budget is going to have to pay for it. That is essentially why, along with the other details, that we will continue to oppose this Republican budget.

I yield 15 minutes to my friend and colleague from Illinois.

Mr. SIMON. Madam President, I thank my colleague from Nebraska. I see my colleague from Iowa here, and I will try not to use the whole 15 minutes.

I am going to join Senator EXON in opposing this budget resolution for several reasons. First, we have tax cuts in here. Now, I recognize that leadership of both parties is saying we ought to go ahead with a tax cut. I do not think it makes any sense whatsoever when we have a deficit. It is like when we say we are going to have a 7-year glidepath to a balanced budget, but we are going to start off with a tax cut. That is like having a New Year's resolution that you are going to diet and then you start off with a great big dessert. It is not a very propitious way of doing it. And both parties are saving the tough things, the tough decisions, to the end of the 7 years. That is why we need the constitutional amendment for a balanced budget, in order to really move in that direction.

Second, in the area of defense, the conference is $11.3 billion over what the Pentagon requested. No other agency gets more than they request, but the Defense Department does. I think it is unrealistic. Let us compare it to the next function, function 150, international affairs. The United States, in terms of our budget, is behind every country in Western Europe and Japan in terms of the percentage of our budget that we now use to help in foreign economic assistance—behind every one. But we are ahead of every one in the percentage of our budget that we put in defense.

Frankly, what other countries question about us in the area of the military and in the area of foreign affairs is not our weapons systems, but our backbone. A few people are killed in Somalia and we get out. In Bosnia, we make speeches for a long time before we do anything.

The budget, I think, is unrealistic in terms of international need and how we get stability in other nations. But, primarily, I want to talk about an area where Senator OLYMPIA SNOWE has provided leadership, and I am grateful to her for that, and that is in the area of education. We are now $4.4 billion from where the President requested. We are down $2.5 billion from where it was when it passed the Senate. Now, every study done of this country, every study for the State of Nebraska, or the State of Iowa, or the State of Maine, or the State of Illinois, done by conservatives, liberals, you name it, every economist says we are going to have to do better in education. In higher education, we are ahead of other countries, but the gap is narrowing. In elementary and secondary and preschool education, we are behind most of the other developed nations.

Among the 18 top industrial nations of the world, in terms of expenditures for elementary and secondary, we are 14th. There are some basic things we ought to do. For example, I was able to get, in the last Elementary and Secondary Education Act, a paltry $90 million—paltry in terms of its need—to encourage schools, to give a little bit of a carrot to schools to go longer than 180 days. If you go to school in Japan, you go 243 days a year. In Germany, they go 240 days a year. When you go to school in the United States, you go 180 days a year. Can we learn as much in 180 days as our friends in Germany, Japan, and in other countries do with longer school years? Of course, we cannot. Why do we go 180 days? In theory, it is so our children can go out and harvest the crops. Well, I say to the Presiding Officer and my colleagues, I live at Route 1, Makanda, IL, population 402. Even in Makanda, IL, the young people do not go out and harvest the crops anymore. That was a different era. We have to adjust. If we just moved from 180 days to 210, by the time you finish 12th grade, that would be the equivalent of 2 additional years of school, and we would still be, in a major way, behind other countries.

But Senator KENNEDY made the point a few minutes ago that when you look at these cuts, what you have to look at, also, is the growth in student population. And so it is doubly devastating. I remember visiting a Head Start Program, and almost all Head Start Programs have waiting lists, in Rock Island, IL. On Monday morning, one group of kids come in; on Tuesday morning, a second group comes in; on Wednesday morning, a third group comes in, and so on. I asked the woman in charge, "What if you could have these children here 5 days a week?" She smiled and said, "You cannot believe the difference it would make in their lives." We are not doing it, and we save money with a budget like this? You save money like building a house and you do not put a roof on it. Very, very shortsighted.

We make great speeches on prisons in this body. Oh, I have heard speeches about crime and how we put people in prison and everything. Eighty-two percent of the people in our prisons and jails are high school dropouts. You should not have to be an Einstein to figure out that maybe if we invested a little more in education, we would not have to put so many people into prison, and maybe we would be a much better

country if we did. That is the kind of thing we ought to do.

This budget takes a step backward in the field of education, rather than a step forward. I am not going to be around here next year, and my good friend from Nebraska is not going to be around here next year. I hope that whoever sits in this body will listen to the Presiding Officer when she stands on this floor and says that we have to do better in the field of education, as she has done many times. And while it is true you are not going to solve problems by just throwing money at them, I do not hear that same argument used in the Defense Department. And while money alone is not going to solve the problem in the field of education, without additional resources, we are not going to solve the problem.

That is the simple reality. We ought to be asking how do we build a better America as we put a budget together. When you ask that question, I think you will come to the conclusion that we ought to be doing more in the field of education.

I yield the balance of my time back to the Senator from Nebraska.

Mr. EXON. Madam President, I am not sure we have any more speakers. We may have some more. I note that Senator GRASSLEY is waiting. I have talked with him, and he is not going to talk on the budget per se. I simply inquire of the Republican side, are there any other speakers on the budget? Senator GRASSLEY has another subject he would like to address as in morning business. Senator SMITH is on the floor. Is he here to talk about the budget or another matter?

Mr. SMITH. Madam President, I am here to talk about Senator DOLE when the Senator is finished on the budget matter.

Mr. EXON. All right. I will just pose a question to the leadership on that side of the aisle. Since there are other Senators wishing to proceed on other matters, maybe we could close down the debate on the budget and proceed as in morning business.

Mr. GRASSLEY. If the Senator will yield, I had a discussion with Senator DOMENICI on that point. He asked me if I was going to be here. It was his understanding on our side of the aisle that there was no more reason to speak. He spoke of two or three people on your side of the aisle. When that was done, he figured that the debate on the budget was done for today.

Mr. EXON. Well, I have just been handed a note that Senator LAUTENBERG is on the way over. I would like to close off debate on the budget, if I might. I do not want to cut people off. I guess the best thing for me to do to protect my colleagues is to say that why do we not temporarily go off of the budget to allow the Senator from Iowa and Senator SMITH to proceed as they see fit. If, when they have finished, we do not have any more speakers, we can put the budget debate over until tomorrow.

I ask unanimous consent that we temporarily go off the budget matter before us and allow the two Senators on the Republican side, who wish to address other matters, to be able to proceed as in morning business, if that is their request.

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

The Senator from Iowa is recognized.

THE ROAD NOT TAKEN: DRUG POLICY AND LEADERSHIP

Mr. GRASSLEY. Madam President, I have spoken a number of times, last year and this year, on the need for a sound drug policy. We have entered a time, of course, when more teenagers are using drugs. It is a very serious problem. When more teenagers see no serious harm or wrong in using drugs, it seems to me that we cannot simply accept these facts in silence. We need to ask ourselves if we are prepared to see a repeat of the drug epidemic of the late 1960's and 1970's that claimed so many lives. It was an epidemic that destroyed so many young people and, of course, it brought a cycle of enduring pain to their respective families.

Of course, I do not believe that we can afford to remain silent. It is not a responsible policy to be silent. It certainly is not effective leadership to preside over a repeat of what we know to have been a social disaster of epic proportions. To today's ears, this may sound like exaggeration, but a brief reminder might serve to make the memory fresh in our thinking.

Before the 1960's, we had virtually no major problems in this country with illegal drug use. Then, beginning in the mid 1960's, the notion became current that drug use was not so bad, that drugs were your friend. It became common to hear the refrain that drug use was a personal choice that did no harm to anyone. That drugs could be used responsibly. That making drugs legal would end crime.

Hollywood picked up this theme and replayed it in countless movies. Music and cultural leaders made drugs fashionable and exciting. Even government got into the act. By the mid and late 1970's, a number of States had decriminalized marijuana use and lowered the drinking age to 18. Federal authorities began to talk about responsible drug use. Government experts accepted the notion that cocaine was not addictive. That marijuana use did not lead to so-called harder drugs. As the chorus on the wonders of drugs increased, dissenting voices were drowned out. Contrary opinions were overruled as unenlightened holdovers of a repressive past that had to be dismissed.

As a consequence, we decided to walk down a path that encouraged people, young people especially, to believe that drugs were okay. The result was the de facto legalization of drugs in this country. It was a vast social experiment based on wholly foolish notions about the dangers of large-scale drug use and its anticipated consequences. It relied on creating in the mind's eye some mythical drug user of heroic proportions, an everyman, someone who could use drugs with no ill affects, someone whose mind and consciousness would expand to include new horizons of enlightenment, someone who would be a better citizen. It was a form of a collective delusion. We found that the path we had chosen led to a dead end.

In the space of a few years, we went from having virtually no drug problem to having over 70 million people who had tried drugs and at least 6 million addicts. When you stop to consider that the vast majority of those addicts came from among kids, then the scale of the disaster becomes more apparent. We had an explosion of emergency room admissions and a plague of drug-related deaths and violence. In the very years that we stopped enforcing drug laws we saw a corresponding explosion in violent and property crimes. It is not wholly a coincidence that the explosion in drug use also accompanied the explosion in crime throughout America. It is no coincidence that the devastation of our inner cities, already suffering a host of problems, was a product of crack.

We learned, the hard way, that there was no heroic individual drug user. There were just people. Ordinary people. Most of them kids. We found that they listened to what adults said. We found, to our sorrow, that drugs worked. We discovered that when you make drugs widely appealing in large quantities at affordable prices more people will use drugs. Being a commercial and trading people, this should not have been a surprise, but under the spell of the drug culture, we ignored our experience.

We learned, to our profound regret, that dangerous drugs were illegal for a reason. We learned that they were illegal because they were dangerous, not dangerous because they were illegal. We learned that increased use leads to more addiction and to all of the collective woes that come with it. We learned these lessons because we ignored reality. we disparaged common sense. And we paid the price.

The first people to recognize the true extent of the consequences were parents. It was not some mythical Everyman that was using drugs, it was their kids. In alarming numbers. Parents began to fight back. In doing so, they enlisted the government. Finally, beginning in the early 1980's, we made extraordinary strides in reducing use. That meant we got more kids to just say no to drugs. Remember that phrase? It may have been laughed at by some, but it worked.

We still had the horrible legacy of our misdirected and ill-informed past, but we made real strides in reducing use. By the earlier 1990's, we had a comprehensive strategy that addressed both supply and demand. We had succeeded in persuading rising generations of young people that drug use was both dangerous and wrong. Except for hardcore addicts—our legacy from accepting the lie that drugs are OK—we were winning the struggle against drugs. Then, somewhere, somehow, we lost our way.

Somewhere, the silence set in. We replaced "Just Say No" with "Just Say Nothing." We came to a crossroads and took a wrong turn. We have seen the consequences. In the past several years, drug use among kids is on the rise. More seriously, their attitudes about the dangers of drugs are changing—for the worse. An increasing number of kids no longer see drug use as dangerous or wrong. Moreover, to fill the silence, the tragic chorus of legalization has returned. Once again the airwaves are filled with the sounds of the wonders of drug use. Once again we are assured that drug use is a personal choice that harms no one. Once again we are told that enforcing our laws are the cause of our problems. Once again we hear the refrains of drugs are OK.

The question we ought to be asking ourselves, is how, after all the progress we were making, do we find ourselves back where we began? How is what we are doing today different from just a few years ago? Are we doing anything different? No matter what road you follow to get to the answers to these questions, it seems to me, that you come back to the same crossroads. We need to retrace our steps, to put our feet back on the right road.

Examining recent drug policy and efforts from the 1980's and early 1990's, several major differences emerge. Today's drug strategy funding is quite similar to its immediate predecessor. After the initial major increases in Federal drug funding in the first years of the Bush administration, the budget to fight the drug war has increased on average about 5 to 6 percent per year. This rate of increase holds true for both Democratic- and Republican-controlled Congresses. So, if funding has been fairly consistent, we need to look elsewhere for the changes in policy that might account for the dramatic changes in our domestic drug situation in the past 3 years. When we look at the problem from this perspective, what we see as the major changes come not in money but in emphasis. Emphasis on how the money is spent, and on the public posture of the administration on the drug issue.

Now, we need to ask ourselves if we intend to accomplish anything by the policies we pursue. If we do, then we ought to be able to look at the results and draw some conclusions about whether our efforts are producing the results we want. If they aren't, then we might conclude that something isn't working. It is important to examine the record of the administration's drug policy and what seems to be happening with the drug problem. We need to remind ourselves of where we were and the road we took to get where we are now. I have been detailing this issue in the past. The last time I did it was just before the Memorial Day recess. At that time, an esteemed colleague of mine asserted that I was using my remarks to play politics in an election year.

I do not want to question my colleague's motives for raising that particular concern. I trust that her remarks on the administration's records were made because she is concerned as well as I am with the issue and not with the circumstances. Certainly, in sponsoring very recently a legislative initiative that addressed a Clinton administration policy of letting drug smugglers go, she herself is aware of some of the shortcomings of that record. Unfortunately, in her remarks after I made my remarks that day 2 weeks ago, she did not address many of the issues that I raised. In addition, she, too, seems to have found it difficult to set the record straight based on the record. Many of her remarks dealt with administration initiatives that are only indirectly concerned with drug policy.

It is, therefore, useful to review the record of both actions and words that took us down the path that we are on today, in other words, the path that changed dramatically from the 1980's up until about 1991 or 1992.

Here we can see three major difference in present policy from our earlier successful efforts. First, at the beginning of the Clinton administration, we saw a decision to lower the profile of the drug czar's office. That was accomplished by firing over 80 percent of the staff in the first weeks of the new administration and by appointing a no-profile drug czar. We should ask ourselves if that decision tells us anything about the intent of a new administration.

Second, we saw a decision by this administration to shift the counter drug efforts away from interdiction and enforcement to treatment. This was, in fact, an upfront announced policy of this administration. It would seem to tell us something about priorities and about desired outcomes. The consequences of that decision have been a steady decline in our interdiction efforts and a decline in prosecutions of major drug offenders. It would seem we are getting what we should have expected.

Third, we saw a decision by the President to absent himself from the drug issue. In this regard, I have noted the need for clear, consistent leadership on this issue, but a number of our colleagues, both Democrat and Republican, have noted a deafening silence in the past, coming from the White House on the issue of drugs. This is in sharp contrast to previous administrations.

You can actually count on your fingers on one hand the number of times the President mentioned drugs in the first 3 years of his administration. We need to ask ourselves if this silence was accidental, was an oversight, or was a matter of deliberate policy. Even a policy defined by an absence of mind, however, is still a policy. And, of course, as we all know, choices have consequences.

Taken together, these decisions represent more than just a minor restructuring of programs that were working. Even though spending on counter drug efforts remained fairly steady, there was a significant shift in emphasis. There was a very significant dropoff in rhetoric about the drug problem, and there was a significant decline in interdiction and enforcement efforts. These have been documented in a number of news reports, a number of congressional studies, and even in information provided by this administration.

Leading Democrats and Republicans in the last several years have also noted the silence from the President on the drug issue. Their conclusion was that the bully pulpit lost its chief representative.

Unfortunately, as this silence progressed, the voices for legalization of drugs gathered steam. Silence at the White House, a maddening echo around the issue for legalization.

Not since the 1970's have we seen this much voice, this much effort about the clamor to make drugs more widely available. And, disturbingly, the renewed call for drug legalization comes first from within the administration itself. It came from no less a person than the Surgeon General of the United States, a position that carries great moral weight and an opportunity to lead.

At the time, the startling remarks of Joycelyn Elders may have received only a minor rebuke from the White House. Whatever might have been said or done to counter the efforts of the Surgeon General's remarks remain unsaid. Oh, yes, I know she was fired, but the rest, as they say, is history.

Now, if choices have consequences and if policies have purposes, we should ask ourselves what we see as a result of these choices and policies of recent years. Here is the current record.

After a decade of decline in drug use, we see startling new figures of returning use of drugs. Every survey, including the most recent hospital emergency room studies released just last week, show a returning drug problem. Teenage use is on the rise. Teenage attitudes about the dangers of drug use have changed for the worse. Emergency

room admissions are rising. Calls for drug legalization and efforts to accomplish it abound.

The bottom line is that more kids are starting to use drugs. Presumably, these outcomes were not the intent of the policies stated or left unstated, as I have mentioned. If that is true, then we are drawn to the conclusion that these efforts are either a failure or, at least, ineffective, and we have some further evidence that this view is shared by the administration.

In the last several months of an election year, the administration has changed its course very dramatically on drug policy. The President has named a new high-profile drug czar. He has agreed to restore the personnel, that 80 percent cut I spoke about that came in 1993 in the drug office, to restore that personnel. We have given the money to do that. He has agreed to beef up spending on interdiction and enforcement, and he has made himself more visible on the drug issue.

These changes may smack of an election-year conversion, but they correspond exactly to the problems in the policies that I noted earlier. They seem to indicate an awareness of a problem. I leave it to others to determine whether this shift is too little, too late. I leave it to others to decide whether the shift is as a result of political convenience in an election year. But what we all need to know and remember is that when it comes to drugs, we find ourselves back in a familiar and dangerous neighborhood. We took a wrong turn and have ended up on a dead-end street. We have been here before, and we cannot afford to stick around a dead-end street.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, if I understand the parliamentary situation, we went, temporarily, off the budget resolution so the Senator could speak as in morning business. Is that correct?

The PRESIDING OFFICER. That is correct.

UNANIMOUS CONSENT AGREEMENT

Mr. EXON. I have cleared this on both sides of the aisle. Following the remarks by the Senator from New Hampshire, I ask unanimous consent that we return to the budget resolution, and I yield 15 minutes at that juncture to the Senator from New Jersey.

Following the completion of the 15 minutes of the Senator from New Jersey, I ask unanimous consent that the remainder of time on both sides on the budget resolution be retained and set over until tomorrow, and that there be no further action following the remarks to be offered by the Senator from New Jersey.

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

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

TRIBUTE TO MY FRIEND, SENATOR BOB DOLE

Mr. SMITH. Madam President, today I rise to join so many of my colleagues in a tribute to my friend and my leader, Senator Bob DOLE, who, as we all know, is leaving the Senate today, June 11, 1996.

As a former history teacher, I could not help but sense the historical significance of this day. It really was a flashback to the old days of the great oratory that took place on the Senate floor, with the likes of Calhoun and Clay and others, when Bob DOLE took the podium that he so many times has stood at and addressed the U.S. Senate. You could hear a pin drop in the Chamber and in the gallery, not always the case here on the Senate floor, with a lot of hustling and bustling and talking and people not paying attention.

That was not the case today. Senator BOB DOLE took that podium, addressed the country, the Chair, his colleagues and friends, many, many staff in the galleries, and the Chamber was hushed and quiet and everybody was listening—as well they should, Madam President, because when the history books are written, they will write about the great Senators who have occupied this Chamber: Henry Clay, John C. Calhoun, Bob La Follette, Robert Taft and, yes, Daniel Webster. Daniel Webster used this very desk, Madam President, that I now have the privilege of speaking from.

It reminds me that we are just a brief blip on the radar screen of time; here for only an instant. But BOB DOLE is one of the great ones, and he will be remembered as one of the great ones.

As a history student, I tried to catch a sense of what was happening. I looked at faces, watched people in this Chamber, as I watched, at the same time, Senator DOLE. Without singling anybody out by name, I could not help but notice one page, a young lady, standing here on the floor of the Chamber during that speech and after the speech with tears running down her cheeks. It really was a very moving tribute to the kind of person BOB DOLE is, because he commands the respect of not only his colleagues but every single man, woman, youngster, page. He could talk to a page as easily as he could talk to a President or world leader. That is what makes him such a great man.

Today, he left the Senate to move on to other things. I remember many emotional private goodbyes that he shared with his colleagues. I remember when we had the meeting when he told us he was leaving. Most of us did not expect him to do it. If we were honest, we would say we did not expect him to say that. We thought he might leave the leadership post but not the Senate. But when he did it, and the way he told us, we knew it was the right thing. We knew it was right, because he needed to be out there debating, not other Senators on the floor of the Senate, but the President of the United States for the Presidency. We all knew that.

Today, I think you saw with the type of speech that BOB DOLE gave the kind of person he is: humble, gracious, and humorous, that great sense of humor. In all the tough battles we have here, he still finds that humor, which has always been a remarkable characteristic.

So he is leaving the Senate. But he left today after that speech with the longest applause that I have ever seen given anyone in this Chamber or in the House Chamber. I have seen Presidents when we have gone to the State of the Union—great Presidents—receive a lot of ovations. I have never seen anybody receive a longer ovation than BOB DOLE received here today, and that is a tribute to this great man who was elected to the House of Representatives where, Madam President, you and I both served together. He was elected in 1960 and served four terms in the House before he was elected to the U.S. Senate, which really has come to be, the past 27 years, his home.

But he gave nearly 36 years of service to the State of Kansas and to the people of the United States of America. When you think about that many years of public service and reflect on the fact there is not one word or taint of scandal in any way, shape, or form, an unblemished, perfect political record, it is remarkable.

He served his country and the Senate and the people with humor, with humility, and we will never forget him.

His wife, Elizabeth, who has been by his side for so many years, is such a gracious woman and such an asset to BOB DOLE. Those who serve here know how important the support of your family is as you put in the long, long hours that we have to endure in the Senate.

BOB DOLE said today in his remarks, "My word is my bond." That is what it is all about. It is character. It is integrity and character. If you leave here, the legacy you leave, if no one says anything about you other than when he gave his word he kept it, you cannot do any better than that.

I tried to think about what I might say here as my tribute in my own way, because so many people have so many wonderful things to say about this great man. I just want to share a couple of personal things, because they are important to me and I think it captures my feeling about BOB DOLE.

I come from a military family. My father served in World War II as a naval aviator and was killed at the end

of the war, leaving my mother as a widow to raise my brother and me. She did that alone. I lost my dad, as I say, in World War II, and BOB DOLE nearly lost his life in that same war. Severely injured, he had to fight his way back, not only from the brink of death but after that, paralysis, and became a U.S. Senator.

But we, the sons and daughters of that generation, those of us who had parents who were in that war, World War II, we know, we are grateful. Perhaps we know and are a little bit more grateful than others for what they did and the sacrifices they made and how important they were to save the world from tyranny. It took heroes like BOB DOLE—and he was a hero, he is a hero—it took heroes like BOB DOLE to make that happen. We owe him, and thousands of others like him, a huge debt of gratitude for their service and their sacrifice to our country, because when the call came, they stepped up and they stopped tyranny.

So BOB DOLE did not get here the easy way. We hear a lot of stories about how everybody in the Senate is rich and everybody gets here the easy way and you live this great life, but BOB DOLE made it the hard way. You cannot help but admire and respect a man like that.

I turned to him in 1993 to be a part of one of the most personal and meaningful experiences of my entire life, and I want to share that with my colleagues and with the American people.

When my father died in 1945, it was 2 days before my fourth birthday, so I only have two memories of my dad. My brother has no memories of our dad, because he was less than a year old. I had always wanted to have my father buried at Arlington, but I never wanted to bring that subject up with my mother because he was not buried at Arlington and I did not want to put my mother through that experience of having his remains moved from where he was buried in New Jersey to come here to Arlington where I believe he would have liked to have been laid to rest. So I put it off.

Then in May 1993, my mother passed away. She used to say she was a one-man woman, and she was. She never remarried after she lost my dad. But she always would go by the cemetery and she would say, "Put me there with him so that we can be together forever."

When I made the decision to bury my parents—both of them—at Arlington National Cemetery in May 1993, I asked Senator DOLE if he would have the time to come and give a few remarks at that service. Within a matter of minutes, the response came back: "Of course."

I asked BOB DOLE to say just a few words. I listened as this man made connections to my parents that I just could not believe anyone could do so spontaneously. He did not know my mother. He did not know my father. But I listened to BOB DOLE say very movingly of how my father had stood guard in the night and how he had made the ultimate sacrifice. I listened as he spoke of how my mother had stood guard here at home when my father went away to war. I listened, Madam President, and I knew how proud my father and mother were, looking down from Heaven to see this American hero, BOB DOLE, speaking at their memorial service in Arlington National Cemetery.

He even made the connection my dad served on the U.S.S. *Wichita*. He said, "Any man who would serve on the U.S.S. *Wichita*, named after a city in Kansas, had to be a great man." He made that ceremony so personal that many of my relatives came up to me afterwards and said, "Did Senator DOLE know your parents?" I said, "I think he did. I really think he did."

So holding BOB DOLE in the esteem I do, I was honored that only 8 months into my first term in the Senate, Senator DOLE selected me to be vice chairman of the Senate Select Committee on POW/MIA Affairs. It was a great honor for me to serve in that capacity. I shall always be grateful to BOB DOLE for giving me that opportunity. Of course, he also selected me for the Ethics Committee, and I may hold that against him for a little while.

But, Madam President, in 1994, I had another moving experience. I attended the 50th anniversary commemoration of D-day at Normandy. I saw there a sight that I will never ever forget. My wife Mary Jo and I went, and BOB DOLE went as well. He retraced his steps in Italy. To see him there back with those people who helped to save his life, and to walk those hills where he was wounded, and then to go to Normandy after he left Italy, to the beaches of Normandy with those rows and rows and rows of crosses, and to think of the sacrifices, and men in wheelchairs, men with lost limbs, hugging, saluting this man—it was a great honor just to be there for the celebration of Normandy, but to be there in the company of BOB DOLE, I shall always be grateful to Senator DOLE for giving me that opportunity. I have never seen such admiration, gratitude, respect, and love as there was for that man. They loved him. They absolutely loved him.

Another just little thing, but last summer I had two young interns, just college kids, Jennifer Kilgus and Greg Annis. They were walking down the corridor of the Capitol, just taking a walk. They decided to stop in to the majority leader's office just to say they went in there, hoping maybe they might have the chance to meet BOB DOLE.

Not only did he agree to see them with no appointment, but in the midst of a very busy schedule he spent 15 minutes talking to them, two young interns in his office, giving them the thrill of their lives. That is the kind of man BOB DOLE is. That is why there were tears in the eyes of that page when BOB DOLE said he was leaving.

Finally, Madam President, as the senior Senator from New Hampshire, I cannot help but note that somehow BOB DOLE has managed to spend quite a bit of time in New Hampshire over the past few years. He lost a tough primary in New Hampshire but went across the Nation with a stunning series of smashing primary victories as he won the Republican nomination for President. Gracious in defeat and gracious in victory.

He has been to New Hampshire just to enjoy its beautiful lakes and mountains and countrysides. Perhaps, Madam President, you never know, there might even be a summer White House in New Hampshire someplace.

Final anecdote. I remember Senator DOLE, I believe 2 years ago, saying to me, "You know, my Elizabeth would really like to go water-skiing. But we would really not like to have a crowd around. Could you arrange that so that we didn't have to have a bunch of people with cameras so she could relax and enjoy herself?" And we did. She is a great water-skier, too.

So, Madam President, I join my colleagues in saying farewell, but not goodbye, to BOB DOLE. The last thing I said to Senator BOB DOLE on the floor of the Senate, as I shook his hand after his remarks, was, "I'll see you at your swearing in for President on the West Front of the Capitol on January 20, 1997." He said, "I'll be there." I said, "I know you will, Mr. President." I have been proud to serve with BOB DOLE in the U.S. Senate. I will be prouder still next year to fight as a Senator to help President BOB DOLE pass the agenda that he dreams about for America.

Thank you, Madam President.

Madam President, I ask unanimous consent that the letter that Senator DOLE read at my parents' funeral be printed in the RECORD.

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

A TRIBUTE TO LT. COMMANDER DONALD SMITH AND MARGARET ELDRIDGE SMITH, ARLINGTON NATIONAL CEMETERY, BY SENATOR BOB DOLE, MAY 24, 1993

Members and friends of the Smith family; I never knew Lt. Commander Donald Smith, but we shared a great deal in common.

We were of the same generation. We served together in World War II—he flew the skies of the Pacific, and I walked the hills of Italy. And since I'm from Kansas, I note with pride that Lt. Commander Smith served aboard the U.S.S. *Wichita*.

The author Herman Wouk wrote that "If America is still the great beacon in dense gloom—then we still need heroes to stand guard in the night."

Like so many others before and after him, Lt. Commander Donald Smith stood guard in the night. And like so many others, he made the ultimate sacrifice.

He was and he is an American hero, and it is very fitting that he has been brought here, this final resting place of American heroes.

There is another name we add today to the list of heroes at Arlington. The name of Margaret Eldridge Smith.

Throughout our history, as American soldiers have "stood guard in the night," their family members have "stood guard" here at home, supporting their country and their military in countless ways.

When Margaret Eldridge married Donald Smith, she did so knowing there would be times when they would be separated by miles of land and ocean.

She also knew that the time might come, as it did in 1945, when they would be separated by more than just territorial limits.

And for the past half century, Margaret Smith honored her husband and her country by continuing to stand guard.

She raised a family on her own, bringing up two fine sons who would both serve their country in the military and in government.

She, too, is an American hero.

I am very honored to be here this afternoon, as these two heroes are reunited forever, and the best way we can honor them is to continue to love freedom, to love our country, and to always "stand guard through the night."

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank you, Madam President, for recognizing me for some comments on the budget reconciliation.

TRIBUTE TO BOB DOLE

Mr. LAUTENBERG. Madam President, I will take just a couple of minutes beyond that which was allocated to me by the Senator from Nebraska to say that I, too, listened very intently to Senator DOLE's remarks today. I was touched and moved by them.

I will not go into his record, and I will not go to any length, but I want to say that BOB DOLE is someone whom I have admired over the years, with whom I have worked very smoothly. When he said it, he meant it. When he meant it, he said it. That is the way he operated.

He is part of a generation, of which I also am, and that is the generation of World War II veterans, a dwindling group, I regret to say. This year we will see several leave because, in addition to Senator BOB DOLE, Senator HATFIELD, and Senator HEFLIN will leave, and the group tightens and shrinks. It is not a very pleasant prospect to contemplate. But, nevertheless, it is a decided loss to take away the experience, the knowledge, the reflection of those who served in World War II at a time when America was a much different place, at a time when the values were established by tightly knit families, by those who worried about the loss of a loved one or the injury of a family member in the war. It was a huge war with somewhere around 14, 15 million people from our country in uniform. It touched every family in America. There was not a family that did not have close contact with that war.

We were also the generation that benefited enormously—enormously—from an educational program called the GI bill that was afforded to people like me and many others who serve here, where it changed our lives. The military experience was one thing. I served in World War II, not under the same level of danger that Senator DOLE or Senator INOUYE served, but people in my unit were killed. It changed our lives because of the experience of the war, the fear, the danger, the detachment from family. When I enlisted in World War II, my father was already on his death bed, a man of just 43 years of age. And a family of four became a family of two virtually overnight.

But the experience of serving my country, the opportunity to do so, the opportunity to get an education, is something that ought to be firmly implanted in everybody's mind in this place and in this country, where an education can change one's life, as it did, I know for so many of my colleagues. Certainly, it did for me.

Without giving a personal biography, that is not my intent, just to say that we will miss BOB DOLE. We will miss his experience and we will miss his wisdom. I wish him well—not quite as well as the Senator from New Hampshire, but that is in terms of the upcoming Presidential election—I wish him, personally, well and I wish him and his family many good years of enjoyment and good health.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. LAUTENBERG. Madam President, if I may now take the time allotted to me by the Senator from Nebraska, I want to talk about the conference report on the budget resolution, this budget that makes such deep cuts in Medicare, Medicaid, education, and the environment. My view is we ought to reject it and start over.

Before I make specific comments about the budget, I want to frame it in terms of the historical perspective. The Federal budget over the last 15 years, what has happened with it? The fiscal records of Presidents Clinton, Bush, and Reagan could not be more different. Over a 12-year-period, the Reagan and Bush administrations incurred $2.3 trillion of debt. In fact, if we did not have to pay the interest on the debt racked up in these 12 years, the budget would be in balance this year. Not once did President Reagan or President Bush propose a balanced budget.

Fortunately, President Clinton's 4-year record is much different. President Clinton promised change in 1992 and he has produced it. Consider the following: The deficit has gone down for 4 straight years. The revised deficit figure for the fiscal 1996 year is now $130 billion—by no means a modest figure, but substantially down from where it was 4 years ago. It is 1.8 percent of our gross domestic product. That is the lowest percentage of any industrialized country. For example, Japan's deficit is more than 3 percent of its GDP; Britain, the U.K., is 7 percent of its GDP; Italy's percentage of debt is 9 percent of GDP.

Finally, President Clinton is the first President to put forward a balanced budget proposal in a full generation. Madam President, budgets are more than just numbers. A budget is a statement of values. We are not accountants sent to Washington to only crunch numbers. We are here to respond to our people's needs for health security, for seniors on Medicare, and Medicaid for those who have only that program to provide for their health needs.

We are here to encourage educational opportunities for our young people. We are here to be stewards of the environment so that the next generation can enjoy clean water, clean air, my grandchildren will know about fish in the water, and not be afraid to go to a tap to take a drink of water, or will not have to be told to stay out of the air when playing games or exercising.

We are here to provide help and vision for our people in the next century. Simply, we are here to protect our citizens' life quality, to protect our economy, to protect our Nation, to protect our society. This budget does not accomplish those objectives. It will hurt those aspirations.

Madam President, unfortunately, some in the other party believe Government is evil. I say this because a very distinguished Republican, a Republican House Member told a very distinguished Congressman, Congressman HENRY HYDE, as I read from the report, "I trust Hamas," this person said, "more than I trust my own Government." Hamas—a terrorist organization with programs designed to kill innocent people, men, women, and children. What an odious comparison. Madam President, what government is this person talking about? Could it be the American Government? Our democratically elected Government?

Excluding net interest, two-thirds of the Federal Government is Social Security, Medicare, Medicaid, veterans benefits, and national defense. These are the major programs of our Federal Government. I repeat, Social Security, Medicare, Medicaid, veterans, national defense. Are these evil programs? Are they equivalent to Hamas terrorist attacks? I do not get the connection, but I resent, terribly, the words that are used. Whatever one thinks about mistakes or poor performance of our Government, this Government and this country can never be compared to a terrorist organization.

Madam President, the question is no longer whether we will balance the budget. The question is, how? Who will win in programs that are in place? Who will lose if programs are canceled? Finally, whose side is Government on?

President Clinton has laid out the right way to balance the budget. His budget reaches balance within 6 years, as documented by CBO, but unlike the Republican version the President's budget, protects Medicare, Medicaid, education, and the environment, and it does not increase taxes on working families. The President's budget not only protects 37 million senior citizens from deep Medicare cuts contained in this budget, but it will also, despite reports to the contrary in recent days, it will also make the Medicare trust fund solvent until the year 2005. It preserves the guarantee of Medicaid for 36 million seniors and disabled persons who rely on those programs. It protects our Nation's environment by ensuring full funding for the implementation of the major environmental programs like clean air, clean water, and toxic waste cleanups. It makes critical investments in education and training, it provides increased funding for programs like Head Start, title I, and safe and drug-free schools.

Finally, the President's budget maintains the earned-income tax credit, which provides tax relief for working families who earn less than $28,000 a year. It allows them to maintain their family needs for basic essentials, for sustenance.

The Republican budget is much different. It is punitive to working families and senior citizens. In reality, this budget resolution ought to be entitled "Extremist Budget, Part II." The huge Medicare cuts in this budget, combined with the proposed structural changes will truly make Medicare wither on the vine. If the Republican budget is enacted, Medicare will become a second-class health care system. The Republican budget also eliminates the guarantees of Medicaid coverage for seniors, disabled, children, and pregnant women.

This budget contains a Republican assault on education. Over 7 years this budget cuts $60 billion in education and training, compared to the President's budget. This budget continues the Republican tragedy of the environment. The budget will cut environmental programs by 19 percent in the year 2002 and it will slow down toxic waste cleanups.

Finally, this budget continues the Republican war on working families. At the same time the GOP leadership is opposing an increase in the minimum wage, they are proposing to increase taxes on working families who earn under $28,000 a year—harsh and unfair. That is why this budget resolution ought to be called the extremist budget part II.

Last year, the President vetoed the Republican budget because it contained huge cuts in Medicare, Medicaid, education, and the environment. This budget does very much the same, and President Clinton will veto this budget as well.

So as soon as our Republican friends show that they can put forth a balanced budget like the President's, one that protects our priorities, we will have a balanced budget—but not until then.

I thank the Chair and yield the floor.

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

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

(By unanimous consent, the remarks of Mr. SPECTER are printed at an earlier point in today's RECORD.)

TRIBUTE TO PAUL F. EATON, SR.

Mr. MOYNIHAN. Madam President, if I may ask the Senate's indulgence. On the 16th of this month, my friend and sometime counselor, Paul F. Eaton, Sr., of Walton, NY, will celebrate his 87th birthday. This is, of course, a happy occasion for Paul, his family and many friends, in our upstate Delaware County.

Both Paul Eaton and I came to reside in the foothills of the Catskills as adults. Paul came to practice law in the early 1930's. And Liz and I bought our farm in the early 1960's. And we have all stayed. The beauty of the place and the welcoming nature of its people have kept us there.

Paul made Walton his home; he was elected village police justice and later mayor; served in the Office of Price Administration during World War II; has spent over a half century as trustee of St. John the Baptist Church; married Frances Kellogg, raised a family; remained a loyal Democrat; played golf; and practiced law.

And if I may say, Madam President, he has practiced law, and continues to practice law, in a manner that brings nothing but honor to that profession. Paul Eaton is a general practitioner. He draws wills, handles real estate closings, tries cases, and counsels his clients. His reputation as a skillful lawyer is matched only by his reputation for honesty and integrity. He is still at it. For while we will celebrate his birthday on the 16th, he will be in his law office on the 17th. This is as it should be. We wish him well. Happy birthday Paul. Madam. President, I yield the floor.

DEBATE ON BALANCED BUDGET AMENDMENT

Mr. FORD. Madam President, on Friday the Senator from Oklahoma [Mr. INHOFE] and the Senator from North Dakota [Mr. DORGAN] and I had an exchange about the inaccuracy of certain statements made by the Senator from Oklahoma regarding the debate over the balanced budget amendment. During that exchange, the Senator from Oklahoma inserted into the RECORD copies of the original versions of Senate Joint Resolution 41 from the 103d Congress, and House Joint Resolution 1 from the 104th Congress. The Senator from Oklahoma represented that these were the two resolutions that we voted on—Senate Joint Resolution 41, in 1994, and House Joint Resolution 1, in 1996.

The distinguished Senator from North Dakota indicated that the two resolutions we voted on were not identical, since language known as the Nunn amendment was added to House Joint Resolution 1 regarding judicial review, and that this was new language from the resolution voted upon in 1994. The Senator from North Dakota asked unanimous consent to insert into the RECORD the language which was actually voted on by the Senate. After the Senator from Oklahoma twice reserved the right to object, the Senator from North Dakota withdrew his request.

I have since had time to review the RECORD, and found that Both resolutions inserted into the RECORD by the Senator from Oklahoma were incorrect. In other words, neither of the resolutions which he put into the RECORD were actually voted upon by the Senate. The Senator form Oklahoma put into the RECORD the balanced budget amendment proposals as introduced, in order to claim the Senate voted on identical proposals. However, both resolutions were subsequently amended in different ways. The 1994 resolution was modified to limit judicial remedies to declaratory judgments and other remedies authorized by Congress. This modification was dropped altogether in House Joint Resolution 1, as introduced in 1995. However, this resolution was then also amended by the Senate through the Nunn amendment, which prohibited judicial review entirely.

I ask unanimous consent that the resolutions which were actually voted upon by the Senate in 1994 and 1996—neither of which were inserted into the RECORD by the Senator from Oklahoma—be inserted at this point.

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

S.J. RES. 41, 103D CONGRESS—FINAL VERSION ON WHICH SENATE VOTED

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents

and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The power of any court to order relief pursuant to any case or controversy arising under this Article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2001 or with the second fiscal year beginning after its ratification, whichever is later."

HOUSE JOINT RESOLUTION 1, 104TH CONGRESS—FINAL VERSION ON WHICH SENATE VOTED

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION AS AMENDED BY SENATOR NUNN

ARTICLE —

SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the phone shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect, the provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each house, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The judicial power of the United States shall not extend to any case of controversy arising under this Article except as may be specifically authorized by legislation adopted pursuant to this section.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

Mr. FORD. Second, Madam President, the Senator from Oklahoma and I had an exchange on the Senate floor because after I heard him quote from my 1994 floor statement, I believe he was quoting my statement in an inaccurate and distorting manner. The Senator from Oklahoma was quoting my statement in support of the Reid-Ford-Feinstein amendment which protected the Social Security trust funds, and making it sound like I was speaking in support of the underlying Simon-Hatch version of the legislation, which does not protect Social Security.

Madam President, after reading Friday's RECORD, I found that the Senator from Oklahoma's quoting of my 1994 statement was even more selective and misleading than I had first realized. I ask unanimous consent that my actual full statement, as reproduced in the CONGRESSIONAL RECORD on March 1, 1994, and the version quoted by the Senator from Oklahoma be printed in the RECORD.

Those who wish to read these can draw their own conclusions about whether I was quoted accurately.

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

SENATOR WENDELL FORD, ACTUAL FLOOR STATEMENT, MARCH 1, 1994

Mr. FORD. Mr. President, I have but a few minutes to speak this morning on behalf of the Reid-Ford-Feinstein balanced budget amendment. So I will concentrate my remarks this morning on trust.

The public trusts the Congress to keep the Nation's finances in order. Nowhere is that agreement and that trust more evident or more important than in governing the Social Security trust fund.

In the debate over our amendment and the Simon amendment, honesty and protection of the trust fund have played a very big role. Right now, surpluses in the trust funds are being used to hide the true amount of the deficit. The biggest example of this is in Social Security, but it is by no means alone in this distinction.

During the 1980's, we allowed the Federal trust funds to run up huge surpluses. We would collect a gasoline tax to fund highway construction but then not spend it all on highways, thus creating an accounting surplus. The problem is, we did spend money elsewhere creating masked deficit and budgetary illusions.

The Simon amendment will allow us to continue to do this. I have a speech in my folder that I made back in October of 1987 that addressed this very issue. This particular speech dealt with the Aviation trust fund. At the time, it represented a $6 billion surplus.

Mr. President, I say to my colleagues that that is only peanuts when compared to Social Security. According to OMB, from 1985, when the Social Security System started to run a surplus, to 1993, it singlehandedly covered up $366 billion in Government red ink. Social Security covered up $366 billion in Government red ink.

If you think that is bad, wait until we look to the future. From 1994 through the year 2001, the date that Senator Simon's amendment would likely take effect, CBO projects another $703 billion in budgetary chicanery, for a grand total of $1.69 trillion worth of deception.

When compared with that, the deficit hidden by the other trust funds are small potatoes—only another $35 to $40 billion. Pretty soon though, as we have heard in the past, it adds up to real money. We pat ourselves on the back and claim to cut spending and do what is right for our electorate, all the while our Social Security trust fund is full of IOU's.

Well, I, and those who support our amendment, mean to do something about that. Our amendment respects the pact our Nation made with its people many years ago. It reinforces it, makes it stronger, safer, and more secure. Social Security is exempt from our amendment, thus securing and fortifying its position as a separate trust fund. If you do not believe me, just listen to the Gray Panthers, and they will tell you themselves. I have here three letters to that effect. AARP, the National Alliance for Senior Citizens, and the National Committee to Preserve Social Security and Medicare, all endorse Social Security's treatment under this amendment.

Other trust funds will be treated honestly as well. They will be considered as a part of the capital budget that invests in infrastructure and development. Building highways and airports pays dividends in the future through higher productivity and job opportunity and growth. Social Security and these other trust funds did not cause the deficit, and under our amendment they will not be used to hide the deficit either. This is honest budgeting and a workable balanced budget amendment.

Mr. President, time is short and a vote on the Reid-Ford-Feinstein balanced budget amendment is near. Unfortunately, I fear that it is not near passage but defeat. Standing beside that defeat will be a good faith effort of those who are truly concerned about the world that we leave for future generations. Standing beside that defeat will be the last attempt of this Congress to face reality and tackle an ever-crippling debt and deficit problem. Standing beside that defeat will be faith in Government. I support the efforts of my friend and colleague from Illinois to take on this persistent fiscal dishonesty, but his version of the amendment will go down to defeat as well.

The Reid-Ford-Feinstein amendment is the only amendment that could stand the chance

of final passage. We all know that. Yet standing by the defeat of yet another balanced budget will be my colleagues from the other side of the aisle. Instead of getting what they could, they will go home proud of taking the supposed moral high ground. If that is what they want, they can have it. What I want and what 70 percent of our Nation's people want is a sound financial future. What they will get is more of the same under the Simon amendment, for standing tall at the end of the day will be disenchantment, dishonesty and fiscal irresponsibility.

I hear so much about "if 40-some-odd Governors can operate a balanced budget, why can't the Federal Government."

Well, I give them an opportunity. I operated under it. It worked. We had a huge surplus when I left the Governor's office. We had an operating account. We had a capital account.

They say operate like you do at home. At home you have income, your salary. That is your operating account. You buy a car within your means. You pay that out of your operating account. You buy a home. You pay that out of your operating account. But your operating account is always balanced. And we have a time period in which to pay it off.

They say, "Oh, we will never implement that legislation." How do you know we will not? I have seen some amazing things come out of this Chamber. I have seen people work and do the right thing.

I think implementation of this amendment will work. I think we can make it work. But on the other hand, if we want an issue, fine. Stay with Senator SIMON and Senator HATCH. Stay with them and then have an issue when you go home.

But do you want a balanced budget amendment? There are enough votes with those who are supporting that amendment that we can get one.

Oh, I hear all this, "The House is going to make us do it." I have never seen us make the House do anything. I have never seen the House make us do anything. So when they pass their balanced budget amendment, what is it going to do? It is going to die between here and there. That is what is going to happen to it. It is going to die between here and there.

"Oh, we will be forced into it." Nope. The House will not do that to us. We will not do it to the House. So if you want a balanced budget amendment operated like Nebraska was operated, like Kentucky was operated, I will guarantee you that we can do the right thing.

That is what it is all about here today, to do the right thing. We have an operating budget. We are going to pay this in 10 years. The slice is in here. We have IOU's in the Social Security. We are going to buy it. It is in operating. We buy it, pay it off. So Social Security is sound. I do not understand why it takes a brain surgeon to understand how you operate a budget the away the States do.

And so, Mr. President, I would hope that we would reconsider between now and 3 o'clock this afternoon that this is an opportunity to pass a balanced budget amendment that will work and will give us a financially sound future, not only for ourselves but for our children and our grandchildren.

I hear my distinguished friend say he is going to do it for his unborn grandchildren. I have five. The Senator is no "Lone Ranger". I am just as worried about my grandchildren as he is. And I think I have a pretty good idea I have had to work under it. I had to operate it. I understand how it works. There are few in this Chamber who do. You will find that most of those will vote for this amendment because it works.

Do it like the Governors do; pass the Reid amendment. Do it like you do at home and operate your own budget; pass the Reid amendment. It is just that simple, Mr. President.

I do not know how much time I have remaining, but I will reserve it.

SENATOR INHOFE: QUOTATION OF MARCH 1, 1994

STATEMENT OF SENATOR FORD, JUNE 7, 1996

So when the Senator from Kentucky came in—I had not quoted him, but I will now. He said this back on March 1, 1994. He said, "I support the efforts of my friend and colleague from Illinois"—talking about Senator SIMON, who is a very courageous guy, and one I complimented probably more than I have ever complimented anyone else on the floor yesterday. Senator FORD said, "I support the efforts of my friend and colleague from Illinois to take on this persistent fiscal dishonesty. I hear so much about if 40-some-odd Governors can operate a balanced budget, why can't the Federal Government? I operated under it"—this is Senator FORD, who was a Governor of Kentucky—"and it worked. I think implementation of this amendment will work. I think we can make it work. I do not understand why it takes a brain surgeon to understand how you operate a budget the way the States do. This is an opportunity to pass a balanced budget amendment that will work and will give us a financially sound future, not only for ourselves but for our children and our grandchildren."

Mr. FORD. Lastly, Madam President, let me just note that every provision of the Constitution is subject to interpretation. I am sure that the Senator from Oklahoma does not agree with every Supreme Court decision interpreting the words of the Constitution—even though it may involve different interpretations of the same language.

In 1994, the distinguished Senator from Illinois, Senator SIMON, gave specific assurances that he would work in support of, and even cosponsor, implementing legislation to require Congress to balance the budget without counting the annual Social Security surplus. He even submitted a memorandum from the Congressional Research Service with the opinion that it would be legal and appropriate for Congress to pass such legislation. This memorandum is reprinted in the March 1, 1994, CONGRESSIONAL RECORD along with the debate

By contrast, in 1995 we saw proposals from leading proponents of the balanced budget amendment spelling out how much of the Social Security surplus they would count year by year.

As I stated last year and again last week, this was an enormous shift in the interpretation of the resolution and a major factor in my decision to not support the balanced budget amendment without further assurances about Social Security.

It is my hope that debate on the Senate floor in the future will be conducted at a level which respects the opinions of fellow Senators on all issues. It is the least that our constituents expect of us.

FATHER BILL KENNY

Mr. REID. Madam President, one of the pleasures of working with this body is the opportunity to recognize the outstanding contributions that individuals have made in our respective States and in our country. I rise today to recognize such a person, Father Bill Kenny of Las Vegas.

Frequently, people are recognized for an heroic action on a specific occasion, or for a moment of self-sacrifice that may have saved the lives of people who were put in harms way. Father Kenny's achievement is different; he is a man who has devoted his entire life to helping others, and on a continual, daily basis, he gives his energy, his time, and his spirit to his community, to his parishioners, and to his church. On June 19, Father Kenny will celebrate the 25th anniversary of his ordainment as a Catholic Priest, and I am delighted to take this occasion to congratulate him on a lifetime of self-sacrifice.

Father Bill Kenny is truly an example of the American dream in action. Bill came to Las Vegas as a young boy and attended St. Joseph's Catholic School and Bishop Gorman High School. As a young altar boy, Bill often thought about becoming a priest. Inspired by his uncle John, a priest who also served in Las Vegas, Bill entered the seminary and afterwards completed his studies at the theological college of the Catholic University of America on a 3-year scholarship. He earned his B.A. in 1966 and his M.A. a year later, after which he was assigned for one year to the North American College in Rome, a residence for American students who study at the Pontifical Gregorian University. He resumed his studies at the theological college, and in 1971, he returned to Las Vegas for his ordination.

He was first assigned to serve as associate pastor at St. Annes and then, in 1976, at Our Lady of Las Vegas. The diocese intuitively knew that, in Father Kenny, they had a man of extraordinary talent and, in October of 1978, Father Bill was asked to start a new parish in a growing section of the city; he became the founding pastor of Christ the King Catholic Community, a parish that, under his tutelage, has grown to over 5,000 members.

I have had the good fortune to attend services at Father Kenny's church and to witness, first hand, the care and compassion he has engendered within his parish. I participated in one of the most moving ceremonies of my career when Father Bill invited me to take part in the opening of the national AIDS Quilt exhibit which he generously housed in the church's parish hall. We read the names of those whose lives were represented in the squares of the quilt, and I know there wasn't a dry eye in the crowd.

This is just one example of the compassion that Father Bill demonstrates on a continual basis; I know that there

are at least 5,000 more stories that reflect the influence that he has had on someone's life. I am glad that Father Bill chose to come back to his home in Las Vegas to fulfill his mission with the Catholic church, I am proud to have him as my friend, and I congratulate him for his 25 years of exemplary service to the people of Nevada. We are all better because of him.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday Monday, June 11, 1996, the Federal debt stood at $5,134,653,489,857.86.

On a per capita basis, every man, woman, and child in America owes $19,372.70 as his or her share of that debt.

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3268. An act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 848. An act to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia.

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse."

H.R. 3060. An act to implement the Protocol on Environmental Protection to the Antarctic Treaty.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building."

H.R. 3364. An act to designate the Federal building and United States courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse."

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Hruska Federal building and United States Courthouse."

The message also announced that the House disagrees to the amendment of the Senate of the bill (H.R 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ARCHER, Mr. THOMAS, Mr. BLILEY, Mr. BILIRAKIS, Mr. GOODLING, Mr. FAWELL, Mr. HYDE, Mr. MCCOLLUM, Mr. HASTERT, Mr. GIBBONS, Mr. STARK, Mr. DINGELL, Mr. WAXMAN, Mr. CLAY, Mr. CONYERS, and Mr. BONIOR as the managers of the conference on the part of the House.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 153. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 172. Concurrent resolution authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 848. An act to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; to the Committee on Energy and Natural Resources.

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building"; to the Committee on Environment and Public Works.

H.R. 3364. An act to designate the Federal building and United States courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Kruska Federal building and United States Courthouse"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3268. An act to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2982. A communication from the Secretary of the Army and the Secretary of Agriculture, transmitting jointly, pursuant to law, notice of an intention relative to the Corps of Engineers project at Applegate Lake, Oregon; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2983. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "The Pork Promotion, Research, and Consumer Information Order," received on June 4, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2984. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Papayas Grown in Hawaii," received on May 31, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2985. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "The Tobacco Inspection"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2986. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on retail fees and services of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-2987. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2988. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish Fishery of the Bering Sea and Aleutian Islands Area," received on June 4, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2989. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Striped Bass Fishery," (RIN0648-AH57) received on June 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2990. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a rule relative to FM broadcast stations, received on June 5, 1996; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-575. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE RESOLUTION NO. 49

"Whereas, the Hawaiian islands are among the most environmentally sensitive areas in the world, containing unique and extremely fragile ecosystems; and

"Whereas, the State's 150 recognized ecosystems are home to more than one-third of the 526 plant species and 88 bird species on the United States endangered and threatened species list; and

"Whereas, conservationists call Hawaii the 'Endangered Species Capital of the World,' as three-fourths of the nation's extinct plant and bird species once lived only on our islands; and

"Whereas, alien pest species are considered the single greatest threat to the survival of our native Hawaiian plant and bird species; and

"Whereas, the island of Guam is now devoid of any and all avian life due to the devastation of a well-known alien pest, the brown tree snake; and

"Whereas, 19 new insect species found their way into the environment in 1994, even though the State Department of Agriculture inspected 13 million agricultural parcels entering the State and intercepted 131 alien insects and 183 illegal animals; and

"Whereas, on average, 20 new insect species arrive in Hawaii each year, of which ten become pests; and

"Whereas, federal quarantine law gives the United States Department of Agriculture the legal authority to inspect baggage and passengers bound for the mainland from Hawaii in order to protect the mainland's environment, but does not grant the same authority to inspect baggage and passengers bound for Hawaii from the mainland to protect Hawaii's environment; and

"Whereas, Governor Benjamin J. Cayetano established the 'Coordinating Group on Alien Pest Species' (CGAPS), a group comprised of representatives from the State Department of Agriculture, State Department of Transportation, Hawaii Farm Bureau Federation, Hawaii Visitors Bureau, Nature Conservancy of Hawaii, National Park Service, United States Department of Agriculture, United States Customs Service, United States Fish and Wildlife Service, United States Navy, United States Postal Inspection Service, and United States Postal Service; and

"Whereas, the Governor's Agriculture Coordinating, Committee provided funding for CGAPS efforts to focus public attention on the need to prevent new alien pest species from entering the State and to control pests which are already established; and

"Whereas, as a result of information obtained through CGAPS efforts, state departments may be proposing specific programs aimed at accelerating the eradication of established pest species and improving mechanisms to prevent the introduction of alien pest species; and

"Whereas, state budget concerns will have a serious impact on the agencies which contribute to these prevention and control efforts; and

"Whereas, the costs of these efforts pale in comparison to the price we would pay in terms of losses to industries such as tourism and agriculture which depend on environment quality, if our environment is not preserved and protected; and

"Whereas, in recognition of the long-term cost benefits of immediate action, funding for the implementation of those programs may be included in the budgets of those state departments; and

"Whereas, in addition to programs proposed by state departments, other CGAPS members may seek grants to accomplish the same purposes; and

"Whereas, the Legislature may appropriate funds for grants to those private conservation, agricultural, and tourism organizations; Now, therefore, be it

"*Resolved*, by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, That the Governor is respectfully urged to place a high administrative priority on existing pest eradication and prevention programs, as well as the development and implementation of new programs recommended by the CGAPS members; and

"*Be it further resolved*, That the President of the United States and the United States Congress are respectfully urged to advocate legislation and programs to eradicate pests and prevent their introduction into Hawaii; and

"*Be it further resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii."

POM-576. A concurrent resolution adopted by the Legislature of the State of Hawaii programs; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION NO. 16

"Whereas, the Hawaiian islands are among the most environmentally sensitive areas in the world, containing unique and extremely fragile ecosystems; and

"Whereas, the State's 150 recognized ecosystems are home to more than one-third of the 526 plant species and 88 bird species on the United States endangered and threatened species list; and

"Whereas, conservationists call Hawaii the "Endangered Species Capital of the World," as three-fourths of the nation's extinct plant and bird species once lived only on our islands; and

"Whereas, alien pest species are considered the single greatest threat to the survival of our native Hawaiian plant and bird species; and

"Whereas, the island of Guam is now devoid of any and all avian life due to the devastation of a well-known alien pest, the brown tree snake; and

"Whereas, the economic impact of alien pest species in the State of Hawaii exceeds $400 million annually, yet the State spends only $25 million per annum on prevention; and

"Whereas, 19 new insect species found their way into the environment in 1994, even though the State Department of Agriculture inspected 13 million agricultural parcels entering the State and intercepted 131 alien insects and 183 illegal animals; and

"Whereas, on average, 20 new insect species arrive in Hawaii each year, of which ten become pests; and

"Whereas, federal quarantine law gives the United States Department of Agriculture the legal authority to inspect baggage and passengers bound for the mainland from Hawaii in order to protect the mainland's environment, but does not grant the same authority to inspect baggage and passengers bound for Hawaii from the mainland to protect Hawaii's environment; and

"Whereas, Governor Benjamin J. Cayetano established the 'Coordinating Group on Alien Pest Species' (CGAPS), a group comprised of representatives from the State Department of Agriculture, State Department of Health, State Department of Land and Natural Resources, State Department of Transportation, Hawaii Farm Bureau Federation, Hawaii Visitors Bureau, Nature Conservancy of Hawaii, National Park Service, United States Department of Agriculture, United States Custom Service, United States Fish and Wildlife Service, United States Navy, United States Postal Inspection Service, and United States Postal Service; and

"Whereas, the Governor's Agriculture Coordinating Committee provided funding for CGAPS efforts to focus public attention on the need to prevent new alien pest species from entering the State and to control pests which are already established; and

"Whereas, as a result of information obtained through CGAPS efforts, State Departments may be proposing specific programs aimed at accelerating the eradication of established pest species and improving mechanisms to prevent the introduction of alien pest species; and

"Whereas, State budget concerns will have a serious impact on the agencies which contribute to these prevention and control efforts; and

"Whereas, the costs of these efforts pale in comparison to the price we would pay if our environment, and therefore industries such as tourism and agriculture which depend on environmental quality, is not preserved and protected; and

"Whereas, in recognition of the long-term cost benefits of immediate action, funding for the implementation of those programs may be included in the budgets for those State departments; and

"Whereas, in addition to programs proposed by State departments, other CGAPS members may seek grants to accomplish the same purposes; and

"Whereas, the State Legislature may appropriate funds for grants to those private conservation, agricultural, and tourism organizations; Now, therefore, be it

"*Resolved*, by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, the Senate concurring, That the Governor is respectfully urged to place a high administrative priority on existing pest eradication and prevention programs, as well as the development and implementation of new programs recommended by the CGAPS members; and

"*Be it further resolved*, That the President of the United States and the United States Congress are respectfully urged to advocate legislation and programs to eradicate pests and prevent their introduction into Hawaii; and

"*Be it further resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii."

POM-577. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION NO. 20

"Whereas, since October 1, 1994, the HING DDR has conducted 155 activities utilizing 249 HING volunteers and 141 civilian volunteers to reduce the demand for drugs in the State of Hawaii; and

"Whereas, during a twelve-month period (October 1, 1994–September 30, 1995), DDR activities have reached a total audience of over 35,818 individuals; and

"Whereas, while working with the Honolulu Police Department's 'No Hope In Dope

Program,' HING DDR has provided positive role models to speak to elementary, intermediate, and high school youths throughout the State of Hawaii; and

"Whereas, HING DDR has coordinated with the Hawaii Air National Guard C-130 Squadron to provide airlift support to transport the 'No Hope In Dope Program' to the outer islands; and

"Whereas, HING DDR has coordinated with Hawaii Air and Army National Guard units to provide static displays at drug-free parades and concerts; and

"Whereas, HING DDR volunteers have trained community leaders, parents, and other individuals on being a mentor for the youths who have graduated from the Hawaii National Guard Youth Challenge Program; and

"Whereas, HING DDR volunteers have been involved with recruiting youths and mentors, and working with the Advisory Committee in support of the Hawaii National Guard Youth Challenge Program; and

"Whereas, HING DDR volunteers have started PRIDE Parent Training, a nine-hour seminar that will help parents identify the signs of possible drug use and gang activity and is designed for parents of youths between the ages of seven and seventeen years of age; and

"Whereas, HING DDR has an extensive video library on drugs and gangs which is available for home viewing; and

"Whereas, HING DDR has educational material and activity books on drugs, drug use, and peer pressure available for parents, teens, and children; and

"Whereas, HING DDR is a member of the Youth Gang Response System-Oahu Team which is a partnership of government; private agencies, and community groups working together to address youth gang and drug problems in Hawaii in a unified and holistic manner; and

"Whereas, HING DDR volunteers supported the Adult Friends For Youth-Moving Up Transition Convention by providing positive role models to escort youths for the day; and

"Whereas, HING DDR volunteers supported the PACT (Parents and Children Together) Kid's Day Newspaper Drive; and

"Whereas, the Hawaii National Guard's Drug Demand Reduction Program is committed to fighting this war on drugs through prevention and education in collaboration with the community; Now, therefore, be it

"*Resolved*, by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, the Senate concurring, That the United States Congress is hereby urged to support legislation to support the Hawaii National Guard's Drug Demand Reduction Program; and

"*Be it further resolved*, That certified copies of this concurrent resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegations."

POM-578. A joint resolution adopted by the Legislature of the State of Idaho to the Committee on Armed Services.

"HOUSE JOINT MEMORIAL NO. 8

"Whereas, the 366th Wing at Mountain Home Air Force Base, Idaho, is the Air Force's only air intervention composite wing providing lethal, integrated air power worldwide;

"Whereas, the 366th Wing is unique because it is a composite force already built and trained, ready to fight and intervene anytime, anywhere;

"Whereas, one of the primary benefits of a composite wing structure is the opportunity for aircrews to train every day under more realistic conditions, with a variety of aircraft flying multiple missions;

"Whereas, the 366th Wing exceeded all of Air Combat Command's tough standards at the wing's first Air Force inspection in July, 1995, the first ever for a composite wing and the largest in Air Force history; and

"Whereas, the opening of a training range near Mountain Home Air Force Base is essential to maintain the readiness and strike force capabilities of this unique military asset:

Now, therefore, be it "*Resolved*, by the members of the Second Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Congress of the United States to pass necessary legislation to establish and fund the training range at the Mountain Home Air Force Base, Idaho.

"*Be it further resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-579. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"RESOLVE NO. 39

"Whereas more fish were discarded in the federally managed fisheries of the North Pacific Ocean than were landed by American fishermen in the North Atlantic Ocean in 1992; and

"Whereas, in 1994, 25,881,596 kilograms of halibut and 1,866,272 kilograms of herring were discarded by fisheries in the North Pacific Ocean and the Bering Sea; and

"Whereas, in 1994, 15,459,253 crab were discarded by fisheries in the North Pacific Ocean and the Bering Sea; and

"Whereas, in 1994, 195,609 salmon were harvested in groundfish fisheries of the North Pacific Ocean and the Bering Sea; and

"Whereas these discarded herring, crab, and salmon are resources managed by the State of Alaska that were intercepted in offshore federal waters; and

"Whereas these resources are the economic and cultural lifeblood for many Alaskans who depend on the sea for their livelihoods and subsistence; and

"Whereas marine wildlife species in Alaska marine waters that depend on fish for food are faced with declining populations and a potential listing as endangered species; and

"Whereas this continued wanton waste undermines any long-term management strategy for sustained commercial, subsistence, and recreational fisheries, and places the rural communities of Alaska at risk; and

"Whereas efforts to implement severe penalties against vessels responsible for high bycatch and discard rates have failed; and

"Whereas minimizing the catch of undersized fish and reducing wanton waste will conserve fisheries resources for present and future generations of subsistence users, commercial and recreational fishermen, seafood industries, coastal communities, consumers, and the nation; and

"Whereas fisheries can technically or operationally reduce waste and the incidental taking of nontarget species if given economic incentives or if appropriate regulatory measures are applied; be it

"*Resolved*, by the Alaska State Legislature That the wanton waste now occurring in federal fisheries of the North Pacific Ocean and the Bering Sea is of utmost ecological, social, and economical importance; and be it

"*Further resolved*, That the Alaska State Legislature respectfully urges the Congress to amend the Magnuson Fishery Conservation and Management Act, or to enact other legislation, encompassing a broad range of measures to reduce wanton waste in North Pacific Ocean and Bering Sea fisheries, including harvest priority incentives for clean fishing practices and other management tools."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Select Committee on Intelligence, with amendments:

S. 1745. An original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 104-278).

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

S. 1488. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes.

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. DOLE (for himself, Mr. ROTH, Mr. SIMPSON, Mr. PRESSLER, Mr. HATCH, Mr. CHAFEE, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1856. A bill to establish a commission to study and provide recommendations on restoring solvency in the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. DOLE:

S. 1857. A bill to establish a bipartisan commission on campaign practices and provide that its recommendations be given expedited consideration; to the Committee on Rules and Administration.

By Mr. GRAHAM (for himself, Mr. BAUCUS, and Mr. PRYOR):

S. 1858. A bill to provide for improved coordination, communication, and enforcement related to health care fraud, waste, and abuse; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. BAUCUS):

S. 1859. A bill to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Rules and Administration.

By Mr. MCCONNELL (for himself, Mr. DOLE, Mr. MOYNIHAN, and Mr. LIEBERMAN):

S. 1860. A bill to provide for legal reform and consumer compensation relating to motor vehicle tort systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself and Mr. DOLE):

S. 1861. A bill to provide for legal reform and consumer compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself and Mr. HATCH):

S. 1862. A bill to permit the interstate distribution of state-inspected meat under appropriate circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE:

S. 1863. A bill to require the Secretary of the Army to acquire permanent flowage and saturation easements over land that is located within the 10-year floodplain of the James River, South Dakota, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NICKLES (for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. THURMOND, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 258. A resolution to designate the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building as the "Robert J. Dole Balcony"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. ROTH, Mr. SIMPSON, Mr. PRESSLER, Mr. HATCH, Mr. CHAFEE, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1856. A bill to establish a commission to study and provide recommendations on restoring solvency in the Medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

THE MEDICARE RESTORATION ACT

Mr. DOLE. Mr. President, last Wednesday the Medicare trustees released their report on the state of the Medicare trust fund, and the report was grim. Instead of going bankrupt in 2002, as they previously forecasted, the trustees conclude that Medicare will go bankrupt in 2001—just 5 years from now.

For the past year and a half, this Republican Congress has attempted to deal honestly and forthrightly with the impending Medicare meltdown.

We put forward a budget that would protect, preserve, and strengthen Medicare by reducing its unsustainable rate of growth, while still allowing for a healthy growth rate.

We did not claim that our plan was perfect or that it solved the long-term problem. But it was a real attempt to alleviate a crisis that will immediately impact 37 million seniors and disabled Americans, and will have repercussions on tens of millions more.

In May 1995, I called for a bipartisan Commission to be set up to save Medicare similar to the one that saved Social Security. Unfortunately the White House dismissed the idea and decided to attack Republican plans to save the Medicare system.

That is why I rise today to introduce the Medicare Restoration Act to establish a blue-ribbon bipartisan advisory commission to help deal with this crisis.

In my view, leadership means more than just talking about problems. It also means doing something to solve them.

This Commission will be responsible for reviewing the current, short-term and long-term condition of the Medicare Trust funds. The Commission will be composed of 15 members appointed by the President, Senate, and House of Representatives. The members of this commission will be from both political parties, because it is clear to me that if we are to be successful we must put politics aside and work on a bipartisan basis.

Unfortunately, President Clinton has been unwilling to do that.

In February 1995, President Clinton submitted a budget that contained no provisions for saving Medicare.

In April 1995, the Medicare trustees—three of whom are members of his administration—issued their original report and urged "prompt, effective and decisive action." The administration instead chose to attack Republican plans to save the system.

Last March, the President submitted a budget which, according to the Congressional Budget Office, would only stave off Medicare's bankruptcy for one more year.

It is an undeniable fact that the Republican proposal allowed Medicare spending per beneficiary to increase from $4,800 per person to $7,200 per person over 7 years.

It is also an undeniable fact that in their ill-fated health care reform proposal, the Clinton administration advocated slowing Medicare's rate of growth.

Despite these facts, however, the President vetoed our Medicare proposal, and we have heard nothing but attacks on Republicans for slashing and cutting Medicare.

And when the President was asked, not long ago at a news conference, why he continued to use these terms even though they are not true, his response was essentially that the media made him do it.

With the release of the trustee's report, the inescapable conclusion is that while the rhetoric flew, Medicare was put at further risk.

And those who say that talk is cheap should know that 18 months of misleading rhetoric may have gained one side points in the opinion polls, it also put Medicare another $90 billion-plus in the red.

The bottom line is that the 37 million Americans who depend on Medicare deserve better. Future generations of Americans who will need Medicare deserve better.

I call on the President to come forward and support this bipartisan commission so we can preserve the Medicare Program and to join with Republicans on a bipartisan basis, as I have proposed before, to address this very serious problem.

I send the bill to the desk and ask it be appropriately referred. It is cosponsored by Senators ROTH, SIMPSON, PRESSLER, HATCH, CHAFEE, and MURKOWSKI, who are on the Senate Finance Committee. I certainly welcome additional cosponsors on either side of the aisle. This will be a bipartisan commission.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1856

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 "Medicare Restoration Act of 1996".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Medicare Reform (referred to in this Act as the "Commission").

SEC. 3. FINDINGS.

The Congress finds that—

(1) the medicare program under title XVIII of the Social Security Act provides essential health care insurance to this Nation's senior citizens and to individuals with disabilities;

(2) the Federal Hospital Insurance Trust Fund will be bankrupt in the year 2001, and faces even greater solvency problems in the long-run with the aging of the baby boom generation;

(3) the trustees of the trust funds of the medicare program have reported that growth in spending within the Federal Supplementary Medical Insurance Trust Fund is unsustainable; and

(4) expeditious action is needed in order to restore the fiscal health of the medicare program and to maintain this Nation's commitment to senior citizens and to individuals with disabilities.

SEC. 4. DUTIES OF THE COMMISSION.

The Commission shall—

(1) review relevant analyses of the current, short-term, and long-term financial condition of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund under title XVIII of the Social Security Act;

(2) identify problems that threaten the solvency of such trust funds;

(3) analyze potential solutions to such problems that will both assure the financial integrity of the medicare program under such title and the provision of appropriate benefits under such program;

(4) make recommendations to restore the short-range and long-range solvency of the Federal Hospital Insurance Trust Fund, to provide for sustainable growth of the Supplementary Medical Insurance Trust Fund, and on related matters as the Commission deems appropriate; and

(5) review and analyze such other matters as the Commission deems appropriate.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members, of whom—

(1) five shall be appointed by the President, of whom not more than 3 shall be of the same political party;

(2) five shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, of whom not more than 3 shall be of the same political party; and

(3) five shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, of whom not more than 3 shall be of the same political party.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall advise the Commission on the methodology to be used in identifying problems and analyzing potential solutions in accordance with section 4.

(c) TERM OF APPOINTMENT.—The members shall serve on the Commission for the life of the Commission.

(d) MEETINGS.—The Commission shall locate its headquarters in the District of Columbia, and shall meet at the call of the Chairperson.

(e) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—Not later than 15 days after all the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson from among the members of the Commission.

(g) VACANCIES.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made not later than 30 days after the Commission is given notice of the vacancy.

(h) COMPENSATION.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(i) EXPENSES.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 6. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(1) APPOINTMENT.—Upon consultation with the members of the Commission, the Chairperson shall appoint a Director of the Commission.

(2) COMPENSATION.—The Director shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and agencies and elected representatives of the executive and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary.

(g) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at the discretion of the Commission, at any time and place the Commission is able to secure facilities and witnesses, for the purpose of carrying out the duties of the Commission.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 8. REPORTS.

Not later than June 30, 1997, the Commission shall submit a report to the President and to the Congress on the findings and conclusions of the Commission.

SEC. 9. TERMINATION.

The Commission shall terminate on the date which is 30 days after the date the Commission submits its report to the President and to the Congress under section 8.

SEC. 10. FUNDING.

The Secretary of Health and Human Services shall provide to the Commission, out of funds otherwise available to such Secretary, such sums as are necessary to carry out the purposes of the Commission.

Mr. ROTH. Mr. President, I rise as a cosponsor of legislation introduced by the majority leader to establish a National Commission on Medicare Reform.

According to the Medicare trustees' report released last Wednesday, June 5, the Medicare hospital insurance trust fund will be bankrupt earlier than expected. In fact, the trustees, of which three of the six trustees are members of President Clinton's Cabinet, indicate that the trust fund may run out of money as early as calendar year 2000.

Senator DOLE's proposal is consistent with the recommendations of the Medicare trustees. The trustees recommend:

> * * * the establishment of a national advisory group to examine the Medicare Program. The advisory group would collect and disseminate information and help develop recommendations for effective solutions to the long-term financing problem. This work will be of critical importance to the administration, the Congress and the American public in the extensive national discussion that any changes would require.

We are now 2 years closer to insolvency of the Medicare trust fund than we were at this time last year. We lost a year trying to address the problem, and the program is 1 more year closer to bankruptcy than we expected. Yet, I regret, we are miles away from reaching an agreement on a solution.

Given the very short time that Medicare will remain solvent, and given the large number of baby boomers who will be joining the Medicare Program in just a few years, we cannot afford more delay. It is time to put politics aside and find a solution.

What is happening to the Medicare trust fund is pretty basic. The program is paying out more than it is taking in. This simple dynamic, if left unchecked, will lead Medicare to bankruptcy in less than 5 years. And, simply put, bankruptcy of the trust fund means there will not be money to pay the hospital bills of our senior citizens and disabled individuals reliant on Medicare.

Again, I believe it is time to put politics aside. A Medicare Reform Commission is an important step in the right direction to bringing together a bipartisan, lasting agreement on resolving Medicare's fiscal crisis.

The 1983 National Commission on Social Security Reform was an essential catalyst to resolving the then-looming bankruptcy of Social Security. The 1983 Commission brought together people in a cooperative bipartisan spirit. Ultimately, the work of the Commission laid the ground for a solution to the solvency crisis. I believe a Medicare Reform Commission might be able to do the same today.

We are facing a crisis. A crisis requires action. We cannot be a government of empty promises. We must restore Medicare to robust health for our children and our grandchildren.

By Mr. DOLE:

S. 1857. A bill to establish a bipartisan commission on campaign practices and provide that its recommendations be given expedited consideration; to the Committee on Rules and Administration.

THE BIPARTISAN CAMPAIGN PRACTICES COMMISSION ACT OF 1996

Mr. DOLE. Mr. President, as I prepare to leave an institution in which I have served for over 35 years, I am mindful that in many ways the public has lost confidence in the ability of legislators to represent their interests, not special interests.

We should not allow this to continue. Representative Democracy, founded on fair and competitive elections, is at the core of what makes America great. Yet, concern over how we finance elections threatens to erode the trust the American people have in our elected officials.

As my colleagues know, Congress has tried repeatedly to grapple with this issue and largely failed. However, I continue to believe that the very nature of the problem makes it difficult to resolve in the normal give and take of the legislative process.

In 1990, for example, Senator Mitchell and I appointed a six-member commission of outside experts to look at this issue and report back to us, but the report was unfortunately ignored by Congress.

I suggested in 1994 and repeatedly since then that a similar commission be constituted to report back to Congress, but with an important difference. This time, the report should be in the form of recommended legislative language which provides a solution and Congress should have an opportunity for an up and down vote.

As my colleagues know, both President Clinton and Speaker GINGRICH endorsed a similar concept last year when they met in New Hampshire.

I therefore send to the desk a bill that establishes an eight-member commission of outside experts. They would have the broadest possible mandate to think through this problem, come up with solutions and report back to Congress not more than 30 days after the convening of the 105th Congress.

The commission will send Congress legislative language for those recommendations on which seven members agree. Congress will consider those recommendations under expedited procedures that mirror the fast-track authorities in our trade laws.

I know my colleagues will be grappling with this issue soon. However, I believe that it would be better to take this issue out of what is already a super-heated partisan atmosphere, and allow a bipartisan approach to be developed that Congress cannot ignore.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1857

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 "Bipartisan Campaign Practices Commission Act of 1996".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the "Bipartisan Commission on Campaign Practices" (referred to in this Act as the "Commission").

SEC. 3. DUTIES OF THE COMMISSION.

The Commission shall study the laws and regulations that affect how campaigns for Federal office are conducted and may make recommendations for change. In studying Federal campaign practices, the Commission shall consider—

(1) whether too much or too little money is spent trying to influence campaigns for Federal office and whether the funds that are spent are sufficiently disclosed;

(2) whether the current laws (including regulations) governing campaigns for Federal office encourage or discourage those most qualified to hold office from seeking it;

(3) whether the existing system of financing campaigns for Federal office promotes trust and confidence in the political process among the electorate;

(4) whether the rules governing access to media ensure that the electorate has the greatest possible opportunity to be informed of candidates' positions on the issues; and

(5) such other matters as the Commission considers appropriate.

SEC. 4. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 9 members of the private sector, as follows:

(1) Two shall be appointed by the Majority Leader of the Senate.

(2) Two shall be appointed by the Speaker of the House of Representatives.

(3) Two shall be appointed by the President.

(4) One shall be appointed by the Minority Leader of the Senate.

(5) One shall be appointed by the Minority Leader of the House of Representatives.

(6) A chairperson shall be appointed in accordance with subsection (b).

(b) CHAIRPERSON.—

(1) SELECTION.—Within 7 days after all the members described in section 3(a) (1) through (5) are appointed, those members shall meet and by majority vote select a chairperson.

(2) FAILURE TO MAKE SELECTION.—If, by the date that is 30 days after the date of the meeting described in subsection (b), the office of chairperson is still vacant, all current members of the Commission shall be discharged from further service as members of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Each member of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission.

(e) QUORUM.—Six members of the Commission shall constitute a quorum, and any decision of the Commission shall require the affirmative vote of 6 members.

(f) MEETINGS.—The Commission shall meet at the call of the chairperson or at the request of 6 members of the Commission.

SEC. 5. STAFF OF COMMISSION; SERVICES.

Subject to such rules as may be adopted by the Commission, the chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classifications and General Schedule pay rates, may appoint such staff personnel as the chairperson considers necessary and procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

SEC. 6. RECOMMENDATION; FAST TRACK PROCEDURES.

(a) REPORT.—Not later than 30 days after the convening of the 105th Congress, the Commission shall submit to Congress a report describing the study conducted under section 3.

(b) RECOMMENDATIONS.—The report under subsection (a) may include any recommendations for changes in the laws (including regulations) governing the conduct of Federal campaigns, including any changes in the rules of the Senate or the House of Representatives, to which 6 or more members of the Commission may agree.

(c) PREPARATION OF BILLS.—If 7 or more members concur on 1 or more recommendations for changes in the way campaigns for Federal office are conducted, the members agreeing on each such recommendation shall prepare for each a bill that would implement the recommendation, and the implementing bill shall be submitted with the report under subsection (a).

(d) CONSIDERATION BY CONGRESS.—Each implementing bill submitted with the report under subsection (a) shall be given expedited consideration under the same provisions and in the same way as an implementing bill for a trade agreement under section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

SEC. 7. TERMINATION.

The Commission shall cease to exist 30 days after submission of the report under section 6.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $750,000 to carry out this Act.

By Mr. GRAHAM (for himself, Mr. BAUCUS and Mr. PRYOR):

S. 1858. A bill to provide for improved coordination, communication, and enforcement related to health care fraud, waste, and abuse; to the Committee on Finance.

THE MEDICARE ANTI-FRAUD ACT OF 1996

By Mr. GRAHAM (for himself, and Mr. BAUCUS):

S. 1859. A bill to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal hospital insurance trust fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Rules and Administration.

THE MEDICARE RESTORE TRUST ACT OF 1996

Mr. GRAHAM. Mr. President, I rise today to introduce timely legislation with Senators BAUCUS and PRYOR that addresses the problem of Medicare fraud and abuse. The two bills, entitled the "Medicare Anti-Fraud Act of 1996" and the "Medicare Restore Trust Act of 1996," would undertake serious and strong anti-fraud efforts by the Federal Government based in large part on the success of the administration's recent Medicare and antifraud effort called Operation Restore Trust and ensure that savings achieved from such efforts are returned to the Medicare trust fund.

Mr. President, we have heard in the last few days some very troubling reports about the impending insolvency of the Medicare trust fund. This legislation would have two direct contributions to reversing that move toward insolvency.

First, it would suture a hemorrhage of funds out of the Medicare trust fund which today are going for fraudulent bills, and not for service to American citizens; and, second, it would assure that any funds that were recovered as a result of these more effective investigations and prosecutions would go directly back into the Medicare trust fund in order to restore its financial base.

Mr. President, unfortunately the phrase "fraud, waste and abuse" has become discredited. It has been used so often as an excuse for not dealing with the more difficult and fundamental problems. Unfortunately, the area of Medicare waste, fraud, and abuse is a part of the fundamental problem. It has been estimated that of the $180 billion spent last year on Medicare and on approximately 36 million Americans' health care—$180 billion—10 percent, or $18 billion, was wasted in fraudulent activities.

You might ask why is there such a high level of fraud in this program of Medicare? Some of the reasons include: The amount of money that is being expended is huge—$180 billion and growing; that it is being spent largely on populations which have groups within it that are vulnerable to these fraudulent schemes; that those people who wish to perpetrate those schemes are sophisticated shysters and there has been lax enforcement.

First and foremost, the General Accounting Office estimates that the Medicare waste, fraud and abuse rip-off rate is about 10 percent. With fraud pilfering the health systems' resources, losses to Medicare and the federal share of Medicaid could be $30 billion annually. Using the most conservative of estimates, we could cover an additional 2 million seniors a year with funds lost just to Medicare waste, fraud, and abuse.

Two million additional Americans could be covered if those funds could be properly directed.

Although it is increasingly unlikely that a Medicare reform package will pass this year in Congress, it would be unconscionable to not pass a Medicare waste, fraud and abuse this year. Rather than putting Medicare beneficiaries at risk of losing coverage or access with the cuts envisioned in some legislative proposals during this Congress, we should act instead to combat Medicare fraud to protect the health care of beneficiaries and the Medicare trust fund.

As the Citizens Against Government Waste wrote in their August 23, 1995, report entitled "Medicare Fraud: Tales From the Gypped," "Preserving, protecting, and strengthening Medicare must be the number one priority for Congress and the administration." The organization details 89 examples in its report and advises that waste, fraud, and abuse is the first area of needed attack.

How did this get to be such a problem? According to the General Accounting Office in its February 1995 report entitled "Medicare Claims," "Physicians, supply companies, or diagnostic laboratories have about 3 chances out of 1,000 of having Medicare audit their billing practices in any given year. Moreover, Medicare pays more claims with less scrutiny today than at any other time over the past 5 years." The GAO continues, "In fiscal year 1993, Medicare processed almost 700 million claims, about 250 million more than it processed 5 years earlier. Despite the rising volume of claims, per-claim funding for antifraud and antiabuse activities declined between 1989 and 1993 by over 20 percent."

As a result, FBI Director Louis Freeh says cocaine distributors in south Florida and southern California are switching from drug dealing to health care fraud. The reason: more money with less risk. Drug dealers committing health care fraud know that law enforcement is not yet equipped with the laws needed to effectively attack the problem. With a program estimated by the Congressional Budget Office to be spending over $1.6 billion during the next 6 years and with lax laws to combat abuse, con artists, thieves, and opportunists know Medicare is where the easy money is.

As Republican Congressmen STEVEN SCHIFF and CHRIS SHAYS write, "currently there is no Federal crime of health care fraud. It is difficult to prosecute health care-related offenses because law enforcement must rely on wire and mail fraud statutes for their investigations and prosecutions."

Attacking fraud is crucial to the overall Medicare debate for the following reasons:

Fraud ought to be the first place we look when considering reductions in Medicare expenditures.

Fraud undermines public confidence in Medicare. We cannot "fix" Medicare while letting fraud erode the system.

One dollar spent against fraud and abuse can reduce Medicare Program costs by as much as 11 dollars, according to the Health Care Financing Administration [HCFA] and demonstrated by the administration's effort in Operation Restore Trust.

Solutions are available.

What can be done to solve this problem? To engage in a comprehensive assault on fraud, particularly within the Medicare Program, multiple agencies within the Federal Government will need additional resources. The Inspector General testified at a hearing before the Senate Finance Committee that "now is the time to implement new legal remedies and reverse the downward trend of funding for efforts to combat health care fraud and abuse." The legislation that I am introducing today will achieve both of these goals.

Operation Restore Trust is an effort currently underway in five States which brings together the HHS Office of Inspector General, Health Care Financing Administration, the Department of Justice, State Medicaid agencies, and State Medicaid fraud control units to combat fraud and abuse. This legislation would institutionalize these efforts in all 50 States.

The Department of Health and Human Services recently released results from the first year of Operation Restore Trust. The program had $4.09 million to work with and has added $43.2 million to the Medicare trust fund and U.S. Treasury: an 11-to-1 return. This program has been a great success, but I agree with June Gibbs Brown that this is the "tip of the iceberg."

To provide adequate resources to go after the fraud and abuse, we establish a Medicare anti-fraud account for the Inspector General (IG) and an anti-fraud control account for other government agency's use. Funds for the Medicare account would be provided by and returned to the Medicare trust fund. For every $1 spent on prevention, the IG uncovers at least $7 in fraud. By using trust fund dollars to augment IG operations, the legislation assures that the IG will continue to have the resources necessary to combat fraud and abuse without worrying about discretionary spending cuts.

This legislation enacts a broad-based Federal statute aimed at suppressing Medicare fraud. This enhances the protection of fraud victims and prescribe stiff penalties against those convicted of fraud. It institutes a policy, "one strike and you are out," one instance of Medicare fraud and you are out of the program for at least 5 years.

The second bill would establish a point of order against any piece of legislation that would divert savings from anti-fraud, waste and abuse enforcement activities for any other purpose—such as new Federal spending or tax breaks—other than saving the Medicare trust fund. This legislation would also ensure that any savings from anti-fraud, waste and abuse activities reimburse the up-front investment on enforcement and further strengthen the Medicare trust fund.

We have all promised to protect Medicare. We can do so by passing comprehensive Medicare waste, fraud, and abuse legislation and do it in 1996, thus ensuring savings achieved are used to protect Medicare and improve its solvency. The two bills we are introducing today—the Medicare Anti-Fraud Act of 1996 and the Medicare Restore Trust Act—would accomplish these goals.

Mr. President, I suggest these two pieces of legislation should get the immediate attention of this Senate. I am pleased to see that we have with us today the chairman of the Senate Finance Committee, which I assume will be the primary committee of reference for consideration of this legislation.

Every day that passes allows for further waste of Federal taxpayers money and further eroding of the solvency of the Medicare trust fund, further erosion of the confidence of the American people. We must take action now.

At the signing of the Medicare bill in Missouri 30 years ago, President Johnson said Medicare had been planted with "the seed of compassion and duty which have today flowered into care for the sick and serenity for the fearful." Medicare has lived up to the promise of President Johnson and President Truman. But fraud is rotting away at the Medicare system. We have the prescriptions to combat fraud. Now is the time to employ them if we want to save the integrity of Medicare for future generations.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Antifraud Act of 1996".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in act; table of contents.

TITLE I—FRAUD AND ABUSE CONTROL PROGRAM

Sec. 101. Fraud and abuse control program.
Sec. 102. Medicare benefit integrity system.
Sec. 103. Application of certain health anti-fraud and abuse sanctions to fraud and abuse against Federal health programs.
Sec. 104. Health care fraud and abuse provider guidance.
Sec. 105. Medicare/medicaid beneficiary protection program.
Sec. 106. Ensuring the integrity of the Federal Hospital Insurance Trust Fund.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

Sec. 201. Mandatory exclusion from participation in medicare and State health care programs.
Sec. 202. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from medicare and State health care programs.
Sec. 203. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.
Sec. 204. Sanctions against practitioners and persons for failure to comply with statutory obligations.
Sec. 205. Sanctions against providers for excessive fees or prices.
Sec. 206. Applicability of the Bankruptcy Code to program sanctions.
Sec. 207. Intermediate sanctions for medicare health maintenance organizations.
Sec. 208. Liability of medicare carriers and fiscal intermediaries and States for claims submitted by excluded providers.
Sec. 209. Effective date.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 301. Establishment of the health care fraud and abuse data collection program.
Sec. 302. Inspector General access to additional practitioner data bank.
Sec. 303. Corporate whistleblower program.
Sec. 304. Home health billing, payment, and cost limit calculation to be based on site where service is furnished.
Sec. 305. Application of inherent reasonableness.
Sec. 306. Clarification of time and filing limitations.
Sec. 307. Clarification of liability of third party administrators.
Sec. 308. Clarification of payment amounts to medicare.
Sec. 309. Increased flexibility in contracting for medicare claims processing.

TITLE IV—CIVIL MONETARY PENALTIES

Sec. 401. Social Security Act civil monetary penalties.

TITLE V—AMENDMENTS TO CRIMINAL LAW

Sec. 501. Health care fraud.
Sec. 502. Forfeitures for Federal health care offenses.
Sec. 503. Injunctive relief relating to Federal health care offenses.
Sec. 504. Grand jury disclosure.
Sec. 505. False statements.
Sec. 506. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses.
Sec. 507. Theft or embezzlement.
Sec. 508. Laundering of monetary instruments.
Sec. 509. Authorized investigative demand procedures.

TITLE VI—STATE HEALTH CARE FRAUD CONTROL UNITS

Sec. 601. State health care fraud control units.

TITLE VII—MEDICARE/MEDICAID BILLING ABUSE PREVENTION

Sec. 701. Uniform medicare/medicaid application process.
Sec. 702. Standards for uniform claims.
Sec. 703. Unique provider identification code.
Sec. 704. Use of new procedures.
Sec. 705. Nondischargeability of certain medicare debts.

TITLE I—FRAUD AND ABUSE CONTROL PROGRAM

SEC. 101. FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128B the following new section:

"FRAUD AND ABUSE CONTROL PROGRAM

"SEC. 1128C. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Not later than January 1, 1997, the Secretary, acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

"(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to health plans,

"(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

"(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B and other statutes applicable to health care fraud and abuse,

"(D) to provide for the modification and establishment of safe harbors and to issue advisory opinions and special fraud alerts pursuant to section 104 of the Medicare Antifraud Act of 1996, and

"(E) to provide for the reporting and disclosure of certain final adverse actions against health care providers, suppliers, or practitioners pursuant to the data collection system established under section 301 of such Act.

"(2) COORDINATION WITH HEALTH PLANS.—In carrying out the program established under paragraph (1), the Secretary and the Attorney General shall consult with, and arrange for the sharing of data with representatives of health plans.

"(3) GUIDELINES.—

"(A) IN GENERAL.—The Secretary and the Attorney General shall issue guidelines to carry out the program under paragraph (1). The provisions of sections 553, 556, and 557 of title 5, United States Code, shall not apply in the issuance of such guidelines.

"(B) INFORMATION GUIDELINES.—

"(i) IN GENERAL.—Guidelines issued under subparagraph (A) shall include guidelines relating to the furnishing of information by

health plans, providers, and others to enable the Secretary and the Attorney General to carry out the program (including coordination with health plans under paragraph (2)).

"(ii) CONFIDENTIALITY.—Guidelines issued under subparagraph (A) shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

"(iii) QUALIFIED IMMUNITY FOR PROVIDING INFORMATION.—The provisions of section 1157(a) (relating to limitation on liability) shall apply to a person providing information to the Secretary or the Attorney General in conjunction with their performance of duties under this section.

"(4) ENSURING ACCESS TO DOCUMENTATION.—The Inspector General of the Department of Health and Human Services is authorized to exercise such authority described in paragraphs (3) through (9) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) as necessary with respect to the activities under the fraud and abuse control program established under this subsection.

"(5) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this Act shall be construed to diminish the authority of any Inspector General, including such authority as is provided in the Inspector General Act of 1978 (5 U.S.C. App.).

"(b) ADDITIONAL USE OF FUNDS BY INSPECTOR GENERAL.—

"(1) REIMBURSEMENTS FOR INVESTIGATIONS.—The Inspector General of the Department of Health and Human Services is authorized to receive and retain for current use reimbursement for the costs of conducting investigations and audits and for monitoring compliance plans when such costs are ordered by a court, voluntarily agreed to by the payor, or otherwise.

"(2) CREDITING.—Funds received by the Inspector General under paragraph (1) as reimbursement for costs of conducting investigations shall be deposited to the credit of the appropriation from which initially paid, or to appropriations for similar purposes currently available at the time of deposit, and shall remain available for obligation for 1 year from the date of the deposit of such funds.

"(c) HEALTH PLAN DEFINED.—For purposes of this section, the term 'health plan' means a plan or program that provides health benefits, whether directly, through insurance, or otherwise, and includes—

"(1) a policy of health insurance;

"(2) a contract of a service benefit organization; and

"(3) a membership agreement with a health maintenance organization or other prepaid health plan.".

(b) ESTABLISHMENT OF HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT IN FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817 (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

"(k) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

"(1) ESTABLISHMENT.—There is hereby established in the Trust Fund an expenditure account to be known as the 'Health Care Fraud and Abuse Control Account' (in this subsection referred to as the 'Account').

"(2) APPROPRIATED AMOUNTS TO TRUST FUND.—

"(A) IN GENERAL.—There are hereby appropriated to the Trust Fund—

"(i) such gifts and bequests as may be made as provided in subparagraph (B);

"(ii) such amounts as may be deposited in the Trust Fund as provided in title XI; and

"(iii) such amounts as are transferred to the Trust Fund under subparagraph (C).

"(B) AUTHORIZATION TO ACCEPT GIFTS.—The Trust Fund is authorized to accept, on behalf of the United States, money gifts and bequests made unconditionally to the Trust Fund, for the benefit of the Account or any activity financed through the Account.

"(C) TRANSFER OF AMOUNTS.—The Managing Trustee shall transfer to the Trust Fund, under rules similar to the rules in section 9601 of the Internal Revenue Code of 1986, an amount equal to the sum of the following:

"(i) Criminal fines recovered in cases involving a Federal health care offense (as defined in section 982(a)(6)(B) of title 18, United States Code).

"(ii) Civil monetary penalties and assessments imposed in health care cases, including amounts recovered under titles XI, XVIII, and XIX, and chapter 38 of title 31, United States Code (except as otherwise provided by law).

"(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

"(iv) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 3733 of title 31, United States Code (known as the False Claims Act), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator, for restitution or otherwise authorized by law).

"(3) APPROPRIATED AMOUNTS TO ACCOUNT FOR FRAUD AND ABUSE CONTROL PROGRAM, ETC.—

"(A) DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND JUSTICE.—

"(i) IN GENERAL.—There are hereby appropriated to the Account from the Trust Fund such sums as the Secretary and the Attorney General certify are necessary to carry out the purposes described in subparagraph (C), to be available without further appropriation, in an amount not to exceed—

"(I) for fiscal year 1997, $104,000,000;

"(II) for each of the fiscal years 1998 through 2003, the limit for the preceding fiscal year, increased by 15 percent; and

"(III) for each fiscal year after fiscal year 2003, the limit for fiscal year 2003.

"(ii) MEDICARE AND MEDICAID ACTIVITIES.—For each fiscal year, of the amount appropriated in clause (i), the following amounts shall be available only for the purposes of the activities of the Office of the Inspector General of the Department of Health and Human Services with respect to the medicare and medicaid programs—

"(I) for fiscal year 1997, not less than $60,000,000 and not more than $70,000,000;

"(II) for fiscal year 1998, not less than $80,000,000 and not more than $90,000,000;

"(III) for fiscal year 1999, not less than $90,000,000 and not more than $100,000,000;

"(IV) for fiscal year 2000, not less than $110,000,000 and not more than $120,000,000;

"(V) for fiscal year 2001, not less than $120,000,000 and not more than $130,000,000;

"(VI) for fiscal year 2002, not less than $140,000,000 and not more than $150,000,000; and

"(VII) for each fiscal year after fiscal year 2002, not less than $150,000,000 and not more than $160,000,000.

"(B) FEDERAL BUREAU OF INVESTIGATION.—There are hereby appropriated from the general fund of the United States Treasury and hereby appropriated to the Account for transfer to the Federal Bureau of Investigation to carry out the purposes described in subparagraph (C), to be available without further appropriation—

"(i) for fiscal year 1997, $47,000,000;

"(ii) for fiscal year 1998, $56,000,000;

"(iii) for fiscal year 1999, $66,000,000;

"(iv) for fiscal year 2000, $76,000,000;

"(v) for fiscal year 2001, $88,000,000;

"(vi) for fiscal year 2002, $101,000,000; and

"(vii) for each fiscal year after fiscal year 2002, $114,000,000.

"(C) USE OF FUNDS.—The purposes described in this subparagraph are to cover the costs (including equipment, salaries, benefits, travel, and training) of the administration and operation of the health care fraud and abuse control program established under section 1128C(a), including the costs of—

"(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

"(ii) investigations;

"(iii) financial and performance audits of health care programs and operations;

"(iv) inspections and other evaluations; and

"(v) provider and consumer education regarding compliance with the provisions of title XI.

"(4) APPROPRIATED AMOUNTS TO ACCOUNT FOR MEDICARE BENEFIT INTEGRITY SYSTEM.—

"(A) IN GENERAL.—There are hereby appropriated to the Account from the Trust Fund for each fiscal year such amounts as are necessary to carry out the Medicare Benefit Integrity System under section 1889, subject to subparagraph (B), to be available without further appropriation.

"(B) AMOUNTS SPECIFIED.—The amount appropriated under subparagraph (A) for a fiscal year is as follows:

"(i) For fiscal year 1997, such amount shall be not less than $430,000,000 and not more than $440,000,000.

"(ii) For fiscal year 1998, such amount shall be not less than $490,000,000 and not more than $500,000,000.

"(iii) For fiscal year 1999, such amount shall be not less than $550,000,000 and not more than $560,000,000.

"(iv) For fiscal year 2000, such amount shall be not less than $620,000,000 and not more than $630,000,000.

"(v) For fiscal year 2001, such amount shall be not less than $670,000,000 and not more than $680,000,000.

"(vi) For fiscal year 2002, such amount shall be not less than $690,000,000 and not more than $700,000,000.

"(vii) For each fiscal year after fiscal year 2002, such amount shall be not less than $710,000,000 and not more than $720,000,000.

"(5) ANNUAL REPORT.—The Secretary and the Attorney General shall submit jointly an annual report to Congress on the amount of revenue which is generated and disbursed, and the justification for such disbursements, by the Account in each fiscal year.".

SEC. 102. MEDICARE BENEFIT INTEGRITY SYSTEM.

Part C of title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1888 the following new section:

"MEDICARE BENEFIT INTEGRITY CONTRACTS

"SEC. 1889. (a) AUTHORITY TO CONTRACT.—

"(1) IN GENERAL.—In order to improve the effectiveness of benefit quality assurance activities relating to programs under this title, and to enhance the Secretary's capability of carrying out program safeguard functions and related education activities to avoid the improper expenditure of assets of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust

Fund, the Secretary shall enter into contracts with organizations or other entities having demonstrated the capability to carry out one or more benefit quality assurance activities. The provisions of sections 1816 and 1842 shall be inapplicable to contracts under this section.

"(2) NUMBER OF CONTRACTS.—The Secretary shall determine the number of separate contracts which are necessary to achieve, with the maximum degree of efficiency and cost-effectiveness, the objectives of this section. The Secretary may enter into contracts under this section at such time or times as are appropriate so long as not later than the fiscal year beginning October 1, 1998, and for each fiscal year thereafter, there are in effect contracts that, considered collectively, provide for benefit quality assurance activities with respect to all payments under this title.

"(b) CONTRACT REQUIREMENTS.—A benefit quality assurance contract entered into under subsection (a) must provide for one or more benefit quality assurance program activities. Each such contract shall include an agreement by the contractor to cooperate with the Inspector General of the Department of Health and Human Services, and the Attorney General, and other law enforcement agencies, as appropriate, in the investigation and deterrence of fraud and abuse in relation to this title and in other cases arising out of the activities described in such section, and shall contain such other provisions as the Secretary finds necessary or appropriate to achieve the purposes of this part. The provisions of section 1153(e)(1) shall apply to contracts and contracting authority under this section, except that competitive procedures must be used when entering into new contracts under this section, or at any other time when it is in the best interests of the United States. A contract under this section may be renewed from term to term without regard to any provision of law requiring competition if the contractor has met or exceeded the performance requirements established in the current contract.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—In carrying out this section, the Secretary may not enter into a contract with an organization or other entity if the Secretary determines that such organization's or entity's financial holdings, interests, or relationships would interfere with its ability to perform the functions to be required by the contract in an effective and impartial manner.

"(2) LIMITATION OF LIABILITY.—The Secretary shall by regulation provide for the limitation of a contractor's liability for actions taken to carry out a contract under this section, and such regulations shall, to the extent the Secretary finds appropriate, employ the same or comparable standards and other substantive and procedural provisions as are contained in section 1157.".

SEC. 103. APPLICATION OF CERTAIN HEALTH ANTIFRAUD AND ABUSE SANCTIONS TO FRAUD AND ABUSE AGAINST FEDERAL HEALTH PROGRAMS.

(a) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B (42 U.S.C. 1320a–7b) is amended as follows:

(A) In the heading, by striking "MEDICARE OR STATE HEALTH CARE PROGRAMS" and inserting "FEDERAL HEALTH CARE PROGRAMS".

(B) In subsection (a)(1), by striking "a program under title XVIII or a State health care program (as defined in section 1128(h))" and inserting "a Federal health care program (as defined in subsection (f))".

(C) In subsection (a)(5), by striking "a program under title XVIII or a State health care program" and inserting "a Federal health care program (as defined in subsection (f))".

(D) In the second sentence of subsection (a)—

(i) by striking "a State plan approved under title XIX" and inserting "a Federal health care program (as defined in subsection (f))"; and

(ii) by striking "the State may at its option (notwithstanding any other provision of that title or of such plan)" and inserting "the administrator of such program may at its option (notwithstanding any other provision of such program)".

(E) In subsection (b)—

(i) by striking "and willfully" each place it appears;

(ii) by striking "$25,000" each place it appears and inserting "$50,000";

(iii) by striking "title XVIII or a State health care program" each place it appears and inserting "Federal health care program (as defined in subsection (f))";

(iv) in paragraph (1) in the matter preceding subparagraph (A), by striking "kind—" and inserting "kind with intent to be influenced—";

(v) in paragraph (1)(A), by striking "in return for referring" and inserting "to refer";

(vi) in paragraph (1)(B), by striking "in return for purchasing, leasing, ordering, or arranging for or recommending" and inserting "to purchase, lease, order, or arrange for or recommend";

(vii) in paragraph (2) in the matter preceding subparagraph (A), by striking "to induce such person" and inserting "with intent to influence such person";

(viii) by adding at the end of paragraphs (1) and (2) the following sentence: "A violation exists under this paragraph if one or more purposes of the remuneration is unlawful under this paragraph.";

(ix) by redesignating paragraph (3) as paragraph (4);

(x) in paragraph (4) (as redesignated) in the matter preceding subparagraph (A), by striking "Paragraphs (1) and (2)" and inserting "Paragraphs (1), (2), and (3)"; and

(xi) by inserting after paragraph (2) the following new paragraph:

"(3)(A) The Attorney General may bring an action in the district courts to impose upon any person who carries out any activity in violation of this subsection a civil penalty of not less than $25,000 and not more than $50,000 for each such violation, plus three times the total remuneration offered, paid, solicited, or received.

"(B) A violation exists under this paragraph if one or more purposes of the remuneration is unlawful, and the damages shall be the full amount of such remuneration.

"(C) Section 3731 of title 31, United States Code, and the Federal Rules of Civil Procedure shall apply to actions brought under this paragraph.

"(D) The provisions of this paragraph do not affect the availability of other criminal and civil remedies for such violations.".

(F) In subsection (c), by inserting "(as defined in section 1128(h))" after "a State health care program".

(G) By adding at the end the following new subsections:

"(f) For purposes of this section, the term 'Federal health care program' means—

"(1) any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded, in whole or in part, by the United States Government; or

"(2) any State health care program, as defined in section 1128(h).

"(g)(1) The Inspector General of the departments and agencies with a Federal health care program may conduct an investigation or audit relating to violations of this section and claims within the jurisdiction of other Federal departments or agencies if the following conditions are satisfied:

"(A) The investigation or audit involves primarily claims submitted to the Federal health care programs of the department or agency conducting the investigation or audit.

"(B) The Inspector General of the department or agency conducting the investigation or audit gives notice and an opportunity to participate in the investigation or audit to the Inspector General of the department or agency with primary jurisdiction over the Federal health care programs to which the claims were submitted.

"(2) If the conditions specified in paragraph (1) are fulfilled, the Inspector General of the department or agency conducting the investigation or audit may exercise all powers granted under the Inspector General Act of 1978 (5 U.S.C. App.) with respect to the claims submitted to the other departments or agencies to the same manner and extent as provided in that Act with respect to claims submitted to such departments or agencies.".

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B (42 U.S.C. 1320a–7b), as amended by paragraph (1), is amended by adding at the end the following new subsection:

"(h) The Secretary may—

"(1) in consultation with State and local health care officials, identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section; and

"(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997.

SEC. 104. HEALTH CARE FRAUD AND ABUSE PROVIDER GUIDANCE.

(a) SOLICITATION AND PUBLICATION OF MODIFICATIONS TO EXISTING SAFE HARBORS AND NEW SAFE HARBORS.—

(1) IN GENERAL.—

(A) SOLICITATION OF PROPOSALS FOR SAFE HARBORS.—Not later than January 1, 1997, and not less than annually thereafter, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for—

(i) modifications to existing safe harbors issued pursuant to section 14(a) of the Medicare Patient and Program Protection Act of 1987 (42 U.S.C. 1320a–7b note);

(ii) additional safe harbors specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act (42 U.S.C. 1320a–7(b)(7));

(iii) interpretive rulings to be issued pursuant to subsection (b); and

(iv) special fraud alerts to be issued pursuant to subsection (c).

(B) PUBLICATION OF PROPOSED MODIFICATIONS AND PROPOSED ADDITIONAL SAFE HARBORS.—After considering the proposals described in clauses (i) and (ii) of subparagraph (A), the Secretary, in consultation with the Attorney General, shall publish in the Federal Register proposed modifications to existing safe harbors and proposed additional

safe harbors, if appropriate, with a 60-day comment period. After considering any public comments received during this period, the Secretary shall issue final rules modifying the existing safe harbors and establishing new safe harbors, as appropriate.

(C) REPORT.—The Inspector General of the Department of Health and Human Services (in this section referred to as the "Inspector General") shall, in an annual report to Congress or as part of the year-end semiannual report required by section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), describe the proposals received under clauses (i) and (ii) of subparagraph (A) and explain which proposals were included in the publication described in subparagraph (B), which proposals were not included in that publication, and the reasons for the rejection of the proposals that were not included.

(2) CRITERIA FOR MODIFYING AND ESTABLISHING SAFE HARBORS.—In modifying and establishing safe harbors under paragraph (1)(B), the Secretary may consider the extent to which providing a safe harbor for the specified payment practice may result in any of the following:

(A) An increase or decrease in access to health care services.

(B) An increase or decrease in the quality of health care services.

(C) An increase or decrease in patient freedom of choice among health care providers.

(D) An increase or decrease in competition among health care providers.

(E) An increase or decrease in the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

(F) An increase or decrease in the cost to Federal health care programs (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)).

(G) An increase or decrease in the potential overutilization of health care services.

(H) The existence or nonexistence of any potential financial benefit to a health care professional or provider which may vary based on their decisions of—

(i) whether to order a health care item or service; or

(ii) whether to arrange for a referral of health care items or services to a particular practitioner or provider.

(I) Any other factors the Secretary deems appropriate in the interest of preventing fraud and abuse in Federal health care programs (as so defined).

(b) INTERPRETIVE RULINGS.—

(1) IN GENERAL.—

(A) REQUEST FOR INTERPRETIVE RULING.—Any person may present, at any time, a request to the Inspector General for a statement of the Inspector General's current interpretation of the meaning of a specific aspect of the application of sections 1128A and 1128B of the Social Security Act (42 U.S.C. 1320a-7a and 1320a-7b) (in this section referred to as an "interpretive ruling").

(B) ISSUANCE AND EFFECT OF INTERPRETIVE RULING.—

(i) IN GENERAL.—If appropriate, the Inspector General shall in consultation with the Attorney General, issue an interpretive ruling not later than 120 days after receiving a request described in subparagraph (A). Interpretive rulings shall not have the force of law and shall be treated as an interpretive rule within the meaning of section 553(b) of title 5, United States Code. All interpretive rulings issued pursuant to this clause shall be published in the Federal Register or otherwise made available for public inspection.

(ii) REASONS FOR DENIAL.—If the Inspector General does not issue an interpretive ruling in response to a request described in subparagraph (A), the Inspector General shall notify the requesting party of such decision not later than 120 days after receiving such a request and shall identify the reasons for such decision.

(2) CRITERIA FOR INTERPRETIVE RULINGS.—

(A) IN GENERAL.—In determining whether to issue an interpretive ruling under paragraph (1)(B), the Inspector General may consider—

(i) whether and to what extent the request identifies an ambiguity within the language of the statute, the existing safe harbors, or previous interpretive rulings; and

(ii) whether the subject of the requested interpretive ruling can be adequately addressed by interpretation of the language of the statute, the existing safe harbor rules, or previous interpretive rulings, or whether the request would require a substantive ruling (as defined in section 552 of title 5, United States Code) not authorized under this subsection.

(B) NO RULINGS ON FACTUAL ISSUES.—The Inspector General shall not give an interpretive ruling on any factual issue, including the intent of the parties or the fair market value of particular leased space or equipment.

(c) SPECIAL FRAUD ALERTS.—

(1) IN GENERAL.—

(A) REQUEST FOR SPECIAL FRAUD ALERTS.—Any person may present, at any time, a request to the Inspector General for a notice which informs the public of practices which the Inspector General considers to be suspect or of particular concern under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) (in this subsection referred to as a "special fraud alert").

(B) ISSUANCE AND PUBLICATION OF SPECIAL FRAUD ALERTS.—Upon receipt of a request described in subparagraph (A), the Inspector General shall investigate the subject matter of the request to determine whether a special fraud alert should be issued. If appropriate, the Inspector General shall issue a special fraud alert in response to the request. All special fraud alerts issued pursuant to this subparagraph shall be published in the Federal Register.

(2) CRITERIA FOR SPECIAL FRAUD ALERTS.—In determining whether to issue a special fraud alert upon a request described in paragraph (1), the Inspector General may consider—

(A) whether and to what extent the practices that would be identified in the special fraud alert may result in any of the consequences described in subsection (a)(2); and

(B) the volume and frequency of the conduct that would be identified in the special fraud alert.

SEC. 105. MEDICARE/MEDICAID BENEFICIARY PROTECTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Not later than January 1, 1997, the Secretary (through the Administrator of the Health Care Financing Administration and the Inspector General of the Department of Health and Human Services) shall establish the Medicare/Medicaid Beneficiary Protection Program. Under such program the Secretary shall—

(1) educate medicare and medicaid beneficiaries regarding—

(A) medicare and medicaid program coverage;

(B) fraudulent and abusive practices;

(C) medically unnecessary health care items and services; and

(D) substandard health care items and services;

(2) identify and publicize fraudulent and abusive practices with respect to the delivery of health care items and services; and

(3) establish a procedure for the reporting of fraudulent and abusive health care providers, practitioners, claims, items, and services to appropriate law enforcement and payer agencies.

(b) RECOGNITION AND PUBLICATION OF CONTRIBUTIONS.—The program established by the Secretary under this section shall recognize and publicize significant contributions made by individual health care patients toward the combating of health care fraud and abuse.

(c) DISSEMINATION OF INFORMATION.—The Secretary shall provide for the broad dissemination of information regarding the Medicare/Medicaid Beneficiary Protection Program.

SEC. 106. ENSURING THE INTEGRITY OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

(a) DETERMINATION.—Prior to the end of each fiscal year, the Secretary of Health and Human Services (in this section referred to as the "Secretary") and the Attorney General shall jointly determine—

(1) the portion of the costs charged during such fiscal year to any account established within the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program; and

(2) the amount of funds deposited into such account of such trust fund during such fiscal year that were attributable to enforcement activities that were intended to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program.

(b) CERTIFICATION.—If the portion determined under paragraph (1) of subsection (a) exceeds the amount determined under paragraph (2) of such subsection, the Secretary and the Attorney General shall certify to the Secretary of the Treasury the amount, which shall be equal to the amount of such excess, which should be transferred from the General Fund of the Treasury to such trust fund, in order to ensure that such trust fund is fully reimbursed for any expenditures made from the account described in subsection (a) that are not related to the administration of the medicare program under title XVIII of the Social Security Act.

(c) TRANSFER OF FUNDS.—The Secretary of the Treasury shall transfer to such trust fund from the General Fund of the Treasury, out of any funds in the General Fund that are not otherwise appropriated, an amount equal to the amount certified under subsection (b).

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

SEC. 201. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO HEALTH CARE FRAUD.—

(1) IN GENERAL.—Section 1128(a) (42 U.S.C. 1320a-7(a)) is amended by adding at the end the following new paragraph:

"(3) FELONY CONVICTION RELATING TO HEALTH CARE FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Medicare Antifraud Act of 1996, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program (other than those specifically described in paragraph (1)) operated by or financed in whole

or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 1128(b) (42 U.S.C. 1320a-7(b)) is amended to read as follows:

"(1) CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Medicare Antifraud Act of 1996, under Federal or State law—

"(A) of a criminal offense consisting of a misdemeanor relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct—

"(i) in connection with the delivery of a health care item or service, or

"(ii) with respect to any act or omission in a health care program (other than those specifically described in subsection (a)(1)) operated by or financed in whole or in part by any Federal, State, or local government agency; or

"(B) of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct with respect to any act or omission in a program (other than a health care program) operated by or financed in whole or in part by any Federal, State, or local government agency.".

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) (42 U.S.C. 1320a-7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted after the date of the enactment of the Medicare Antifraud Act of 1996, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) (42 U.S.C. 1320a-7(b)(3)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

SEC. 202. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) (42 U.S.C. 1320a-7(c)(3)) is amended by adding at the end the following new subparagraphs:

"(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

"(E) In the case of an exclusion of an individual or entity under paragraph (4) or (5) of subsection (b), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

"(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.".

SEC. 203. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) (42 U.S.C. 1320a-7(b)) is amended by adding at the end the following new paragraph:

"(15) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity—

"(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection; or

"(B) that has been excluded from participation under a program under title XVIII or under a State health care program (as defined in subsection (h)).".

SEC. 204. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) (42 U.S.C. 1320c-5(b)(1)) is amended by striking "may prescribe)" and inserting "may prescribe, except that such period may not be less than 1 year)".

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) (42 U.S.C. 1320c-5(b)(2)) is amended by striking "shall remain" and inserting "shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain".

(b) REPEAL OF "UNWILLING OR UNABLE" CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) (42 U.S.C. 1320c-5(b)(1)) is amended—

(1) in the second sentence, by striking "and determines" and all that follows through "such obligations,"; and

(2) by striking the third sentence.

SEC. 205. SANCTIONS AGAINST PROVIDERS FOR EXCESSIVE FEES OR PRICES.

Section 1128(b)(6)(A) (42 U.S.C. 1320a-7(b)(6)(A)) is amended—

(1) by inserting "(as specified by the Secretary in regulations)" after "substantially in excess of such individual's or entity's usual charges"; and

(2) by striking "(or, in applicable cases, substantially in excess of such individual's or entity's costs)" and inserting ", costs or fees".

SEC. 206. APPLICABILITY OF THE BANKRUPTCY CODE TO PROGRAM SANCTIONS.

(a) EXCLUSION OF INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—Section 1128 (42 U.S.C. 1320a-7) is amended by adding at the end the following new subsection:

"(j) APPLICABILITY OF BANKRUPTCY PROVISIONS.—An exclusion imposed under this section is not subject to the automatic stay imposed under section 362 of title 11, United States Code.".

(b) CIVIL MONETARY PENALTIES.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)) is amended by adding at the end the following sentence: "An exclusion imposed under this subsection is not subject to the automatic stay imposed under section 362 of title 11, United States Code, and any penalties and assessments imposed under this section shall be nondischargeable under the provisions of such title.".

(c) OFFSET OF PAYMENTS TO INDIVIDUALS.—Section 1892(a)(4) (42 U.S.C. 1395ccc(a)(4)) is amended by adding at the end the following sentence: "An exclusion imposed under paragraph (2)(C)(ii) or paragraph (3)(B) is not subject to the automatic stay imposed under section 362 of title 11, United States Code.".

SEC. 207. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) (42 U.S.C. 1395mm(i)(1)) is amended by striking "the Secretary may terminate" and all that follows and inserting "in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

"(A) has failed substantially to carry out the contract;

"(B) is carrying out the contract in a manner substantially inconsistent with the efficient and effective administration of this section; or

"(C) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).".

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

"(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1), the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

"(i) Civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.

"(ii) Civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists.

"(iii) Suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.".

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

"(A) the Secretary first provides the organization with the reasonable opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1) and the organization fails to develop or implement such a plan;

"(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an entity has a history of deficiencies or has not taken action

to correct deficiencies the Secretary has brought to their attention;

"(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

"(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.".

(4) CONFORMING AMENDMENTS.—Section 1876(i)(6)(B) (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—

(1) REQUIREMENT FOR WRITTEN AGREEMENT.—Section 1876(i)(7)(A) (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking "an agreement" and inserting "a written agreement".

(2) DEVELOPMENT OF MODEL AGREEMENT.—Not later than July 1, 1997, the Secretary shall develop a model of the agreement that an eligible organization with a risk-sharing contract under section 1876 of the Social Security Act (42 U.S.C. 1395mm) must enter into with an entity providing peer review services with respect to services provided by the organization under section 1876(i)(7)(A) of such Act (42 U.S.C. 1395mm(i)(7)(A)).

(3) REPORT BY GAO.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the costs incurred by eligible organizations with risk-sharing contracts under section 1876 of such Act (42 U.S.C. 1395mm(b)) of complying with the requirement of entering into a written agreement with an entity providing peer review services with respect to services provided by the organization, together with an analysis of how information generated by such entities is used by the Secretary to assess the quality of services provided by such eligible organizations.

(B) REPORT TO CONGRESS.—Not later than July 1, 1998, the Comptroller General shall submit a report to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate on the study conducted under subparagraph (A).

SEC. 208. LIABILITY OF MEDICARE CARRIERS AND FISCAL INTERMEDIARIES AND STATES FOR CLAIMS SUBMITTED BY EXCLUDED PROVIDERS.

(a) REIMBURSEMENT TO THE SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—

(1) REQUIREMENTS FOR FISCAL INTERMEDIARIES.—

(A) IN GENERAL.—Section 1816 (42 U.S.C. 1395h), is amended by adding at the end the following new subsection:

"(*l*) An agreement with an agency or organization under this section shall require that such agency or organization reimburse the Secretary for any amounts paid for a service under this title which is furnished, directed, or prescribed by an individual or entity during any period for which the individual or entity is excluded pursuant to section 1128, 1128A, or 1156, from participation in the program under this title, if the amounts are paid after the Secretary notifies the agency or organization of the exclusion.".

(B) CONFORMING AMENDMENT.—Section 1816(i) (42 U.S.C. 1395h(i)) is amended by adding at the end the following new paragraph:

"(4) Nothing in this subsection shall be construed to prohibit reimbursement by an agency or organization under subsection (*l*).".

(2) REQUIREMENTS FOR CARRIERS.—Section 1842(b)(3) (42 U.S.C. 1395u(b)(3)) is amended—

(A) by striking "and" at the end of subparagraph (I); and

(B) by inserting after subparagraph (I) the following new subparagraph:

"(J) will reimburse the Secretary for any amounts paid for an item or service under this part which is furnished, directed, or prescribed by an individual or entity during any period for which the individual or entity is excluded pursuant to section 1128, 1128A, or 1156 from participation in the program under this title, if the amounts are paid after the Secretary notifies the carrier of the exclusion; and".

(3) REQUIREMENTS FOR STATES.—Section 1902(a)(39) (42 U.S.C. 1396a(a)(39)) is amended by striking the semicolon at the end and inserting ", and provide further for reimbursement to the Secretary of any payments made under the plan for any item or service furnished, directed, or prescribed by the excluded individual or entity during such period, after the Secretary notifies the State of such exclusion;".

(b) CONFORMING REPEAL OF MANDATORY PAYMENT RULE.—Section 1862(e)(2) (42 U.S.C. 1395y(e)(2)) is amended to read as follows:

"(2) No individual or entity may bill (or collect any amount from) any individual for any item or service for which payment is denied under paragraph (1). No person is liable for payment of any amounts billed for such an item or service in violation of the previous sentence.".

SEC. 209. EFFECTIVE DATE.

The amendments made by this title shall take effect January 1, 1997.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 301. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1997, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (c), and shall maintain a database of the information collected under this section.

(b) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each Government agency and health plan shall report any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes the following:

(A) The name and TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner, who is the subject of a final adverse action, is affiliated or associated.

(C) The nature of the final adverse action and whether such action is on appeal.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary of Health and Human Services (in this section referred to as the "Secretary") prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary.

(c) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions (not including settlements in which no findings of liability have been made) reported to the Secretary under this section with respect to a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(d) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in the database maintained under this section shall be available to Federal and State government agencies, health plans, and the public pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information in such database (other than with respect to requests by Federal agencies). The amount of such a fee may be sufficient to recover the full costs of carrying out the provisions of this section, including reporting, disclosure, and administration. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(e) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) FINAL ADVERSE ACTION.—

(A) IN GENERAL.—The term "final adverse action" includes the following:

(i) Civil judgments against a health care provider or practitioner in Federal or State court related to the delivery of a health care item or service.

(ii) Federal or State criminal convictions related to the delivery of a health care item or service.

(iii) Actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(I) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or probation,

(II) any other loss of license, or the right to apply for or renew a license of the provider, supplier, or practitioner, whether by

operation of law, voluntary surrender, nonrenewability, or otherwise, or

(III) any other negative action or finding by such Federal or State agency that is publicly available information.

(iv) Exclusion from participation in Federal or State health care programs (as defined in section 1128B(f) and 1128(h), respectively).

(v) Any other adjudicated actions or decisions that the Secretary shall establish by regulation.

(B) EXCLUSION.—The term does not include any action with respect to a malpractice claim.

(C) SPECIAL RULE.—For purposes of this paragraph, the existence of a conviction shall be determined under section 1128(i) of the Social Security Act (42 U.S.C. 1320a-7(i)).

(2) LICENSED HEALTH CARE PRACTITIONER.—The terms "licensed health care practitioner", "licensed practitioner", and "practitioner" mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(3) HEALTH CARE PROVIDER.—The term "health care provider" means a provider of services as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)), and any person or entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(4) SUPPLIER.—The term "supplier" means a supplier of health care items and services described in subsections (a) and (b) of section 1819, and section 1861 of the Social Security Act (42 U.S.C. 1395i-3 (a) and (b), and 1395x).

(5) GOVERNMENT AGENCY.—The term "Government agency" shall include the following:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) Federal or State agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(6) HEALTH PLAN.—The term "health plan" has the meaning given such term by section 1128C(c) of the Social Security Act, as added by section 101(a) of this Act.

(g) CONFORMING AMENDMENT.—Section 1921(d) (42 U.S.C. 1396r-2(d)) is amended by inserting "and section 301 of the Medicare Antifraud Act of 1996" after "section 422 of the Health Care Quality Improvement Act of 1986".

SEC. 302. INSPECTOR GENERAL ACCESS TO NATIONAL PRACTITIONER DATA BANK.

Section 427 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Information reported under this part shall also be made available, upon request, to the Inspector General of the Departments of Health and Human Services, Defense, and Labor, the Office of Personnel Management, and the Railroad Retirement Board."; and

(2) by amending subsection (b)(4) to read as follows:

"(4) FEES.—The Secretary may impose fees for the disclosure of information under this part sufficient to recover the full costs of carrying out the provisions of this part, including reporting, disclosure, and administration, except that a fee may not be imposed for requests made by the Inspector General of the Department of Health and Human Services. Such fees shall remain available to the Secretary (or, in the Secretary's discretion, to the agency designated in section 424(b)) until expended.".

SEC. 303. CORPORATE WHISTLEBLOWER PROGRAM.

Title XI (42 U.S.C. 1301 et seq.), as amended by section 101(a), is amended by inserting after section 1128C the following new section:

"CORPORATE WHISTLEBLOWER PROGRAM

"SEC. 1128D. (a) ESTABLISHMENT OF PROGRAM.—The Secretary, through the Inspector General of the Department of Health and Human Services, shall establish a procedure whereby corporations, partnerships, and other legal entities specified by the Secretary, may voluntarily disclose instances of unlawful conduct and seek to resolve liability for such conduct through means specified by the Secretary.

"(b) LIMITATION.—No person may bring an action under section 3730(b) of title 31, United States Code, if, on the date of filing—

"(1) the matter set forth in the complaint has been voluntarily disclosed to the United States by the proposed defendant and the defendant has been accepted into the voluntary disclosure program established pursuant to subsection (a); and

"(2) any new information provided in the complaint under such section does not add substantial grounds for additional recovery beyond those encompassed within the scope of the voluntary disclosure.".

SEC. 304. HOME HEALTH BILLING, PAYMENT, AND COST LIMIT CALCULATION TO BE BASED ON SITE WHERE SERVICE IS FURNISHED.

(a) CONDITIONS OF PARTICIPATION.—Section 1891 (42 U.S.C. 1395bbb) is amended by adding at the end the following new subsection:

"(g) A home health agency shall submit claims for payment of home health services under this title only on the basis of the geographic location at which the service is furnished, as determined by the Secretary.".

(b) WAGE ADJUSTMENT.—Section 1861(v)(1)(L)(iii) (42 U.S.C. 1395x(v)(1)(L)(iii)) is amended by striking "agency is located" and inserting "service is furnished".

SEC. 305. APPLICATION OF INHERENT REASONABLENESS.

(a) IN GENERAL.—Section 1834(a)(10)(B) (42 U.S.C. 1395m(a)(10)(B)) is amended—

(1) in the first sentence, by striking "apply the provisions" and all that follows through the period and inserting "describe by regulation the factors to be used in determining the cases (or particular items) in which the application of this subsection results in the determination of an amount that, by reason of its being grossly excessive or grossly deficient, is not inherently reasonable, and to provide in such cases for the factors that will be considered in establishing an amount that is realistic and equitable."; and

(2) in the second sentence, by striking "applying such provisions" and inserting "applying the previous provisions of this subsection".

(b) CONFORMING AMENDMENT.—Section 1834(i) (42 U.S.C. 1395m(i)) is amended by adding at the end the following new paragraph:

"(3) ADJUSTMENT FOR INHERENT REASONABLENESS.—The provisions of subsection (a)(10)(B) shall apply to payment for surgical dressings under this subsection.".

SEC. 306. CLARIFICATION OF TIME AND FILING LIMITATIONS.

(a) IN GENERAL.—Section 1862(b)(2)(B) (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

"(v) TIME, FILING, AND RELATED PROVISIONS UNDER PRIMARY PLAN.—Requirements under a primary plan as to the filing of a claim, time limitations for the filing of a claim, information not maintained by the Secretary, or notification or pre-admission review, shall not apply to a claim by the United States under clause (ii) or (iii).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to items and services furnished after 1990.

SEC. 307. CLARIFICATION OF LIABILITY OF THIRD PARTY ADMINISTRATORS.

(a) IN GENERAL.—Section 1862(b)(2)(B)(ii) (42 U.S.C. 1395y(b)(2)(B)(ii)) is amended by inserting ", or which determines claims under the primary plan" after "primary plan".

(b) CLAIMS BETWEEN PARTIES OTHER THAN THE UNITED STATES.—Section 1862(b)(2)(B) (42 U.S.C. 1395y(b)(2)(B)), as amended by section 306(a) of this Act, is amended by adding at the end the following new clause:

"(vi) CLAIMS BETWEEN PARTIES OTHER THAN THE UNITED STATES.—A claim by the United States under clause (ii) or (iii) shall not preclude claims between other parties.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished after 1990.

SEC. 308. CLARIFICATION OF PAYMENT AMOUNTS TO MEDICARE.

(a) IN GENERAL.—Section 1862(b)(2)(B)(i) (42 U.S.C. 1395y(b)(2)(B)(i)) is amended to read as follows:

"(i) REPAYMENT REQUIRED.—

"(I) IN GENERAL.—Any payment under this title, with respect to any item or service for which payment by a primary plan is required under the preceding provisions of this subsection, shall be conditioned on reimbursement to the appropriate Trust Fund established by this title when notice or other information is received that payment for that item or service has been or should have been made under those provisions. If reimbursement is not made to the appropriate Trust Fund before the expiration of the 60-day period that begins on the date such notice or other information is received, the Secretary may charge interest (beginning with the date on which the notice or other information is received) on the amount of the reimbursement until reimbursement is made (at a rate determined by the Secretary in accordance with regulations of the Secretary of the Treasury applicable to charges for late payments).

"(II) DETERMINATION OF AMOUNT OWED.—The amount owed by a primary plan under the first sentence of subclause (I) is the lesser of the full primary payment required (if that amount is readily determinable) and the amount paid under this title for that item or service.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Subparagraphs (A)(i)(I) and (B)(i) of section 1862(b)(1) (42 U.S.C. 1395y(b)(1)) are each amended by inserting "(or eligible to be covered)" after "covered".

(2) Section 1862(b)(1)(C)(ii) (42 U.S.C. 1395y(b)(1)(C)(ii)) is amended by striking "covered by such plan".

(3) The matter in section 1862(b)(2)(A) (42 U.S.C. 1395y(b)(2)(A)) preceding clause (i) is amended by striking ", except as provided in subparagraph (B),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished after 1990.

SEC. 309. INCREASED FLEXIBILITY IN CONTRACTING FOR MEDICARE CLAIMS PROCESSING.

(a) CARRIERS TO INCLUDE ENTITIES THAT ARE NOT INSURANCE COMPANIES.—The matter in section 1842(a) (42 U.S.C. 1395u(a)) preceding paragraph (1) is amended by striking "with carriers" and inserting "with agencies and organizations (referred to as carriers)".

(b) REPEAL.—Section 1842(f) (42 U.S.C. 1395u(f)) is repealed.

TITLE IV—CIVIL MONETARY PENALTIES

SEC. 401. SOCIAL SECURITY ACT CIVIL MONETARY PENALTIES.

(a) GENERAL CIVIL MONETARY PENALTIES.—Section 1128A (42 U.S.C. 1320a-7a) is amended as follows:

(1) In the third sentence of subsection (a), by striking "programs under title XVIII" and inserting "Federal health care programs (as defined in section 1128B(f))".

(2) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) With respect to amounts recovered arising out of a claim under a Federal health care program (as defined in section 1128B(f)), the portion of such amounts as is determined to have been paid by the program shall be repaid to the program, and the portion of such amounts attributable to the amounts recovered under this section by reason of the amendments made by the Medicare Antifraud Act of 1996 (as estimated by the Secretary) shall be deposited into the Health Care Fraud and Abuse Control Account established under section 101(b) of such Act.".

(3) In subsection (i)—

(A) in paragraph (2), by striking "title V, XVIII, XIX, or XX of this Act" and inserting "a Federal health care program (as defined in section 1128B(f))";

(B) in paragraph (4), by striking "a health insurance or medical services program under title XVIII or XIX of this Act" and inserting "a Federal health care program (as so defined)"; and

(C) in paragraph (5), by striking "title V, XVIII, XIX, or XX" and inserting "a Federal health care program (as so defined)".

(4) By adding at the end the following new subsection:

"(m)(1) For purposes of this section, with respect to a Federal health care program not contained in this Act, references to the Secretary in this section shall be deemed to be references to the Secretary or Administrator of the department or agency with jurisdiction over such program and references to the Inspector General of the Department of Health and Human Services in this section shall be deemed to be references to the Inspector General of the applicable department or agency.

"(2)(A) The Secretary and Administrator of the departments and agencies referred to in paragraph (1) may include in any action pursuant to this section, claims within the jurisdiction of other Federal departments or agencies as long as the following conditions are satisfied:

"(i) The case primarily involves claims submitted to the Federal health care programs of the department or agency initiating the action.

"(ii) The Secretary or Administrator of the department or agency initiating the action gives notice and an opportunity to participate in the investigation to the Inspector General of the department or agency with primary jurisdiction over the Federal health care programs to which the claims were submitted.

"(B) If the conditions specified in subparagraph (A) are fulfilled, the Inspector General of the department or agency initiating the action is authorized to exercise all powers granted under the Inspector General Act of 1978 (5 U.S.C. App.) with respect to the claims submitted to the other departments or agencies to the same manner and extent as provided in that Act with respect to claims submitted to such departments or agencies.".

(b) EXCLUDED INDIVIDUAL RETAINING OWNERSHIP OR CONTROL INTEREST IN PARTICIPATING ENTITY.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)) is amended—

(1) by striking "or" at the end of paragraph (1)(D);

(2) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(3) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, at the time of a violation of this subsection, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;".

(c) EMPLOYER BILLING FOR SERVICES FURNISHED, DIRECTED, OR PRESCRIBED BY AN EXCLUDED EMPLOYEE.—Section 1128A(a)(1) (42 U.S.C. 1320a-7a(a)(1)), as amended by subsection (b), is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting ", or"; and

(3) by adding at the end the following new subparagraph:

"(E) is for a medical or other item or service furnished, directed, or prescribed by an individual who is an employee or agent of the person during a period in which such employee or agent was excluded from the program under which the claim was made on any of the grounds for exclusion described in subparagraph (D);".

(d) CIVIL MONEY PENALTIES FOR ITEMS OR SERVICES FURNISHED, DIRECTED, OR PRESCRIBED BY AN EXCLUDED INDIVIDUAL.—Section 1128A(a)(1)(D) (42 U.S.C. 1320a-7a(a)(1)(D)) is amended by inserting ", directed, or prescribed" after "furnished".

(e) MODIFICATIONS OF AMOUNTS OF PENALTIES AND ASSESSMENTS.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)), as amended by subsection (b), is amended in the matter following paragraph (4)—

(1) by striking "$2,000" and inserting "$10,000";

(2) by inserting "; in cases under paragraph (4), $10,000 for each day the prohibited relationship occurs" after "false or misleading information was given"; and

(3) by striking "twice the amount" and inserting "3 times the amount".

(f) CLAIM FOR ITEM OR SERVICE BASED ON INCORRECT CODING OR MEDICALLY UNNECESSARY SERVICES.—Section 1128A(a)(1) (42 U.S.C. 1320a-7a(a)(1)), as amended by subsection (c), is amended—

(1) in subparagraph (A) by striking "claimed," and inserting "claimed, including any person who engages in a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a code that the person knows or has reason to know will result in a greater payment to the person than the code the person knows or has reason to know is applicable to the item or service actually provided,";

(2) in subparagraph (D), by striking "or" at the end; and

(3) in subparagraph (E), by striking the semicolon and inserting", or"; and

(4) by inserting after subparagraph (E) the following new subparagraph:

"(F) is for a medical or other item or service that a person knows or has reason to know is not medically necessary;".

(g) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY FOR KICKBACK VIOLATIONS.—Section 1128A(b) (42 U.S.C. 1320a-7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(h) SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.—Section 1156(b)(3) (42 U.S.C. 1320c-5(b)(3)) is amended by striking "the actual or estimated cost" and inserting "up to $10,000 for each instance".

(i) PROCEDURAL PROVISIONS.—Section 1876(i)(6) (42 U.S.C. 1395mm(i)(6)), as amended by section 207(a)(2), is amended by adding at the end the following new subparagraph:

"(D) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) or (B) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).".

(j) PROHIBITION AGAINST OFFERING INDUCEMENTS TO INDIVIDUALS ENROLLED UNDER PROGRAMS OR PLANS.—

(1) OFFER OF REMUNERATION.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)), as amended by subsection (b), is amended—

(A) by striking ", or" at the end of paragraph (3) and inserting a semicolon;

(B) by striking the semicolon at the end of paragraph (4) and inserting "; or"; and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program (as so defined);".

(2) REMUNERATION DEFINED.—Section 1128A(i) (42 U.S.C. 1320a-7a(i)) is amended by adding the following new paragraph:

"(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include—

"(A) the waiver of coinsurance and deductible amounts by a person, if—

"(i) the waiver is not offered as part of any advertisement or solicitation;

"(ii) the person does not routinely waive coinsurance or deductible amounts; and

"(iii) the person—

"(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

"(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

"(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary;

"(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all beneficiaries, third party payors, and providers, to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary not later than 180 days after the date of the enactment of the Medicare Antifraud Act of 1996; or

"(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations so promulgated.".

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1997.

TITLE V—AMENDMENTS TO CRIMINAL LAW

SEC. 501. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1347. Health care fraud

"(a) Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person may be imprisoned for any term of years.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

(b) CRIMINAL FINES DEPOSITED IN THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 101(b) an amount equal to the criminal fines imposed under section 1347 of title 18, United States Code (relating to health care fraud).

SEC. 502. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 982(a) of title 18, United States Code, is amended by adding after paragraph (5) the following new paragraph:

"(6)(A) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense.

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) section 287, 371, 664, 666, 1001, 1027, 1341, 1343, 1920, or 1954 of this title if the violation or conspiracy relates to health care fraud; and

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud.".

(b) PROPERTY FORFEITED DEPOSITED IN HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 101(b) an amount equal to amounts resulting from forfeiture of property by reason of a Federal health care offense pursuant to section 982(a)(6) of title 18, United States Code.

SEC. 503. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

(b) FREEZING OF ASSETS.—Section 1345(a)(2) of title 18, United States Code, is amended by inserting "or a Federal health care offense (as defined in section 982(a)(6)(B))" after "title)".

SEC. 504. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) A person who is privy to grand jury information concerning a Federal health care offense (as defined in section 982(a)(6)(B))—

"(1) received in the course of duty as an attorney for the Government; or

"(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the Government to use in any investigation or civil proceeding relating to health care fraud.".

SEC. 505. FALSE STATEMENTS.

(a) IN GENERAL.—Chapter 47, of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1035. False statements relating to health care matters

"(a) Whoever, in any matter involving a health plan, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, in amended by adding at the end the following:

"1035. False statements relating to health care matters.".

SEC. 506. OBSTRUCTION OF CRIMINAL INVESTIGATIONS, AUDITS, OR INSPECTIONS OF FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1518. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses

"(a) IN GENERAL.—Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a Federal health care offense to a Federal agent or employee involved in an investigation, audit, inspection, or other activity related to such an offense, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) FEDERAL HEALTH CARE OFFENSE.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.

"(c) CRIMINAL INVESTIGATOR.—As used in this section the term 'criminal investigator' means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"1518. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses.".

SEC. 507. THEFT OR EMBEZZLEMENT.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 669. Theft or embezzlement in connection with health care

"(a) IN GENERAL.—Whoever willfully embezzles, steals, or otherwise without authority willfully and unlawfully converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health plan, shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) HEALTH PLAN.—As used in this section the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding at the end the following:

"669. Theft or embezzlement in connection with health care.".

SEC. 508. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any act or activity constituting an offense involving a Federal health care offense as that term is defined in section 982(a)(6)(B) of this title.".

SEC. 509. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

(a) IN GENERAL.—Chapter 233 of title 18, United States Code, is amended by adding after section 3485 the following new section:

"§ 3486. Authorized investigative demand procedures

"(a) AUTHORIZATION.—

"(1) In any investigation relating to functions set forth in paragraph (2), the Attorney General or designee may issue in writing and cause to be served a subpoena compelling production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control. A custodian of records may be required to give testimony concerning the production and authentication of such records. The production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place, except that such production shall not be required more than 500 miles distant from the place where the subpoena is served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. A subpoena requiring the production of records shall describe the objects required to be produced and prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

"(2) Investigative demands utilizing an administrative subpoena are authorized for any investigation with respect to any act or activity constituting or involving health care fraud, including a scheme or artifice—

"(A) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(B) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control or, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services.

"(b) SERVICE.—A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to such person. Service may be made upon a domestic or foreign association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

"(c) ENFORCEMENT.—In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which such person carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

"(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.

"(e) USE IN ACTION AGAINST INDIVIDUALS.—

"(1) Health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information unless the action or investigation arises out of and is directly related to receipt of health care or payment for health care or action involving a fraudulent claim related to health, or if authorized by an appropriate order of a court of competent jurisdiction, granted after application showing good cause therefore.

"(2) In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services.

"(3) Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(f) HEALTH PLAN.—As used in this section, the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3485 the following new item:

"3486. Authorized investigative demand procedures.".

(c) CONFORMING AMENDMENT.—Section 1510(b)(3)(B) of title 18, United States Code, is amended by inserting "or a Department of Justice subpoena (issued under section 3486)," after "subpoena".

TITLE VI—STATE HEALTH CARE FRAUD CONTROL UNITS

SEC. 601. STATE HEALTH CARE FRAUD CONTROL UNITS.

(a) EXTENSION OF CONCURRENT AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL PROGRAMS.—Section 1903(q)(3) (42 U.S.C. 1396b(q)(3)) is amended—

(1) by inserting "(A)" after "in connection with"; and

(2) by striking "title." and inserting "title; and (B) in cases where the entity's function is also described by subparagraph (A), and upon the approval of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(b)(1)).".

(b) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE PATIENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—Section 1903(q)(4) (42 U.S.C. 1396b(q)(4)) is amended to read as follows:

"(4)(A) The entity has—

"(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

"(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

"(iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

"(B) For purposes of this paragraph, the term 'board and care facility' means a residential setting which receives payment from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

"(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

"(ii) Personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.".

TITLE VII—MEDICARE/MEDICAID BILLING ABUSE PREVENTION

SEC. 701. UNIFORM MEDICARE/MEDICAID APPLICATION PROCESS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this title referred to as the "Secretary") shall establish procedures and a uniform application form for use by any individual or entity that seeks to participate in the programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 42 U.S.C. 1396 et seq.). The procedures established shall include the following:

(1) Execution of a standard authorization form by all individuals and entities prior to submission of claims for payment which shall include the social security number of the beneficiary and the TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) of any health care provider, supplier, or practitioner providing items or services under the claim.

(2) Assumption of responsibility and liability for all claims submitted.

(3) A right of access by the Secretary to provider records relating to items and services rendered to beneficiaries of such programs.

(4) Retention of source documentation.

(5) Provision of complete and accurate documentation to support all claims for payment.

(6) A statement of the legal consequences for the submission of false or fraudulent claims for payment.

SEC. 702. STANDARDS FOR UNIFORM CLAIMS.

(a) ESTABLISHMENT OF STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish standards for the form and submission of claims for payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

(b) ENSURING PROVIDER RESPONSIBILITY.—In establishing standards under subsection (a), the Secretary, in consultation with appropriate agencies including the Department of Justice, shall include such methods of ensuring provider responsibility and accountability for claims submitted as necessary to control fraud and abuse.

(c) USE OF ELECTRONIC MEDIA.—The Secretary shall develop specific standards which govern the submission of claims through electronic media in order to control fraud and abuse in the submission of such claims.

SEC. 703. UNIQUE PROVIDER IDENTIFICATION CODE.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a system which provides for the issuance of a unique identifier code for each individual or entity furnishing items or services for which payment may be made under title XVIII or XIX of the Social Security (42 U.S.C. 1395 et seq.; 1396 et seq.), and the notation of such unique identifier codes on all claims for payment.

(b) APPLICATION FEE.—The Secretary shall require an individual applying for a unique identifier code under subsection (a) to submit a fee in an amount determined by the Secretary to be sufficient to cover the cost of investigating the information on the application and the individual's suitability for receiving such a code.

SEC. 704. USE OF NEW PROCEDURES.

No payment may be made under either title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 42 U.S.C. 1396 et seq.) for any item or service furnished by an individual or entity unless the requirements of sections 702 and 703 are satisfied.

SEC. 705. NONDISCHARGEABILITY OF CERTAIN MEDICARE DEBTS.

(a) PAYMENT TO PROVIDERS.—Section 1815(d) (42 U.S.C. 1395g(d)) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, amounts due to the program under this subsection are not dischargeable under any provision of title 11, United States Code.".

(b) PAYMENT OF BENEFITS.—Section 1833(j) (42 U.S.C. 1395l(j)) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, amounts due to the program under this subsection are not dischargeable under any provision of title 11, United States Code.".

S. 1859

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 "Medicare Restore Trust Act of 1996".

SEC. 2. PROHIBITION ON CONSIDERATION OF LEGISLATION THAT DIVERTS SAVINGS ACHIEVED THROUGH MEDICARE WASTE, FRAUD, AND ABUSE ENFORCEMENT ACTIVITIES FOR PURPOSES OTHER THAN IMPROVING THE SOLVENCY OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, conference report, or any other legislation that would use savings achieved through enforcement activities that are intended to combat waste, fraud, and abuse under the medicare program under title XVIII of the Social Security Act as offsets for purposes other than to improve the solvency of the Federal Hospital Insurance Trust Fund established under section 1817 of such Act (42 U.S.C. 1395i) (in this Act referred to as the "trust fund").

(b) WAIVER.—The point of order described in subsection (a) may be waived or suspended in the Senate by a ⅗ majority vote of the Senators duly chosen and sworn, or by the unanimous consent of the Senate.

(c) APPEALS.—

(1) IN GENERAL.—Appeals in the Senate from decisions of the Chair relating to this section shall be limited to 1 hour, to be equally divided between and controlled by, the appellant and the manager of the bill, conference report, or other legislation, as the case may be.

(2) WAIVER.—An affirmative ⅗ majority vote of the Senators duly chosen and sworn, or a unanimous consent agreement of the Senate shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 3. ENSURING THE INTEGRITY OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

(a) DETERMINATION.—Prior to the end of each fiscal year, the Secretary of Health and Human Services (in this section referred to as the "Secretary") and the Attorney General shall jointly determine—

(1) the portion of the costs charged during such fiscal year to any account established within the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program; and

(2) the amount of funds deposited into such account of such trust fund during such fiscal year that were attributable to enforcement activities that were intended to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program.

(b) CERTIFICATION.—If the portion determined under paragraph (1) of subsection (a) exceeds the amount determined under paragraph (2) of such subsection, the Secretary and the Attorney General shall certify to the Secretary of the Treasury the amount, which shall be equal to the amount of such excess, which should be transferred from the General Fund of the Treasury to such trust fund, in order to ensure that such trust fund is fully reimbursed for any expenditures made from the account described in subsection (a) that are not related to the administration of the medicare program under title XVIII of the Social Security Act.

(c) TRANSFER OF FUNDS.—The Secretary of the Treasury shall transfer to such trust fund from the General Fund of the Treasury, out of any funds in the General Fund that are not otherwise appropriated, an amount equal to the amount certified under subsection (b).

By Mr. MCCONNELL (for himself, Mr. DOLE, Mr. LIEBERMAN, and Mr. MOYNIHAN):

S. 1860. A bill to provide for legal reform and consumer compensation relating to motor vehicle tort systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AUTO CHOICE REFORM ACT OF 1996

By Mr. MCCONNELL (for himself and Mr. DOLE):

S. 1861. A bill to provide for legal reform and consumer compensation, and for other purposes; to the Committee on the Judiciary.

THE LEGAL REFORM AND CONSUMER COMPENSATION ACT OF 1996

• Mr. MCCONNELL. Mr. President, several weeks ago, I was disappointed, but not surprised, when the President vetoed the bipartisan product liability reform bill. The bill would have curbed runaway punitive damage awards—which the Supreme Court endorsed in its recent BMW versus Gore decision—and offered some protection to those needlessly dragged into lawsuits. The President, erroneously, in my view, charged that the product liability reform bill, offered too many benefits to business and unfairly burdened the injured.

The President missed an opportunity to correct some of the defects in the legal system. The fact is the system is too costly and fails to provide prompt and fair relief to those who are injured. Less than half of every dollar spent on lawsuits goes to the injured.

And, spiraling legal costs exact a toll on every American family and business owner in the form of higher insurance premiums and ever-increasing costs for medical care. FBI Director Louis Freeh estimates that fraudulent medical claims arising out of phony car accidents cost every American household $200 a year.

Moreover, economic growth is impeded when new American-made products, technology, medicines, and medical devices aren't brought to worldwide markets because of too many lawsuits.

This mess-of-a-legal system can be turned around with reforms that will ensure those who are injured get fairly and quickly compensated without resort to expensive and protracted litigation. The two bills I am introducing today take aim at the unnecessary costs of personal injury lawsuits. The result will be more money in the hands of the injured more quickly, and a massive savings to American consumers.

The Joint Economic Committee estimates that the Auto Choice Reform Act will save the driving public $40 billion annually in insurance costs. Savings would be progressive, resulting in savings to low-income drivers of about 45 percent on their insurance premiums.

The Legal Reform and Consumer Compensation Act, designed to change the monopolistic and anticompetitive contingent fee system and to provide a rapid recovery mechanism for personal injury victims, would save more than $45 billion a year.

These dramatic savings are achieved without capping punitive damages, or limiting the rights of victims. Rather, these bills expand consumer options. By adding a new type of auto insurance, new ways of paying victims fairly for their injuries, and breaking the contingent fee hold, Americans will be begin to be relieved of the litigation burden that threatens to strangle every family and burdens the overall economy.

The changes proposed in these bills will require a major rethinking about the current zero-sum, adversarial legal system. Occasionally, the legal system

rewards a persistent plaintiff with a windfall damage award—like the woman who won a multi-million-dollar verdict from McDonald's for spilling hot coffee on herself. But odds of winning in the legal system are about as good as hitting a jackpot in Las Vegas.

The perverse incentive structure—the one-in-a-million chance of winning the lottery—discourages settlement and rewards a piling on of claims. If a jury will award an injured party 3 times his or her out-of-pocket losses, then 10 trips to the doctor are better than 2. The Rand Corp., in a study released earlier this year, estimates that excess medical claiming connected with lawsuits consumed some $4 billion of health care resources.

But the fault for the runaway legal system does not lie exclusively with the injured and their lawyers. Defendants and their lawyers know that the multimillion-dollar jury award is a rare occurrence. Yet, most cases are fought as if every case results in $1 million verdict. Every dollar spent on defense buys delay and precludes early and reasonable resolution.

In the meantime, every American pays the price—through higher car insurance premiums, spiraling medical bills, and soaring prices at the checkout counter. And the economy suffers from slow growth and through products, inventions, and technologies withheld from the world's markets because of the cost of lawsuits. It's time we cut the tort tax and give every American relief from the costly legal system.

I am pleased that Senator DOLE is joining this effort. His sponsorship of this ambitious effort to overhaul the legal system will probably be one of his last legislative initiatives. I am honored to have his support.

I ask unanimous consent that a copy of the two bills and a summary of the bills be printed in the RECORD.

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

S.1860

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 "Auto Choice Reform Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the costs of operating a motor vehicle are excessive due to the legal and administrative costs associated with the processing of claims under the tort system;

(2) the costly fault and liability insurance system often fails to provide compensation commensurate with loss, takes too long to pay benefits and wastes too many dollars on legal fees;

(3) the distorted incentives of the tort system for motor vehicles produce—

(A) significant fraud in the claiming process, thereby dangerously exacerbating the national distrust felt by many Americans toward the legal process in general and the rule of law itself;

(B) significant wasteful, fraudulent, and costly overuse and abuse of scarce health care resources and services, thereby increasing the problems of affordability and accessibility in the health care system;

(C) significant and unbearable cost burdens on low-income Americans, which impose on them the Hobson's choice of driving on an unlawful, uninsured basis or compelling them to forego essential needs;

(D) significant reductions in access to, and purchases of, motor vehicles, thereby damaging the economic well-being of many low-income Americans, while also unnecessarily harming a critical component of the American economy;

(E) significant deterioration of the economic well-being of most major American cities through the imposition of a massive, differentially greater "tort tax" on urban residents, thereby contributing to the abandonment of cities by many American taxpayers able to achieve substantial after-tax savings on automobile insurance premiums by the sole act of moving to adjacent suburban communities; and

(F) significant inability to achieve market-based discounts in insurance rates for owners of safer cars, thereby powerfully contributing to the lesser safety of American drivers and passengers;

(4) a system that allows consumers the opportunity to self-insure and separates economic and non-economic damages for the purpose of purchasing insurance would provide enormous cost savings to drivers;

(5) consumer choice in selection of motor vehicle insurance would be greatly enhanced if each consumer could decide upon the form of insurance that best suits the individual needs of the consumer;

(6) insurance to indemnify individuals for personal injury arising from motor vehicle collisions is frequently unavailable at reasonable cost because of the potential for third-party claims;

(7) a system enabling individuals to select the form of motor vehicle insurance coverage that best suits individual needs would enhance individual freedom and reduce the costs of motor vehicle insurance for consumers; and

(8) a system which targets and emphasizes the scourge of those who drive under the influence of drugs or alcohol will further deter such dangerous and unlawful conduct.

SEC. 3. PURPOSE.

The purpose of this Act is to authorize consumers of motor vehicle insurance to choose between their present tort remedies under State law and a system which combines first-party insurance and the right to sue negligent drivers for all further uncompensated economic losses.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the term—

(1) "accident" means unforeseen or unplanned event causing loss or injury;

(2) "economic loss" means any objectively verifiable pecuniary loss 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;

(3) "financial responsibility law" means a statute (including one requiring compulsory coverage) penalizing motorists for failing to carry defined limits of tort liability insurance covering motor vehicle accidents;

(4) "insurer" includes a person who is self-insured within the meaning of applicable State law;

(5) "intentional misconduct" means conduct whereby harm is intentionally caused or attempted to be caused by one who acts or fails to act for the purpose of causing harm or with knowledge that harm is substantially certain to follow when such conduct caused or substantially contributed to the harm claimed for, except a person does not intentionally cause or attempt to cause harm—

(A) merely because his or her act or failure to act is done with the realization that it creates a grave risk of causing harm; or

(B) if the act or omission causing bodily harm is for the purpose of averting bodily harm to oneself or another person;

(6) "motor vehicle" means a vehicle of any kind required to be registered under the provisions of the applicable State law relating to motor vehicles;

(7) "net economic loss"—

(A) means economic loss, including when payable based on fault, a reasonable attorney's fee calculated on the basis of the value of the attorney's efforts as reflected in payment to the attorney's client; and

(B) excludes amounts paid or payable under—

(i) Federal, State, or private disability or sickness programs;

(ii) Federal, State, or private health insurance programs;

(iii) employer wage continuation programs;

(iv) workers' compensation or similar occupational compensation acts; and

(v) any other source of payment intended to compensate such individual for injuries resulting from a motor vehicle accident, including amounts paid under personal protection insurance or tort maintenance coverage;

(8) "no-fault motor vehicle law" means a statute under which those injured in motor vehicle accidents are paid without regard to fault for their pecuniary losses as a result of personal injury, in return for which claims based on fault including for nonpecuniary losses, are to a defined extent limited;

(9) "noneconomic loss" means subjective, nonmonetary losses including pain, suffering, inconvenience, mental suffering, emotion distress, loss of society and companionship, loss of consortium, hedonic damages, injury to reputation, and humiliation;

(10) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(11) "personal protection" means an insurance contract payable without regard to fault for net economic loss due to personal injury resulting from a motor vehicle accident, along with waiver of tort claims pursuant to this Act;

(12) "replacement service loss" means expenses reasonably incurred in obtaining ordinary and necessary services from others, not members of the injured person's household, in lieu of the services the injured person would have performed for the benefit of the household;

(13) "resident relative or dependent" means a person related to the owner of a motor vehicle by blood, marriage, adoption, or otherwise (including a dependent receiving financial services or support from such owner), and residing in the same household at the time of accidental personal injury,

and a person resides in the same household if he or she usually makes his or her home in the same family unit, even though temporarily living elsewhere;

(14) "serious bodily injury" means bodily injury which results in death, dismemberment, significant and permanent loss of an important bodily function, or significant and permanent scarring or disfigurement;

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and any other territory or possession of the United States;

(16) "tort liability" means the legal obligation for payment of damages caused by one adjudged to have committed a tort;

(17) "tort liability insurance" means insurance by the terms of which an insurer agrees to pay, on behalf of an insured, damages the latter is obligated to pay a third person because of his or her liability to that third person;

(18) "tort maintenance coverage" means coverage under which a tort liability insured, when involved in an accident with a personal protection insured, retains his or her right to claim for personal injury under State law without modification by any provision of this Act, except that responsibility for payment for any such claim is assumed by his or her own insurer to the extent of such coverage under section 5(b)(1); and

(19) "uninsured motorist" means the owner of a motor vehicle, including his or her resident relatives, uninsured for either personal protection or tort liability insurance at the limits prescribed by the applicable State's financial responsibility law or higher under section 5(a)(2)(A).

SEC. 5. MOTOR VEHICLE PERSONAL PROTECTION INSURANCE.

(a) INSURANCE POLICY PROVISIONS.—(1) An insurance policy that includes provisions that entitle the insured to receive, without regard to fault or lack of fault, the insured's net economic losses caused by an injury along with an express, specific waiver of tort rights as provided in the insurance policy shall be valid notwithstanding any contrary provisions of State law.

(2) In order for a personal protection insurance policy to be covered by this Act, a motor vehicle insurance policy issued by an insurer shall, at a minimum—

(A) provide personal protection coverage of the greater of—

(i) up to the minimum limits of liability insurance for personal injury under the State's financial responsibility law; or

(ii) in a State covered by a no-fault motor vehicle insurance law, up to the minimum level of insurance required for no-fault benefits; and

(B) contain provisions under the State's financial responsibility law, including those related to liability for property damage, except to the extent State law would bar contractual provisions giving effect to personal protection authorizations set forth in this Act, or to the extent that State law would be contrary to other provisions of this Act.

(3) A personal protection insurer is authorized to contract to pay personal protection benefits periodically as losses accrue. Unless the treatment or expenses related thereto are in reasonable dispute, an insurer who does not pay a claim for net economic loss covered by a personal protection insurance under this Act within 30 days after payment is due, shall pay the loss compounded at a rate of 50 percent per annum, as liquidated damages and in lieu of any penalty or exemplary damages.

(b) OPERATION OF THE RIGHT TO CHOOSE.—(1) Under this Act, in lieu of buying traditional tort liability insurance for personal injury to protect third parties, motorists have the right to choose personal protection which will be available to themselves and their family members in the event of a motor vehicle accident, including the amount of financial protection they deem appropriate and affordable for themselves and such others. As an alternative, motorists have the right to elect traditional tort liability coverage for personal injury at the minimum limits (or higher) under the State's financial responsibility law.

(2)(A) A motorist who chooses traditional tort liability has automatically included in such coverage tort maintenance coverage at least at the equivalent of the minimum levels of insurance under the higher of—

(i) the State's financial responsibility law for personal injury; or

(ii) the State's no-fault motor vehicle law, if applicable.

(B) A motorist described under subparagraph (A) who is involved in an accident with another motorist remains subject to tort law for personal injury except that, based on fault, such motorist—

(i) may be claimed against by those covered by personal protection insurance or tort maintenance coverage only for net economic loss; and

(ii) may not claim against those covered by personal protection insurance or tort maintenance coverage except for net economic loss.

(C)(i) With respect to a claim under subparagraph (B)(ii), a deduction is made against the recovery equal to the limits of tort maintenance coverage applicable to the economic loss of the claimant.

(ii) One-half of any amount paid under tort maintenance coverage referred to under clause (i) shall be deemed payable for economic loss.

(3) A motorist who chooses personal protection coverage and who is involved in an accident with another such motorist is compensated under his or her own policy for net economic loss only without regard to fault. But if the motorist sustains net economic loss in excess of his or her policy's benefit levels, that person retains the right to claim and sue for net economic loss based on fault.

(4) If a motorist who has chosen personal protection coverage is involved in an accident with an uninsured motorist, the personal protection insured is compensated for net economic loss without regard to fault according to the terms of his or her personal protection policy, and has the right to claim against the uninsured motorist for net economic loss based on fault. The uninsured motorist forfeits the right to claim for noneconomic loss against the motorist who has chosen the personal protection policy.

(5)(A) A motorist who chooses either personal protection insurance or tort liability insurance also binds by such choice his or her resident relatives, provided that—

(i) an adult resident relative shall not be bound without his or her consent, which, in the absence of express consent, shall be implied when the relative is present in a motor vehicle operated by the motorist; and

(ii) insurers are authorized to specify reasonable terms and conditions governing the commencement, duration, and application of the chosen coverage depending on the number of motor vehicles and owners thereof in a household.

(B) In order to minimize conflict between the two options under subparagraph (A), insurers are authorized to maintain underwriting rules that encourage uniformity within a household.

(6) A personal protection insured retains the right to claim, and remains subject to a claim, for driving under the influence of alcohol or illegal drugs, both as defined by State law, or for intentional misconduct.

(7) A personal protection insured claims personal protection benefits in the following priority:

(A) The personal protection of an employer if the person injured is an employee of the employer and the accident occurs while the employee is acting within the scope of the employee's employment.

(B) The personal protection under which the injured person is or was an insured.

(C) The personal protection covering a motor vehicle involved in the accident, if the person injured was an occupant or was struck by such motor vehicle at the time of the accident.

(8) A personal protection insurer is authorized to write personal protection coverage—

(A) without any deductible or subject to a reasonable deductible not to exceed $1,000; and

(B) with an exclusion of coverage for persons driving under the influence of alcohol or illegal drugs.

(9) A personal protection insurer is subrogated, to the extent of its obligations, to all of the rights of its personal protection insured with respect to an accident caused in whole or in part, as determined by applicable State law, by the negligence of an uninsured motorist or driving under the influence of alcohol or illegal drugs, or caused in whole or in part by intentional misconduct or any person who is not affected by the limitations on tort rights and liabilities under this Act.

(10) Any person lawfully uninsured under the terms of State law for either personal protection or tort liability insurance retains his or her tort rights in a form unaffected by this Act.

(c) RENEWAL OR CANCELLATION.—An insurer shall not cancel, fail to renew, or increase the premium of its insured solely on account of the insured or any other injured person making a claim for personal protection benefits or, where there is no basis for ascribing fault to the insured or one for whom the insured is vicariously liable, for tort maintenance coverage.

(d) IMMUNITY.—No insurer or any agent or employee of such insurer, no insurance producer representing a motor vehicle insurer or any automobile residual market plan, and no attorney licensed to practice law within this State shall be liable in an action for damages on account of an election of the tort liability option, an election of the personal protection option, or a failure to make a required election, unless such person has willfully misrepresented the available choices or has fraudulently induced the election of one system over the other.

(e) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to waive or affect any defense of sovereign immunity asserted by any State under any law or by the United States;

(2) to preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(3) to affect the right of any court to transfer venue, 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;

(4) subject to paragraph (1), to create or vest jurisdiction in the district courts of the United States over any motor vehicle accident liability or damages action subject to this Act which is not otherwise properly in the United States District Court;

(5) to prevent insurers and insureds from contracting to limit recovery for lost wages and income under personal protection coverage such that only 60 percent or more of lost wages or income is covered, or to offset death benefits under personal protection coverage by amounts paid for lost wages and replacement service losses;

(6) to prevent an insurer from contracting with personal protection insureds, as permitted by State law, to have submitted to arbitration any dispute with respect to payment of personal protection benefits;

(7) to relieve a motorist of the obligations imposed by State law to purchase tort liability insurance for personal injury to protect third parties who are not affected by the immunities of subsection (b); and

(8) to preclude a State from enacting, for all motor vehicle accident cases including cases covered by this Act, a minimum dollar value for defined classes of cases involving death or serious bodily injury.

SEC. 6. APPLICABILITY TO STATES; CHOICE OF LAW; JURISDICTION; AND CONSTRUCTION.

(a) ELECTION OF NONAPPLICABILITY BY STATES.—This Act shall not apply in a State if such State enacts a statute that—

(1) cites the authority of this subsection; and

(2) declares the election of such State that this Act shall not apply.

(b) NONAPPLICABILITY TO STATE BY STATE FINDING.—(1) This Act shall not apply in a State, if—

(A) the State official charged with jurisdiction over insurance rates for motor vehicles makes a finding that the statewide average motor vehicle premiums in effect immediately before the effective date of this Act for personal injury will not be reduced by an average of at least 30 percent for persons choosing personal protection coverage in lieu of traditional tort liability pursuant to this Act (without including any cost for uninsured or underinsured or medical payments coverages);

(B) the finding described under subparagraph (A) is supported by evidence adduced in public hearing and reviewable under the State's administrative procedure law; and

(C) the finding described under subparagraph (A) and any review of such finding described under subparagraph (B) occurs no later than 60 days after the date of the enactment of this Act.

(2) Premiums for personal injury referred to under paragraph (1)(A) include premiums for—

(A) personal injury liability, uninsured and underinsured motorists' liability, and medical payments coverage; and

(B) if applicable—

(i) no fault benefits under no fault motor vehicle law; or

(ii) similar benefits under a law not limiting claims based on fault for nonpecuniary losses.

(c) CHOICE OF LAW.—In disputes between citizens of States that elect nonapplicability under subsection (a) and citizens of States that do not so elect, ordinary choice of law principles shall apply.

(d) JURISDICTION.—This section shall not confer jurisdiction on the district courts of the United States under section 1331 or 1337 or title 28, United States Code.

(e) CONSTRUCTION.—Nothing in this Act shall alter or diminish the authority or obligation of the Federal courts to construe the terms of this Act.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act.

S. 1861

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 "Legal Reform and Consumer Compensation Act of 1996".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—EARLY OFFER AND RAPID RECOVERY

Sec. 101. Early offer and rapid recovery mechanisms.

TITLE II—FAIRNESS IN LEGAL FEES

Sec. 201. Findings and purpose.
Sec. 202. Definitions.
Sec. 203. Creation of a fiduciary relationship.
Sec. 204. Written hourly rate fee agreement.
Sec. 205. Nature of demand for compensation.
Sec. 206. Time limit for, and requisite contents of, response setting forth settlement offer.
Sec. 207. Consequences of failure to include prescribed material with settlement offer.
Sec. 208. No obligation to issue response; inadmissibility of demands, responses, and failure to respond.
Sec. 209. Effect of pre-demand settlement offer.
Sec. 210. Pre-retention offer.
Sec. 211. Post-retention offer when a pre-retention offer has been made.
Sec. 212. Post-retention offer when no pre-retention offer has been made.
Sec. 213. Calculation of attorney's fee when there is a subsequent resolution of the claim.
Sec. 214. Provision of closing statement.
Sec. 215. Effect of contravening agreements.
Sec. 216. Inapplicability.

TITLE III—APPLICABILITY AND RULE OF CONSTRUCTION

Sec. 301. Applicability to States; choice of law; jurisdiction; and construction.
Sec. 302. Effective date.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the current liability system is, all too often, a frustrating experience for many personal injury claimants, resulting in a time-consuming process which provides inadequate compensation for their injuries;

(2) for other personal injury claimants, the system can provide a windfall of financial gain, greatly in excess of their actual losses;

(3) the unpredictable and erratic system is a product of a perverse incentive structure in which the magnitude of noneconomic damages is directly linked to, and is a multiple of, the out-of-pocket expenses incurred by the claimant;

(4) the incentives of the litigation system perpetuate the overuse and abuse of the medical system, costing the economy billions of dollars and costing every United States family hundreds of dollars in unnecessary insurance premiums and health care expenses;

(5) the system as it has recently developed—

(A) is highly regressive;

(B) is often duplicative of and inconsistent with Federal regulatory and social welfare programs for the protection of injured parties;

(C) is burdened by an administrative cost structure that causes a disproportionate amount of its dollars to go to lawyers rather than to injured parties;

(D) is particularly prejudicial to the competitive position of the American small business community;

(E) is a major and increasing threat to the economic viability of American cities;

(F) imposes a major burden on the American economy and if reformed would significantly enhance American productivity and consumer wealth;

(G) is replete with incentives that reward abusive claiming and defensive behavior; and

(H) is therefore a major cause of the dangerous disesteem increasingly felt by increasing numbers of Americans toward the legal system and, indeed, the rule of law itself; and

(6) there is a need for a system of early offer, rapid recovery and consumer choice to enable claimants to be made whole and recover all economic losses without resort to complex and protracted litigation.

TITLE I—EARLY OFFER AND RAPID RECOVERY

SEC. 101. EARLY OFFER AND RAPID RECOVERY MECHANISMS.

(a) PURPOSE.—The purpose of this title is to establish a system of early offer and rapid recovery to permit personal injury claimants to recover their economic losses from a responsible party in a timely manner.

(b) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1660. Early offer and rapid recovery mechanisms

"(a) For purposes of this section:

"(1) The term 'allegedly responsible party' means a person, partnership, or corporation, and an insurer thereof, alleged by the claimant to be responsible for at least some portion of an injury alleged by a claimant.

"(2) The term 'claimant' means an individual who, in his or her own right, or vicariously as otherwise permitted by law, is seeking compensation for personal injury.

"(3) 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.

"(4) The term 'collateral benefits' means all benefits and advantages received or entitled to be received (regardless of the right of recoupment of any other entity, through subrogation, trust agreement, lien, or otherwise) by an injured individual (or other entity) as reimbursement of loss because of personal injury—

"(A) payable or required to be paid by—

"(i) Federal, State, or other governmental disability, unemployment, or sickness programs;

"(ii) under the terms of any Federal, State, or other governmental or private health insurance, accident insurance, wage or salary

continuation plan, or disability income insurance; or

"(iii) any other program or compensation system, if the payment is intended to compensate the claimant for the same injury or disability which is the subject of the claim; minus

"(B) the amount paid by such individual (or by the spouse, parent, child, or legal guardian of such individual) to secure the payments described in subparagraph (A).

"(5) The term 'economic loss' means any objectively verifiable pecuniary loss resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, property damage accompanying bodily injury, 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.

"(6) The term 'entity' includes an individual or person.

"(7) The term 'intentional misconduct' means conduct whereby harm is intentionally caused or attempted to be caused by one who acts or fails to act for the purpose of causing harm or with knowledge that harm is substantially certain to follow when such conduct caused or substantially contributed to the harm claimed for, except a person does not intentionally cause or attempt to cause harm—

"(A) merely because his or her act or failure to act is intentional or done with the realization that it creates a risk of harm; or

"(B) if the act or omission causing bodily harm is for the purpose of averting bodily harm to oneself or another person.

"(8) The term 'liability claim' means a demand for compensation by certified mail to an allegedly responsible party, which shall set forth the material facts relevant to the claim including—

"(A) the name, address, age, marital status, and occupation of claimant, which term for the purposes of this section includes the injured party if claimant is operating in a representative capacity;

"(B) a brief description of how the injury occurred;

"(C) the names, and, if known, the addresses, telephone numbers, and occupations of all known witnesses to the injury;

"(D) copies of photographs in claimant's possession that relate to the injury;

"(E) the basis for claiming that the party to whom the claim is addressed is at least partially responsible for causing the injury;

"(F) a description of the nature of the injury, the names and addresses of all physicians, other health care providers, and hospitals, clinics, or other medical service entities that provided medical care to the claimant or the injured party including the date and nature of the service;

"(G) a copy of the medical records relating to the injury and those involving a prior injury or preexisting medical condition which an allegedly responsible party would be able to introduce into evidence in a trial or, in lieu of either or both, executed releases authorizing the allegedly responsible party to obtain such records directly from health care providers that produced or possess them; and

"(H) relevant documents, including records of earnings if a claimant is self-employed and employer records of earnings if a claimant is employed, and any medical expenses, wages lost, or other pertinent damages suffered as a consequence of the injury.

"(9) The term 'noneconomic loss' means nonmonetary losses including punitive damage claims and further including without being limited to pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, hedonic damages, injury to reputation, and humiliation.

"(10) The term 'punitive damages' means damages awarded against any person or entity to punish such persons or entity or to deter such person or entity, or others, from engaging in similar behavior in the future.

"(11) The term 'reasonable attorney's fee' means an hourly fee for services rendered subsequent to the execution of a written agreement establishing an attorney-client relationship that bears a reasonable relation to the attorney's actual efforts on the client's behalf. Fees shall not be deemed reasonable to the extent that services provided by an attorney are attributable to any failure to provide reasonably prompt notice pursuant to subsection (b)(1)(A)(ii).

"(12) The term 'serious bodily injury' means bodily injury which results in death, dismemberment, significant and permanent loss of an important bodily function, or significant and permanent scarring or disfigurement.

"(13) The term 'wanton misconduct' means conduct that the allegedly responsible party realized was excessively dangerous, done heedlessly and recklessly, and with a conscious disregard of the consequences to or rights and safety of the claimant.

"(b)(1)(A) After an occurrence that may give rise to a civil action or claim against any person, in any Federal or State court based on any cause of action to recover damages for personal injury, any potentially allegedly responsible party has the option to offer, not later than the later of—

"(i) 120 days after the injury; or

"(ii) 120 days after the initiation of the liability claim,

to compensate a claimant for reasonable economic loss, including future economic loss, less collateral benefits, and including a reasonable attorney's fee for the claimant.

"(B) If within 30 days of receipt of a liability claim an allegedly responsible party notifies an unrepresented claimant or a claimant's attorney of a request for a medical examination of the claimant, and the claimant is not made available for such examination within 10 days of receipt of the request, the time provided by this section for issuing a response is extended by 1 day for each day that the request is not honored after the expiration of 10 days from the date of the request. Any such extension shall also include a further period of 10 days from the date of the completion of the medical examination.

"(C) The claimant may extend the time for receiving the offer specified in subparagraph (A).

"(2) States may establish for all cases, including cases covered by this title, a minimum dollar value for defined classes involving death or serious bodily injury. A claimant shall have the option of accepting such minimum dollar value payable in lump sum, or accepting the benefit specified in paragraph (1)(A).

"(c) An offer under subsection (b) may include other allegedly responsible parties, individuals, or entities that were involved in the events which gave rise to the civil action, regardless of the theory of liability on which the claim is based, upon their request or consent.

"(d) Future economic losses shall be payable to an individual under this section as such losses occur.

"(e) If, after an offer is made under subsection (b), the participants in the offer dispute their relative contributions to the payments to be made to the individual, such disputes shall be resolved through binding arbitration in accordance with applicable rules and procedures established by the Attorney General of the United States.

"(f)(1) The claimant may reject an offer of compensation made under subsection (b) and elect to bring or maintain a civil action. Upon rejection of the offer, the claimant may recover economic loss, including future economic loss, less collateral benefits. The amount of collateral benefits shall be determined by the court in a pretrial proceeding. In any subsequent proceeding in the action, no evidence shall be admitted as to the amount of economic loss for which collateral benefits have been paid to, or will be paid to, the claimant. The claimant may recover for noneconomic loss to the extent authorized by other applicable law only if the claimant proves each element of the claim for noneconomic loss by clear and convincing evidence, that the allegedly responsible party caused the injury by intentional or wanton misconduct.

"(2) A notice of such a rejection is required to be made not later than 90 days after the date on which the offer of compensation benefits is made. A failure to accept the offer within the 90-day period is deemed a rejection.

"(g) Rejected offers may not be disclosed in any subsequent action brought by the claimant.

"(h) Nothing in this section shall be construed to—

"(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

"(2) waive or affect any defense of sovereign immunity asserted by the United States;

"(3) affect the applicability of any provision of chapter 97;

"(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

"(5) 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;

"(6) affect any applicable statute of limitations of any State or of the United States, except as expressly provided in this title; or

"(7) impair any right of a provider of collateral benefits to seek reimbursement outside of the claimant's cause of action where permitted by State law, other than by a lien on the recovery of the claimant.

"(i)(1) This section shall not apply to accidental bodily injury caused by the operation or the use of a motor vehicle in claims in which an uninsured motorist or a personal protection insured is involved.

"(2) For purposes of this subsection the term 'operation or use'—

"(A) means operation or use of a motor vehicle as a motor vehicle, including, incident to its operation or use as a vehicle, the occupation of the vehicle;

"(B) does not cover conduct within the course of a business of manufacturing, selling, or maintaining a motor vehicle, including repairing, servicing, washing, loading, or unloading; and

"(C) does not include such conduct not within the course of such a business unless such conduct occurs while occupying a motor vehicle.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 111

of title 28, United States Code, is amended by adding at the end the following new item:

"1660. Early offer and rapid recovery mechanisms.".

TITLE II—FAIRNESS IN LEGAL FEES

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that contingency fees play a useful and often critical role in ensuring access to counsel and the courts on the part of those who would otherwise be unable to afford such access, but that—

(1) personal injury claimants are often subjected to unnecessary costs, delays, and inefficiencies in processing their compensation claims;

(2) virtually all such claimants who are represented by attorneys are charged contingent fees;

(3) the ethical and legal validity of a contingent fee is dependent upon an attorney undertaking risk in exchange for sharing proportionately in the proceeds of a claim;

(4) the perverse incentives of the existing system often encourage and reward defendants who take intransigent settlement positions and otherwise unethically add to the costs and delays of settling meritorious claims for, among other reasons, the purpose of reducing the marginal rates of compensation received by claimants' counsel;

(5) many deserving claimants receive inequitable compensation because—

(A) such claimants are required to pay attorneys approximately one-third or more of any recovery even when there is little or no issue of liability or damages and therefore little or no assumption of risk by the attorney; and

(B) when a defendant or its insurer has made a substantial settlement offer before the attorney's retention or shortly thereafter and the attorney has added little or nothing to the value of the claim to that point, payment of a substantial contingent fee is nonetheless generally required;

(6) the current compensation system often fails to provide sufficient financial incentives to effectuate prompt and adequate compensation to deserving claimants, resulting in—

(A) delays in adjudications and case settlements often caused by intransigent defendant conduct that the present system perversely rewards and thereby deprives claimants of prompt compensation;

(B) a substantial burden on Federal and State courts contributing to very high case backlogs; and

(C) regressive cost burdens and substantial avoidable costs imposed on all parties resulting from the long delays in resolving many claims;

(7) the current tort compensation system which results in delays in resolving claims and which effectively provides for increased noneconomic damages and, therefore, increased legal fees as medical care costs increase, provides perverse financial incentives for both more intensive and unnecessary use of medical care providers and the fraudulent incurrence of medical care expenses, thereby adding materially to the Nation's health care costs and burdens;

(8) delays in resolving claims often result in more intensive and unnecessary use of medical care providers, thereby adding to the Nation's health care burden;

(9) the claims process gives rise to substantial, avoidable transaction costs because of the lack of adequate incentives for defendants and their insurers to offer prompt and equitable settlements to meritorious claimants and because claimants' attorneys exact a significant share of any settlement even when their efforts do not generate or augment the settlement offer;

(10) contingency fee practices, as described in the preceding paragraphs, expose a clear and impermissible gap between (A) the ethical standards established and promulgated by courts and professed by the Bar, and (B) the actual practices of the Bar;

(11) contingency fee practices, as described in the preceding paragraphs, bring substantial disrepute to the Bar and to the legal system as a whole and loss of confidence in the rule of law itself, not the least because they create and expose broad gaps between the stated ethical principles of the legal profession and its real world practices;

(12) the inability of the Bar and the courts to curb contingency fee abuses has led to higher settlement costs, lowered compensation to injured persons, excessive medical care costs and delayed claims processing; and

(13) there is a need for adopting a procedure to implement appropriate ethical and legal standards and to resolve personal injury claims more fairly and promptly.

(b) PURPOSES.—The purposes of this title are to—

(1) enforce more efficiently and effectively ethical standards governing the reasonableness of lawyers' fees and correspondingly to implement the stricter scrutiny that courts are obliged to apply to contingent fees;

(2) reverse systemic incentives now in effect so as to reward, and not to penalize, defendants who make substantial early settlement offers;

(3) compensate claimants' attorneys more rationally by calculating their compensation in relation to the value of services rendered and risks undertaken;

(4) compensate more fairly those seeking redress for injuries by giving them a larger share of promptly achieved settlements;

(5) further enhance the likelihood of early settlement of claims by preserving a larger share of early settlement offers for claimants;

(6) lower the costs of the personal injury tort compensation system including unnecessary medical and defense costs;

(7) remove the burdens on interstate commerce and the Nation's health care programs that are imposed by the current tort compensation system;

(8) create a simple, self-enforcing system, controlled by the parties, which forms an early basis for establishing the sums and issues that are in dispute;

(9) reduce unworkable burdens now placed on courts and bar grievance boards presently charged with enforcing ethical standards through ex post facto, case-by-case fact finding processes that pose difficult burdens of proof and impose disproportionate transaction costs on both parties and fact finders; and

(10) provide alternatives to across-the-board fee cap reforms, which often provide defendants with unearned advantages and further encourage many defendants in unethical protraction of settlement of meritorious claims.

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term "allegedly responsible party" means a person, partnership, corporation, and an insurer thereof, alleged by a claimant to be responsible for at least some portion of a personal injury alleged by claimant.

(2) The term "claim" means an assertion of entitlement to compensation for personal injury from an allegedly responsible party and, to the extent subject to a contingent fee agreement, to all other related claims arising from such injury.

(3) The term "claimant" means an individual who, in his or her own right, or vicariously as otherwise permitted by law, is seeking compensation for personal injury.

(4) The term "contingent fee" means the fee negotiated in a contingent fee agreement that is payable in fact or in effect only from the proceeds of any recovery on behalf of claimant.

(5) The term "contingent fee agreement" means a fee agreement between an attorney and claimant wherein the attorney agrees to bear the risk of no or inadequate compensation in exchange for a proportionate share of any recovery by settlement or verdict obtained for claimant.

(6) The term "contingent fee attorney" means an attorney who agrees to represent claimant in exchange for a contingent fee.

(7) The term "fixed fee" means an agreement between an attorney and claimant whereby the attorney agrees to perform a specific legal task in exchange for a specified sum to be paid by claimant.

(8) The term "hourly rate fee" means the fee generated by an agreement, or otherwise by operation of law, between an attorney and claimant providing that claimant pay the attorney a fee determined by multiplying the hourly rate negotiated, or otherwise set by law, between the attorney and claimant, by the number of hours that the attorney has worked on behalf of claimant in furtherance of claimant's interest. An hourly rate fee may also be a contingent fee to the extent it is only payable in fact or in effect from the proceeds of any recovery on behalf of claimant.

(9) The term "injury" means personal injury.

(10) The term "personal injury" means an occurrence resulting from any act giving rise to a tort claim, including, without limitation, bodily injury, sickness, disease, death, or property damage accompanying bodily injury.

(11) The term "post-retention offer" means an offer of settlement in response to a demand for compensation made within the time constraints, and conforming to the provisions of this title, made to a claimant who is represented by a contingent fee attorney.

(12) The term "pre-retention offer" means an offer to settle a claim for compensation made to a claimant not represented by an attorney at the time of the offer.

(13) The term "response" means a written communication by claimant or an allegedly responsible party or the attorney for either, deposited into the United States mail and sent certified mail or delivered by an overnight delivery service.

(14) The term "settlement offer" means a written offer of settlement set forth in a response within the time limits set forth in this title.

SEC. 203. CREATION OF A FIDUCIARY RELATIONSHIP.

For purposes of this title, a fiduciary relationship commences when a claimant consults a contingent fee attorney to seek professional services.

SEC. 204. WRITTEN HOURLY RATE FEE AGREEMENT.

Contingent fee agreements for the representation of parties with claims shall also include alternate hourly rate fees. If a contingent fee attorney has not entered into a written agreement with claimant at the time of retention setting forth the attorney's hourly rate, then a reasonable hourly rate is

payable, subject to the limitations set forth in this title.

SEC. 205. NATURE OF DEMAND FOR COMPENSATION.

(a) IN GENERAL.—At any time after retention, a contingent fee attorney pursuing a claim shall send a demand for compensation by certified mail to an allegedly responsible party, which shall set forth the material facts relevant to the claim including—

(1) the name, address, age, marital status, and occupation of claimant, which term for the purposes of this title includes the injured party if claimant is operating in a representative capacity;

(2) a brief description of how the injury occurred;

(3) the names, and, if known, the addresses, telephone numbers, and occupations of all known witnesses to the injury;

(4) copies of photographs in claimant's possession that relate to the injury;

(5) the basis for claiming that the party to whom the claim is addressed is at least partially responsible for causing the injury;

(6) a description of the nature of the injury, the names and addresses of all physicians, other health care providers, and hospitals, clinics, or other medical service entities that provide medical care to claimant or the injured party including the date and nature of the service;

(7) medical records relating to the injury and those involving a prior injury or pre-existing medical condition which an allegedly responsible party would be able to introduce into evidence in a trial or, in lieu of either or both, executed releases authorizing the allegedly responsible party to obtain such records directly from health care providers that produced or possess them; and

(8) relevant documentation, including records of earnings if a claimant is self-employed and employer records of earnings if a claimant is employed, or any medical expenses, wages lost, or other pertinent damages suffered as a consequence of the injury.

(b) MAILING OF COPIES.—At the time of the mailing of the demand for compensation, a claimant's attorney shall mail copies of each such demand to the claimant and to every other allegedly responsible party.

(c) LIMITATION ON FEE.—A fee received by or contracted for by a contingent fee attorney that exceeds 10 percent of any settlement or judgment received by his or her client after reasonable expenses have been deducted is unreasonable and excessive if the attorney has sent a timely demand for compensation but has omitted information of a material nature that is required by this section which he or she had in his or her possession or which was readily available to him or her at the time of filing.

SEC. 206. TIME LIMIT FOR, AND REQUISITE CONTENTS OF, RESPONSE SETTING FORTH SETTLEMENT OFFER.

(a) POST-RETENTION OFFER.—To qualify its response as a post-retention offer under this title, an allegedly responsible party shall—

(1) issue a response stating a settlement offer within 60 days from receipt of a demand for compensation;

(2) send the response to claimant's attorney with a copy to claimant;

(3) state that the offer is open for acceptance for a minimum of 30 days from the time of its receipt by claimant's attorney and further state whether it expires at the end of this period or remains open for acceptance for a longer period or until notice of withdrawal is given; and

(4) include with the offer copies of materials in its or its attorney's possession concerning the alleged injury upon which the allegedly responsible party relied in making the settlement offer except material that such party or its attorney believes in good faith would not be discoverable by claimant during the course of litigation.

If reproduction costs under paragraph (4) would be significant relative to the size of the offer, the allegedly responsible party may, in the alternative, offer other forms of access to the materials convenient and at reasonable cost to claimant's attorney.

(b) TIME LIMITATIONS.—If within 30 days of receipt of a claimant's demand for compensation an allegedly responsible party notifies an unrepresented claimant or a claimant's attorney that it seeks to have a medical examination of claimant, and claimant is not made available for such examination within 10 days of receipt of the request, the time herein provided for issuing a response is extended by 1 day for each day that the request is not honored after the expiration of 10 days from the date of the request. Any such extension also includes a further period of 10 days from the date of the completion of the medical examination.

(c) INCREASE IN OFFER.—The settlement offer may be increased during the 60-day period set forth in subsection (a)(1) by issuing an additional offer stating that the time for acceptance is 10 days after receipt of the additional offer by claimant's attorney or 30 days from receipt of the initial response, whichever is longer, unless the additional response specifies a longer period of time for acceptance as set forth in subsection (a)(3).

SEC. 207. CONSEQUENCES OF FAILURE TO INCLUDE PRESCRIBED MATERIAL WITH SETTLEMENT OFFER.

(a) IN GENERAL.—If an allegedly responsible party or its attorney willfully fails to include the material required by section 206(a)(4) with a response stating a settlement offer or does not otherwise make such material available—

(1) a claimant may revoke its acceptance of such settlement offer within 2 years of having accepted it; and

(2) any fees and costs reasonably incurred by a claimant in revoking its acceptance of such settlement offer and reinstating its claim is recoverable from the allegedly responsible party, including the losses suffered by a claimant who is precluded from reinstating its claim by operation of a statute of limitations.

(b) SANCTIONS FOR PARTY.—Willful failure of an allegedly responsible party to comply with section 206(a)(4) shall subject such party to the sanctions applicable to a party who fails to comply with requests for the production of documents.

(c) SANCTIONS FOR ATTORNEY.—Willful failure of an attorney for an allegedly responsible party to comply with section 206(a)(4) shall subject that attorney to the same sanctions applicable to attorneys who improperly counsel their clients not to produce documents for which there has been a discovery request.

SEC. 208. NO OBLIGATION TO ISSUE RESPONSE; INADMISSIBILITY OF DEMANDS, RESPONSES, AND FAILURE TO RESPOND.

(a) NO OBLIGATION TO RESPOND.—Nothing in this title imposes on an allegedly responsible party an obligation to issue a response to a demand for compensation.

(b) INADMISSIBILITY OF OFFER.—Demands for compensation, early settlement offers, or the failure of an allegedly responsible party to issue same, are inadmissible in any subsequent litigation, proceeding, or arbitration, to the extent that evidence of settlement negotiations is inadmissible in the jurisdiction where the case is brought.

SEC. 209. EFFECT OF PRE-DEMAND SETTLEMENT OFFER.

A settlement offer to an injured party represented by a contingent fee counsel made before receipt of a demand for compensation, which is open for acceptance for 60 days or more from the time of its receipt and which conforms to the requirements of section 206, is deemed a post-retention offer and has the same effect under this title as if it were a response to a demand for compensation.

SEC. 210. PRE-RETENTION OFFER.

(a) PROHIBITION OF PERCENTAGE FEE OF PRE-RETENTION OFFER.—It is a violation of this title for an attorney retained after claimant has received a pre-retention offer to enter into an agreement with claimant to receive a contingent fee based upon or payable from the proceeds of the pre-retention offer, provided that the pre-retention offer remains in effect or is renewed until the time has elapsed for issuing a response containing a settlement offer as defined under section 206.

(b) UNREASONABLE AND EXCESSIVE FEE.—An attorney entering into a fee agreement that would effectively result in payment of a percentage of a pre-retention offer to a claimant has charged an unreasonable and excessive fee.

(c) PRESUMPTIVE REASONABLE FEE.—An attorney who contracts with a claimant for a reasonable hourly rate or a reasonable fixed fee, or who is paid such a fee for advising claimant regarding the fairness of the pre-retention offer, has charged a presumptively reasonable fee.

SEC. 211. POST-RETENTION OFFER WHEN A PRE-RETENTION OFFER HAS BEEN MADE.

(a) REASONABLE FEE BASED ON HOURLY FEE.—A fee paid or contracted to be paid to a contingent fee attorney by a claimant who has rejected a pre-retention offer and who later accepts a post-retention offer of a greater amount is an unreasonable and excessive fee unless it is an hourly rate fee that does not exceed 25 percent of the excess of the post-retention offer over the pre-retention offer.

(b) REASONABLE FEE BASED ON PERCENTAGE.—If the accepted post-retention offer is less than the pre-retention offer, a total fee for all services rendered that is greater than 10 percent of the first $100,000 of the post-retention offer plus 5 percent of any amount that exceeds $100,000 after all reasonable expenses have been deducted is an unreasonable and excessive fee.

SEC. 212. POST-RETENTION OFFER WHEN NO PRE-RETENTION OFFER HAS BEEN MADE.

A fee paid or contracted to be paid to a contingent fee attorney by a claimant who has not received a pre-retention offer and who has accepted a post-retention offer is an unreasonable and excessive fee unless it is an hourly rate fee that does not exceed 10 percent of the first $100,000 of the offer plus 5 percent of any amount that exceeds $100,000 after all reasonable expenses have been deducted.

SEC. 213. CALCULATION OF ATTORNEY'S FEE WHEN THERE IS A SUBSEQUENT RESOLUTION OF THE CLAIM.

Irrespective of any pre-retention offer, the provisions of section 212 regarding maximum allowable fees remain in effect if a post-retention offer is not accepted by claimant within the time provided by this title. Contingent fees are unreasonable and excessive unless charged against the difference between an unaccepted post-retention offer and

the judgment or settlement ultimately obtained by claimant. When such judgment or settlement is lower than the unaccepted offer, the fee limitations of section 212 apply against the judgment or settlement.

SEC. 214. PROVISION OF CLOSING STATEMENT.

Upon receipt of any settlement or judgment, and prior to disbursement thereof, a contingent fee attorney shall provide claimant with a written statement detailing how the proceeds are to be distributed, including the amount of the expenses paid out or to be paid out of the proceeds, the amount of the fee, how the fee amount is calculated, and the amount due claimant.

SEC. 215. EFFECT OF CONTRAVENING AGREEMENTS.

(a) VIOLATION.—A contingent fee attorney who charges a fee that contravenes this title has charged an unreasonable and excessive fee.

(b) EXCESSIVE AND UNREASONABLE FEES.—If the fee violates subsection (a), then it is also excessive and unreasonable to the extent that it has not been reduced by any reasonable fees and costs incurred by claimant in establishing that the fee agreement contravened this title.

(c) UNENFORCEABLE FEE AGREEMENTS.—Fee agreements between claimants and contingent fee attorneys who have charged fees defined under this title as unreasonable or excessive are illegal and unenforceable except to the extent provided in this title.

SEC. 216. INAPPLICABILITY.

(a) EVALUATIONS AND COLLECTIONS.—Except for the provisions of section 203, nothing in this title applies to an agreement between a claimant and an attorney to retain the attorney—

(1) on an hourly rate fee or fixed fee basis solely to evaluate a pre-retention offer; or

(2) to collect overdue amounts from an accepted pre-retention or post-retention settlement offer.

(b) AGREEMENTS IN WHICH CERTAIN OFFERS NOT MADE.—The provisions of this title prohibiting the charging of contingency fees in the absence of assuming meaningful risk and defining reasonable and unreasonable fees, shall have no effect on contingent fee agreements in cases in which neither a pre-retention nor a post-retention offer of settlement is made.

(c) MOTOR VEHICLE ACCIDENTAL BODILY INJURY.—(1) This title shall not apply to accidental bodily injury caused by the operation or the use of a motor vehicle in claims in which an uninsured motorist or personal protection insured is involved.

(2) For purposes of this subsection the term "operation or use"—

(A) means operation or use of a motor vehicle as a motor vehicle, including, incident to its operation or use as a vehicle, the occupation of the vehicle;

(B) does not cover conduct within the course of a business of manufacturing, selling, or maintaining a motor vehicle, including repairing, servicing, washing, loading, or unloading; and

(C) does not include such conduct not within the course of such a business unless such conduct occurs while occupying a motor vehicle.

TITLE III—APPLICABILITY AND RULE OF CONSTRUCTION

SEC. 301. APPLICABILITY TO STATES; CHOICE OF LAW; JURISDICTION; AND CONSTRUCTION.

(a) APPLICABILITY TO STATES.—Title I or II of this Act shall not apply in a State if such State enacts a statute that—

(1) cites the authority of this subsection; and

(2) declares the election of such State that the title shall not apply.

(b) CHOICE OF LAW.—In disputes between citizens of States that elect nonapplicability under subsection (a) and citizens of States that do not so elect, ordinary choice of law principles shall apply.

(c) JURISDICTION.—This section shall not confer jurisdiction on the district courts of the United States under section 1331 or 1337 or title 28, United States Code.

(d) CONSTRUCTION.—Nothing in this Act shall alter or diminish the authority or obligation of the Federal courts to construe the terms of this Act.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SUMMARY OF DOLE-MCCONNELL LEGAL REFORM PROPOSALS

1. "CHOICE" IN AUTO INSURANCE

The principal feature of this proposal is the unbundling of economic losses and non-economic ("pain & suffering") losses and enabling individuals to self-insure for non-economic losses.

Without changing substantive state law of negligence, the proposal would offer drivers two choices for motor vehicle insurance:

a. Traditional tort coverage—the injured collects against his/her own policy for economic and non-economic losses, upon a showing that another party was at fault, pursuant to relevant state law. If the injured's economic losses exceed his/her policy limits, the injured will be able to sue the negligent party for those remaining losses and to collect a reasonable attorney's fee; or

b. Personal Injury Protection—the injured collects against his/her policy for economic losses, regardless of fault. As in the traditional tort coverage, if the injured's economic loses exceed his/her policy limits, the injured will be able to sue the negligent party for remaining economic losses, including a reasonable attorney's fee.

In all cases of intentional injury or injury that occurs as a result of drug or alcohol use, the injured retains the ability to sue for both economic and non-economic losses in accordance with applicable state law.

The Joint Economic Committee estimates that this proposal will save consumers $40 billion annually in reduced premiums for automobile insurance.

2. CONTINGENT FEE REFORM

This provision limits traditional contingent fee arrangements in order to ensure that more of the proceeds of a settlement or award will more often go to the insured party.

First, an attorney would be required to offer all clients an hourly rate and an hourly rate is presumed, if the attorney does not have a specific contingent fee agreement.

Where an injured party hires a lawyer to evaluate a settlement offer (pre-retention offer), the attorney is prohibited from receiving a percentage of the offer. The attorney may collect an hourly fee or a fixed fee.

In a case where an injured party retains a lawyer to engage in settlement negotiations on his behalf, and the injured party accepts a settlement offer, the lawyer is restricted to a fee of 10% of the first $100,000 and 5% of amounts above $10,000, after all reasonable expenses have been deducted.

If the settlement offer is not accepted and the case goes to trial, the lawyer may take a contingent only out of that portion of the award which exceeds the settlement offer. If the judgment is lower than the settlement offer, then the lawyer's fee is limited to the 10%/5% formula above.

3. EARLY OFFER/RAPID RECOVERY

This provision, originally sponsored a decade ago by Congressmen Richard Gephardt and Henson Moore, will encourage an injured individual to receive an offer of full compensation for economic losses, including future losses, without a lawsuit. In order to encourage this offer, an injured individual will be required, in making a claim against the allegedly responsible party, to provide all relevant information, including medical records. The allegedly responsible party will have 120 days to provide such economic compensation (the time may be extended by the claimant), and the allegedly responsible party can verify the information, including requesting the injured to get a medical examination.

The claimant retains the right to reject such early offer and may sue to recover all losses. However, noneconomic losses, including any punitive damages may only be recovered if the injured party proves, by clear and convincing evidence, that the injury was caused intentionally or by wanton misconduct.

In the event of more than one responsible party, relative fault and proportionate contribution will be assessed by an arbitrator.

And, the states can establish a minimum payment for serious bodily injury (for example, a loss of a limb which may not result in significant economic losses) that will have to be paid to the injured party under early offer.

To satisfy the federalism concerns raised by some, the bill will allow states to "opt out" of any of these provisions.•

By Mr. DASCHLE:

S. 1863. A bill to require the Secretary of the Army to acquire permanent flowage and saturation easements over land that is located within the 10-year flood plain of the James River, SD, and for other purposes; to the Committee on Environment and Public Works.

EASEMENT ACQUISITIONS LEGISLATION

Mr. DASCHLE. Mr. President, since 1993 the James River has flooded nearly 3 million acres of valuable farmland in my State resulting in billions of dollars of lost revenue for South Dakota producers and greatly diminishing the value of their land by washing away valuable top soil.

Clearly, the extreme wet conditions of the last 4 years have contributed to these floods. However, Mother Nature does not bear sole responsibility for the flooding. The problem has been affected by the James River management policy of the U.S. Army Corps of Engineers.

For producers to be asked to continue to bear these losses is unfair and unacceptable. Downstream landowners in South Dakota should not be required to accept financial losses directly influenced by the corps' river management policy.

Mr. President, today I am introducing legislation that will provide landowners along the James River with a

measure of security against future high water flows and help ensure that the Federal Government assumes greater responsibility for the damaging effects of its river management policies. This bill gives the U.S. Army Corps of Engineers authority to purchase from willing sellers easements over land that is located within the 10-year flood plain of the James River. Local producers who wish to grant these easements not only will be reimbursed for the loss of productivity on their flooded land, but also will retain their haying and grazing rights. Thus, the land will continue to provide value to farmers in relatively dry years. Those who do not wish to grant the corps these easements will be under no obligation to do so.

This legislation will provide some relief to landowners affected by the frequent flooding of the James River in South Dakota and represents part of the long-term solution to this troublesome problem. However, the overall management of the Jamestown Dam also needs to be examined, and I will continue to urge the corps to take seriously the concerns of South Dakotans as the operations manual for that dam is written.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF EASEMENTS OVER LAND NEAR JAMES RIVER, SOUTH DAKOTA.

(a) IN GENERAL.—The Secretary of the Army shall acquire, from willing sellers, permanent flowage and saturation easements over land that is located within the 10-year floodplain of the James River, South Dakota.

(b) SCOPE.—

(1) IN GENERAL.—The easements acquired by the Secretary of the Army under subsection (a) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the land and such other terms and conditions as the Secretary of the Army considers appropriate.

(2) HAYING AND GRAZING.—The Secretary of the Army shall permit haying and grazing on the land subject to the easements.

(c) PAYMENT.—In acquiring the easements under subsection (a), the Secretary of the Army shall pay an amount based on the unaffected fee value of the land subject to the easements. For the purpose of this subsection, the unaffected fee value of the land is the value that the land would have if the land were unaffected by rising ground water and surface flooding associated with the James River.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000, to remain available until expended.

ADDITIONAL COSPONSORS

S. 94

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 94, a bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 684

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safegaurd infants and children, and for other purposes.

S. 1199

At the request of Mrs. BOXER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1199, a bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities.

S. 1578

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1578, a bill to amend the Individuals With Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1628

At the request of Mr. BROWN, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

S. 1639

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1639, a bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Defense with reimbursement from the Medicare Program for health care services provided to Medicare-eligible beneficiaries under TRICARE.

S. 1714

At the request of Mr. BURNS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1714, a bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes.

S. 1726

At the request of Mr. BURNS, the names of the Senator from California [Mrs. BOXER], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1726, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 1731

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1731, A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1752

At the request of Mr. SIMPSON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1752, a bill to amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities.

S. 1755

At the request of Mr. DOMENICI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1755, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to provide that assistance shall be available under the noninsured crop assistance program for native pasture for livestock, and for other purposes.

S. 1781

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1781, a bill to amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment for epoxide resins.

S. 1782

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S.

1782, a bill to amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment for certain injection molding machines.

S. 1783

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1783, a bill to amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment for certain semi-manufactured forms of gold.

S. 1786

At the request of Mr. WELLSTONE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1786, a bill to require the Secretary of Veterans Affairs and the Secretary of Health and Human Resources to carry out a demonstration project to provide the Department of Veterans Affairs with reimbursement from the medicare program for health care services provided to certain medicare-eligible veterans.

S. 1794

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1848

At the request of Mrs. BOXER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1848, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes.

S. 1853

At the request of Mr. FAIRCLOTH, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Georgia [Mr. COVERDELL], the Senator from North Carolina [Mr. HELMS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1853, a bill to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

SENATE JOINT RESOLUTION 8

At the request of Mr. COVERDELL, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Joint Resolution 8, a joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes.

SENATE RESOLUTION 258—RELATIVE TO THE ROBERT J. DOLE BALCONY

By Mr. NICKLES (for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. THURMOND, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to.

S. RES. 258

Resolved, That the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Robert J. Dole Balcony".

AMENDMENTS SUBMITTED

1996 SUMMER OLYMPIC TORCH RELAY CONCURRENT RESOLUTION

FORD AMENDMENT NO. 4044

Mr. SPECTER (for Mr. FORD) proposed an amendment to the concurrent resolution (H. Con. Res. 172) authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes; as follows:

In section 1 strike ", and the Olympic Torch may be displayed on the Capitol Grounds overnight,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 3:30 p.m. on Tuesday, June 11, 1996, in open session, to consider the nominations of Gen. John H. Tilelli Jr., USA, for reappointment to the grade of general and to be commander in chief, U.N. Command/Combined Forces Command/United States Forces, Korea; Lt. Gen. Wesley K. Clark, USA, for promotion to the grade of general and to be commander in chief, United States Southern Command; and Lt. Gen. Walter Kross, USA, for promotion to the grade of general and to be commander in chief, United States Transportation Command.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, June 11, 1996, session of the Senate for the purpose of conducting a hearing on the condition of livestock markets.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 11, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, June 11, 1996, for purposes of conducting a full committee hearing which is scheduled to begin immediately following the business meeting scheduled at 9:30 a.m. The purpose of this hearing is to consider S. 1010, a bill to amend the unit of general local government definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, and for other purposes; S. 1807, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and S. 1187, a bill to convey certain real property located in the Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes.

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate

on Tuesday, June 11, 1996, at 10 a.m. to hold a hearing on Olympics and the threat of terrorism.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, June 11, 1996, at 9:30 a.m. to conduct an oversight hearing on Indian trust fund management by the Department of the Interior and implementation of the Indian Trust Fund Management Act of 1994. The hearing will be held in room 485 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 11, 1996, at 2:30 p.m. to hold a closed meeting on intelligence matters.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, June 11 and Wednesday, June 12, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, June 11, 1996, at 2 p.m., in Senate Dirksen room 226, to hold an executive business meeting.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES, AND WILDLIFE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to conduct a hearing Tuesday, June 11, 1996, at 9:30 a.m., hearing room (SD-406), on implementation of salmon and steelhead recovery efforts in the Pacific Northwest to solicit testimony on installation of the surface collector at Lower Granite Dam, recommendations of the National Academy of Sciences and the Snake River Recovery team on independent peer-reviewed science, and the establishment of an independent scientific advisory board.

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

ADDITIONAL STATEMENTS

OREGON TREATY SESQUICENTENNIAL

• Mr. HATFIELD. Mr. President, Saturday, June 15, marks the sesquicentennial of the Oregon Treaty, which extended the domain of the United States across lands that make up my home State of Oregon and the States of Washington and Idaho. With the ratification of this treaty, the United States for the first time spanned the American continent, from sea to shining sea. Nevertheless, this treaty is more than just a significant chapter in our young Nation's westward expansion. It also represents—perhaps more importantly—the victory of peace and compromise over ill will and nationalistic fervor.

On June 15, 1846, when the representatives of the British Crown and the United States signed the Oregon Treaty, the two nations concluded a longstanding but uneasy truce over the disposition of the Oregon country, the area bounded by the Rocky Mountains and the Pacific Ocean on the east and west, and Russian North America and Mexico on the north and south. Previously, a joint-occupation convention signed by Great Britain and the United States in 1818 and renewed in 1827 guaranteed both nations' citizens free and equal access to the Oregon country. Trappers and traders of the British Hudson's Bay Company and settlers from the United States navigated the same rivers and used the same resources, without common allegiance or uniform system of law. Charles H. Carey's "General History of Oregon" offers the definitive description of this era, during which conflicts between British subjects and the Hudson's Bay Company on the one hand and American citizens on the other sometimes flared—and did so ever more frequently as thousands of American settlers followed the Oregon Trail into the region beginning in 1843.

Throughout the United States, public sentiment flared as well. Indignation at the continuing British presence on Western American soil and concern for the rights of the United States citizens there compelled private individuals and politicians alike to demand the withdrawal of Britain from the Oregon country. On February 22, 1839, Senator Lewis Linn of Missouri exhorted this body to rush to the defense of Oregon settlers by annexing the Oregon country, saying, "Great Britain through the medium of the Hudson's Bay Company, has opened a trade with all the tribes of Indians on the western slope of the Rocky Mountains, as far south as the Gulf of California. Their hunters and trappers have penetrated all the valleys and glens of the Rocky Mountains, scattering arms, munitions of war, and fomenting discontent against the United States in the bosoms of those distant Indian tribes. They have driven our people from the Indian trade, which yielded seven or eight hundred thousand dollars per annum, and even pushed their operations east.

In this increasingly volatile atmosphere, the Democratic presidential convention of 1844 nominated former Tennessee Governor James K. Polk, despite his relative obscurity on the national stage. Polk won the general election against the much more prominent Whig, Henry Clay of Kentucky, by capitalizing on the expansionist mood of the country. Polk proudly invoked the United States' manifest destiny to span North America and ran on the famous campaign slogans "All of Oregon" and "54-40 or fight!", arguing that the United States should go to war with Britain if she did not withdraw entirely and absolutely from the Oregon country.

Once Polk entered the White House, there was substantial political pressure to honor his fiery campaign rhetoric. By 1845, as Charles Carey described in his seminal study, the Oregon country was welcoming new American settlers at a dizzying rate—and with each one, the need for a common government increased. In addition, several influential Members of Congress, including Senator Lewis Cass of Michigan—who was favored over James Polk as the expansionists' candidate going into the 1844 Democratic presidential convention—were loudly advocating Britain's immediate withdrawal from the region.

Another factor also invited President Polk to assume a relatively belligerent posture with Britain. Numerous attempts by previous administrations to compromise with Britain over a permanent boundary had failed due to British demands for all the lands north of the 45th parallel, including the Columbia River. Despite contentions that the United States' contiguity with the Oregon country gave it natural title to the region up to the 54th parallel, Presidents James Monroe and John Quincy Adams had offered both to settle the boundary at the 49th parallel and to permit British vessels free and equal navigation of the great Columbia River. As Polk's Secretary of State, James Buchanan, advised his chief negotiator with the Crown, Louis McLane, in correspondence dated July 12, 1845, British negotiators flatly rejected this offer on three different occasions (in 1818, 1824, and 1827).

Thus it was that, when his administration began anew to seek a boundary settlement with the British, President Polk confronted a dilemma. British negotiators had shown repeatedly that they were uninterested in a compromise—but if the president succumbed to political pressure to annex

all of Oregon he risked a western war with Britain just as America's recent annexation of Texas was threatening to ignite a southern war with Mexico.

In response to this dilemma, the Polk administration exercised the self-restraint, caution, and peaceful spirit of compromise in international relations of which the Oregon Treaty endures as a lasting reminder. President Polk instructed his Secretary of State, James Buchanan, to offer once more the compromise border of the 49th parallel. This time, however, President Polk refused to offer British ships free navigation of the Columbia; instead, he invited Britain to take whatever lands and ports she desired on Vancouver Island that were south of the 49th parallel. Once again, the British negotiators refused the compromise. President Polk then withdrew the offer, indicating that the onus was therefore on the British to draft their own compromise. To ensure that one was indeed forthcoming, the president called, in his first State of the Union Address—on December 2, 1845—for Congress to support him in giving Britain 12 months' notice that the Joint-Occupation Convention of 1827 was to be abrogated and nullified. Congress obliged, passing a joint resolution to that effect on April 27, 1846.

The United States' move to vacate the Joint-Occupation Convention successfully inspired in the British a conciliatory and cooperative spirit—without imperiling the peace that existed in the Oregon country. On June 6, 1946, Richard Pakenham, the British minister plenipotentiary, offered a proposal almost identical to President Polk's and transmitted it to him through Secretary of State James Buchanan. In accordance with the constitutional requirement that all treaties are negotiated with the advice and consent of this body, President Polk conveyed the proposal to the Senate on June 10. On June 12, the Senate voted 38–12 to advise the President to accept the British offer.

One hundred and fifty years ago this Saturday, Secretary of State James Buchanan affixed his signature to the Oregon Treaty. With this stroke of a pen, the administration of James Knox Polk peacefully secured for our young Nation the fruits of its manifest destiny—and made Oregon a great and lasting tribute to the power of cooperation and compromise.•

ALABAMA "TEACHER OF THE YEAR"

• Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of Alabama's most outstanding teachers. Harriet Tyler, a sixth-grade teacher at Springwood School in Lanett, AL, was recently selected as Teacher of the Year for the State of Alabama by the Alabama Independent School Association.

Harriet Tyler—a native of Decatur, AL, and a graduate of Butler High School—has influenced the lives of countless elementary students since she graduated from Auburn University in 1965. As a sixth-grade teacher, she has had the unenviable task of preparing the senior members of the playground for the traumatic transition to junior high school. Sometimes we think our work here in the Senate is difficult, but I don't think that it compares to the difficult job that Harriet Tyler has done year after year for over 30 years. Her commitment to her job, her school, and most importantly, to her students is truly inspiring.

Mr. President, teachers like Harriet Tyler represent the key to America's future. As our children face the challenges of the 21st century, it is dedicated educators like Harriet Tyler who accept the challenge of turning the young people of today into the leaders of tomorrow.•

TRIBUTE TO LT. GEN. MARC A. CISNEROS

• Mrs. HUTCHISON. Mr. President, I rise today to recognize a great patriot, statesman, and soldier from the Lone Star State of Texas, Lt. Gen. Marc A. Cisneros. General Cisneros is retiring after a distinguished 35-year military career in the U.S. Army.

Marc Cisneros entered the military in 1961 after graduating as an ROTC distinguished military cadet from St. Mary's University, in San Antonio, TX. He was commissioned a 2d Lt. in the field artillery and has faithfully and selflessly served his country in a wide array of demanding command and staff assignments within the continental United States and overseas. Most notable was his assignment as Commanding General, U.S. Army South and Joint Task Force, Panama, during Operation Just Cause. During Operation Just Cause, General Cisneros played a significant role in the combat operations in Panama and helped negotiate the capture and surrender of Panamanian General Noriega. Besides this action, General Cisneros served two combat tours in Vietnam.

This officer has risen through the ranks emphasizing military readiness and displaying a genuine compassion for soldiers and their families. Marc Cisneros has been a caring leader committed to the values and ideals that have made this country and its military so great.

His final assignment was as Commanding General, 5th U.S. Army, Fort Sam Houston, TX. In this most important position, Marc Cisneros provided vision, enforced standards of excellence, and committed himself to helping sustain the readiness of the Nation's reserve component forces.

Mr. President, our Nation owes a debt of gratitude to Lt. Gen. Marc A. Cisneros, and I am honored to recognize him today. With our deepest appreciation, the United States of America says thank you. I wish him, and his wife Eddy and their children, continued success and happiness in all future endeavors.•

COMMEMORATING THE 30TH ANNIVERSARY OF THE INDEPENDENCE OF GUYANA

• Mr. BRADLEY. Mr. President, I rise today to honor the nation of Guyana as it celebrates its 30th year as a sovereign nation, and to pay tribute to the citizens of this nation whose dedication to their country enabled Guyana to develop from a small colony to an independent nation.

Guyana was a Dutch colony from 1621 until it eventually came under the influence of the British who acquired formal possession in 1814. While still under British control, Guyana obtained its first constitution in 1928, although universal franchise was not recognized until much later in 1953. From 1957 until 1966 the People's Progressive Party was elected and controlled Guyana under a system of internal self rule.

In 1965, the British Guiana Independence Conference met in London to the authorize a new constitution. When ratified on May 26, 1966, the new constitution marked the beginning of the independent nation of Guyana.

Throughout its years as both a Dutch and British colony, Guyana became home to workers from many different lands. With a population of 739,553, Guyana is comprised primarily of East Indians and people of African descent. Guyana is also home to native South Americans as well as citizens of Chinese and European heritage.

Guyana was one of the founding members of the Caribbean Free Trade Area [CARIFTA] which was established in 1968. Guyana has been called the bread basket of the Caribbean because it is blessed with many natural resources and the potential for a strong economy. Guyana is dually blessed with both natural resources and a vibrant and diverse people. These attributes ensure that in the years to come this young country will grow into a leader in its part of the world.

Today, I rise to offer my congratulations to Guyana on the anniversary of its independence as a sovereign nation. The future of Guyana has never looked brighter. New Jersey's multi-cultural heritage has benefited from citizens from Guyana. I congratulate its citizens on their perseverance and potential, and extend my best wishes for continued success as an independent nation.•

THE 30TH ANNIVERSARY OF THE CITY OF SALINE, MI AND THE TOWN OF BRECON, WALES AS SISTER CITIES

• Mr. ABRAHAM. Mr. President, I rise today to recognize the 30th anniversary of the successful partnership of the city of Saline, MI, and the town of Brecon, Wales in the Sister Cities Program.

Thirty-years ago next month, under the People-to-People Program established by President Eisenhower, a bond was forged between these two communities. In the words of Saline Mayor Patrick J. Little, "We have become one community separated by a large body of water. Over two generations have had the pleasure of learning about each other's culture."

To celebrate this occasion, next month approximately 50 members of the Brecon community will visit Saline, the highlight of which will be the first ever Celtic Festival on July 6. I would like to extend a warm welcome to our visitors from Brecon, and congratulate the citizens of both cities for their three decades of cooperation and friendship.•

A CASE AGAINST INDEPENDENT COUNSEL

• Mr. SIMON. Mr President, I supported the creation of the office of independent counsel and have voted for its reauthorization.

I am now convinced that is the wrong way to solve this particular problem.

My judgment is that we should look at the office of Attorney General with great care when a nomination is made. And if the nominee is too close, in any way, to the President, that nomination should be rejected.

And if the nominee has been active in political life beyond the normal type of engagement, that should be weighed. Such a person should not automatically be rejected, but there should be ample evidence that the person will serve with honor.

An ideal type of arrangement was when Ed Levi was chosen as Attorney General by President Gerald Ford. No one for a moment thought that the man who left as president of the University of Chicago to become Attorney General could be politically manipulated by the President, even if the President wanted to do that.

My impression is that Janet Reno is made of the same stuff and that her appointment was a good appointment.

When I was sounded out about John F. Kennedy appointing Bobby Kennedy as Attorney General I indicated to Bob Wallace, the Kennedy staff person who asked me about it, that I thought it was a mistake because the Attorney General should not be too close to the President. As it turned out, Bobby Kennedy did a good job as Attorney General, but as a precedent it was not good.

In the same way, Ed Meese was much too close personally and politically to Ronald Reagan to serve the Nation as effectively as he might have as Attorney General.

The Chicago Tribune had an editorial recently titled, "A Case Against Independent Counsel."

Their conclusion is that we should simply do away with the law.

I reluctantly believe their conclusion is correct.

But it will be correct only to the extent that we assure the American public that the Attorney General is of an independent bent. It may even be that we should appoint an Attorney General for a period of 10 years, subject to removal from office under conditions that are carefully spelled out in the law prior to ending that 10-year period.

But the Chicago Tribune editorial contains words that we should reflect on.

Mr. President, I ask that the article from the Chicago Tribune be printed in the RECORD.

The article follows:

A CASE AGAINST INDEPENDENT COUNSEL

Remember Sam Pierce?

That's OK. Ronald Reagan didn't remember him either, even when Pierce was serving in his cabinet as secretary of Housing and Urban Development. (Reagan once greeted him in a receiving line as "Mr. Mayor").

Pierce and Reagan have been gone from Washington for almost eight years, but the effects of their presence continue to be felt. In Pierce's case, they are felt less in policy than in the work of an independent counsel, or special prosecutor, who is said to be tidying up loose ends in a probe of abuses and mismanagement in Pierce's agency during the Reagan years.

As of the end of March, this investigation had resulted in 17 convictions of former high-level officials and the associates to whom they steered contracts or directed favors. The most prominent of those convicted was James Watt, the blunt former secretary of the Interior in the Reagan administration, who in January pleaded guilty to attempting to mislead the grand jury in the HUD investigation. He was sentenced to five years of probation, 500 hours of community service and a $5,000 fine.

To obtain these results, the independent counsel has run up a tab of almost $21 million—an average of $1.2 million per conviction. That's offset somewhat by the $2 million in fines and $10 million in recovered HUD funds. But even so, the pursuit of justice in the HUD case has been an extremely costly affair.

The HUD probe is not even the most expensive by an independent counsel. Lawrence Walsh's Iran-contra investigation cost more than $40 million. Kenneth Starr's Whitewater probe bids fair to become the most expensive ever—by one estimate it already has cost $25 million. Altogether, special counsels have cost the taxpayers $100 million over the last 10 years.

This mounting expense, for results whose value more and more members of Congress consider dubious at best, has inspired a questioning of the independent counsel law that arguments from principle could not.

The logic behind the law (formally, the Ethics in Government Act) is simple and seems unassailable: When high-level officials in an administration are accused of serious breaches of the public trust, it takes an independent outsider to conduct a credible investigation. There is a built-in conflict of interest that makes it impossible for the normal Justice Department processes to work. Without a law, the president cannot be counted on to permit an independent investigation of his administration.

The only problem with this logic is that in the long scope of U.S. history, it has not been shown to be true. Most Justice Department officials and prosecutors behave honorably. In the one great historical instance in which the Justice Department's integrity was in serious question—Watergate—overwhelming political pressure forced President Richard Nixon to yield and accept an independent counsel.

An independent counsel law is a source of permanent temptation to political mischief. The Democrats in Congress used it to bludgeon the Reagan and Bush administrations. Now—after the Democrats insisted on renewing the law in Bill Clinton's first year in office—the Republicans are using it to bludgeon the Clinton administration. No fewer than four independent counsels are at work investigating issues from Whitewater to whether Henry Cisneros lied to the FBI about how much money he gave his former mistress.

As the figures on the HUD investigation suggest, independent counsels operate with none of the budget constraints that fetter ordinary prosecutors. And they can pursue their quarry indefinitely, meaning that individuals can remain under threat of prosecution for years, with devastating effects on their families, fortunes, careers and psyches. That's not fair.

Rep. Henry Hyde (R-Ill.) and Rep. Jay Dickey (R-Ark.) each have proposed legislation to reduce the powers of independent counsels and make them more accountable to Congress.

Better that they should simply do away with the law. As the Nixon case demonstrates, when a president's behavior threatens the very constitutional order, the public will demand an independent counsel. Absent such an outrage, it's best to let normal legal processes work.•

TRIBUTE TO COOPER TOOLS/ NICHOLSON FILE

Mr. HEFLIN. Mr. President, the National Association of State Directors of Vocational Technical Education Consortium recently recognized Cooper Tools/Nicholson File of Cullman, AL, for their commitment to vocational education. I, too, would like to commend Cooper Tools/Nicholson File for their exemplary contributions to the community of Cullman, AL, in regards to vocational training. If I may, Mr. President, I would like to briefly outline some of the innovative projects Cooper Tools/Nicholson File has initiated.

In 1985, Nicholson File helped the Cullman County Area Vocational Center take a giant leap toward educational excellence by adopting the school as its partner. As the first step, the company donated to the school hand tools and power equipment worth more than $254,000.

In addition, Nicholson File began a scholarship program for vocational students to attend Wallace State Community College. To date, 24 students have

attended the college, using gifts totaling $48,000.

In 1986, Cooper Tools initiated Project PACE—Partnership To Aid Career Education. Project PACE gave selected vocational schools an unrestricted grant of $10,000 each for teacher development and recognition, student incentives and recognition, curriculum improvement or new technology, or community outreach. A national panel chose three schools to receive additional PACEsetter Awards totaling $50,000. Cullman County Area Vocational Center won an additional grant of $25,000 for a student recognition/scholarship program. In 1995, the school won a $20,000 award for curriculum improvement.

ComSAVE, another collaborative venture between the school and Nicholson File was instrumental in the implementation of the tech prep initiative in Cullman County. Other efforts have led to new programs, including CAD and Computer Electronics.

As you can see, Mr. President, Cooper Tools/Nicholson File has taken a very proactive approach in regards to vocational education. Cooper Tools/Nicholson File is setting a standard which I hope others will emulate.

THE RUSH TO GULP U.S. RADIO STATIONS

• Mr. SIMON. Mr. President, some of my colleagues may remember that when the new telecommunications law was before the Senate, I offered an amendment to limit the expansion of radio station ownership by any one corporation or any one individual.

That amendment was tabled by a vote of 64 to 34.

The other day I read an article by Prof. Jerry Landay, former broadcast journalist, who now teaches at the University of Illinois. The article appeared in the Christian Science Monitor under the title. "The Rush To Gulp U.S. Radio Stations."

I ended up voting against the bill even though I know there were some good things in it.

But diversity in ownership is good for all the media. I don't like the concentration of ownership that is taking place in newspapers, but that is not a federally regulated entity.

Radio stations and television stations are federally regulated, and we have every right to demand diversity of ownership and not monopolistic or oligarchical practices.

I ask that the Jerry Landay article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, May 7, 1996]

THE RUSH TO GULP US RADIO STATIONS

(By Jerry M. Landay)

The surface glamour faded long ago from radio. But Americans keep as many as five or six sets in the house and use them regularly. Don Imus, Rush Limbaugh, and Garrison Keillor remind us that television hasn't stripped all the glory from the medium or its revenues—Totaling $11.5 billion in 1995.

The radio stations that CBS owns—39 of them—grossed a half-billion dollars last year. Like the printing presses in the Federal Mint, commercial radio stations in America churn out cash in prodigious amounts. Returns of 40 to 50 percent yearly are not uncommon.

Multibillion-dollar mergers and acquisitions in the telephone and television-based industries spawned by the new telecommunications law have stolen our eye from the land rush now under way in Radioland. A vast consolidation of ownership has begun among America's 10,000 commercial stations. Just two months after passage of the law erased the limits on the number of radio stations a single owner may acquire, a station-buying blowout is justifying critics' fears that the law is not spurring competition, but monopoly. An industry that once had to base its license renewals on service to a station's community has been let off the hook by Congress and the president.

Rita Zanella, a media analyst at Gruntal & Co. in New York, predicts that eight or 10 big station groups will eventually control the entire broadcasting industry. "You control pricing," she told the Chicago Tribune. "You eliminate your competition and have greater control over what you can charge."

To cite just a few examples of the radio land rush, Jacor Communications Inc. of Cincinnati spent nearly a billion dollars in February to acquire 26 radio stations and two television stations. Jacor now controls 62 percent of the radio revenues in the Cincinnati, market, nearly half the Denver market, 30 percent of the Tampa market, and a quarter of the radio business in Portland, OR. In a single deal worth $1.2 billion, announced earlier this month, the Sinclair Broadcasting Group of Baltimore acquired 34 radio stations in 27 markets, along with a group of television stations, becoming a miniconglomerate in a single bound.

With the purchase of three stations in March, Citadel Communications Corporation now owns seven of the most powerful AM and FM stations in Albuquerque's 36-station radio market. That includes KKOB, which blankets much of the southwest, and the city's only classical music station, KHFM. Arthur Schreiber, a former manager of KKOB and a veteran of the radio wars, predicts that Albuquerque's classical-music listeners will soon find themselves without choice on the air. "It's hard for me to believe that Citadel can meet its debt service by continuing to play classical music on a station that cost it $5.6 million," says Mr. Schreiber.

The federal government is essentially licensing the drive to bigness. Station brokers predict that 1996 will be the most lucrative year ever for station trades. I a deregulatory environment, small, aggressive companies such as Jacor and Citadel can become mass-comm players in a single bound, with lenders anxious to supply cheap money.

But radio isn't just any business. Radio is an essential part of our civic capital. It speaks over publicly licensed frequencies to millions of listeners, at home, at work, and on the road. In the past stations were more than juke boxes. They provided breaking news and weather bulletins, specialized information for farmers, investors, community organizations, local governments, and emergency services. Before the start of deregulation in the 1980s, owners were limited to seven AM and seven FM stations, to ensure diverse voices and dispersed power.

The new barons of radio are absentee owners who convert their stations from local presences into cash cows for instant milking, their values ballooned for trading to the next buyer. The name of the game is to avoid being the "last sucker" stuck with debt if recession hits.

Radio, once the most trusted news source in America, has increasingly abandoned the role of local service-provider. Newsrooms in many stations have been cut to the bone—one or two readers, Schreiber says, "ripping and reading" news and weather supplied to all clients by a single news source, the Associated Press.

there is teeth-gritting sameness in the music they play, as dial-twisters who have traveled long distances in a car can testify—various shades of rock and country music.

Before deregulation, the Federal Communications Commission required buyers to hold their stations for at least three years before resale, to ensure local commitment. In the new environment, a wheeler-dealer can theoretically turn his station over as soon as the FCC approves the purchase. Media writer Ken Auletta was told by the head of a station ownership group: "It's commodity trading to us. We don't know [our] community. We're short-term players."

The fundamental question is unavoidable: Is mass communications solely a growth game for entrepreneurs, banks, and Wall Street, or is it also a social partner that justifies its existence by living up to its civic obligations? The late Donald H. McGannon, a respected industry leader of the 1950s and '60s as chairman of the Group W (Westinghouse) Stations, was a businessman with a vision who told his staff: "If we do the right thing in our cities and towns, the money comes." They did—and it did.

The times have changed. But not the relevance of McGannon's vision. Undoing the damage of the Telecommunications Act of 1996 will be difficult, but it will have to happen.•

SUBMISSION OF CBO SCORING FOR INTELLIGENCE AUTHORIZATION BILL (S. 1718)

• Mr. SPECTER. Mr. President, on April 30, 1996, the Select Committee on Intelligence reported S. 1718, the Intelligence Authorization Act for Fiscal Year 1997 from committee. Knowing that this would be a relatively short legislative year and that the Armed Services Committee would take our bill on referral for up to 30 days of session—as it does every year, the committee marked up this bill at the earliest possible date. The Congressional Budget Office was not able to complete its scoring of our bill before we filed the report. We have now received the report of the Congressional Budget Office and I ask that it be printed in the RECORD so that Members will have an opportunity to review it before the Intelligence bill comes up for consideration by the full Senate.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 22, 1996.

Hon. ARLEN SPECTER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1718, the Intelligence Authorization Act for Fiscal Year 1997, as reported by the Senate Select Committee on Intelligence on April 30, 1996.

The bill would affect direct spending and receipts, and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1718.

2. Bill title: Intelligence Authorization Act for Fiscal Year 1997.

3. Bill status: As reported by the Senate Select Committee on Intelligence on April 30, 1996.

4. Bill purpose: This bill would authorize appropriations for fiscal year 1997 for intelligence activities of the United States government, the Community Management Staff of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System.

5. Estimated cost to the Federal Government: Table 1 summarizes the budgetary effects of the unclassified sections of the bill on direct spending, revenues, and authorizations of appropriations for 1997. CBO could not obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances now held by CBO employees.

6. Basis of estimate: The estimate assumes that S. 1718 will be enacted by October 1, 1996, and that the full amounts authorized will be appropriated. CBO used historical spending rates for estimating outlays.

DIRECT SPENDING AND REVENUES

Title V of S. 1718 defines economic espionage and contains provisions governing fines and forfeitures that would affect direct spending and revenues. Although the bill would provide for penalties that could accumulate to be in the millions of dollars in any one year, CBO cannot predict the frequency of successful prosecutions for economic espionage or the amounts of the fines that would be levied and collected. Nevertheless, the only net budgetary impact would stem from civil fines.

TABLE 1.—ESTIMATED COST TO THE FEDERAL GOVERNMENT OF THE UNCLASSIFIED SECTIONS OF S. 1718

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
DIRECT SPENDING AND REVENUES							
Direct spending:							
Estimated budget authority	0	(1)	(1)	(1)	(1)	(1)	(1)
Estimated outlays	0	(1)	(1)	(1)	(1)	(1)	(1)
Revenues	0	(1)	(1)	(1)	(1)	(1)	(1)
SPENDING SUBJECT TO APPROPRIATIONS ACTION							
Spending under current law:							
Budget authority[2]	305	0	0	0	0	0	0
Estimated outlays	350	39	19	5	0	0	0
Proposed changes:							
Estimated authorization level	0	282	1	0	0	0	0
Estimated outlays	0	239	25	14	5	0	0

TABLE 1.—ESTIMATED COST TO THE FEDERAL GOVERNMENT OF THE UNCLASSIFIED SECTIONS OF S. 1718—Continued

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Spending under the bill:							
Estimated authorization level[2]	305	282	1	0	0	0	0
Estimated outlays	350	278	44	19	5	0	0

[1] CBO cannot estimate the direct spending and revenue impacts of the bill. Title V would affect both spending and revenues through fines and forefeitures associated with economic espionage. Over time, these effects would be offsetting except for civil fines as described in the text.

[2] The 1996 figure is the amount already appropriated.

Fines.—The imposition of new civil and criminal fines in S. 1718 could cause governmental receipts to increase. Civil fines would be deposited into the general fund of the Treasury. Criminal fines would be deposited in the Crime Victims Fund and would be spent in the following year; thus, direct spending from the fund would match the increase in revenues from criminal fines with a one-year lag.

Forfeiture.—A new forfeiture provision in S. 1718 could lead to more assets seized and forfeited to the United States as a result of economic espionage. Proceeds from the sale of any such assets would be deposited as revenues into the Assets Forfeiture Fund of the Department of Justice and spent out of the fund in the same year. Thus, direct spending from the Assets Forfeiture Fund would match any increase in revenues.

SPENDING SUBJECT TO APPROPRIATIONS ACTION

The bill would authorize the appropriation of $280 million for intelligence and intelligence-related activities for 1997 as well as such sums as may be necessary to establish the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

Section 104 would authorize appropriations of $95.5 million for 1997 for the Community Management Account of the Director of Central Intelligence. Similarly, section 201 specifies an authorization of appropriations for the Central Intelligence Agency Retirement and Disability Fund of $184.2 million. In addition, CBO estimates costs of $3 million over two years to establish the new commission.

7. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The bill would have the following pay-as-you-go impact:

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	(1)	(1)
Change in receipts	0	(1)	(1)

[1] CBO cannot estimate the direct spending and revenue impacts of the bill. Title V would affect both spending and revenues through fines and forfeitures associated with economic espionage. Over time, these effects would be offsetting except for civil fines as described in the text.

8. Estimated cost to State, local, and tribal governments: Section 4 of Public Law 104–4 excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that all the provisions of S. 1718 either fit within this exclusion or do not contain intergovernmental mandates as defined by Public Law 104–4.

9. Estimated impact on the private sector: CBO has determined that all the provisions of S. 1718 either fit within the national security exclusion or do not contain private-sector mandates as defined by Public Law 104–4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Jeannette Van Winkle. Impact on State, Local, and Tribal Governments: Karen McVey. Impact on Private Sector: Neil Singer.

12. Estimate approved by: Robert A. Sunshine for Paul N. Van de Water, Assistant Director for Budget Analysis.●

ORDER OF PROCEDURE

Mr. SPECTER. Madam President, I have been asked to perform the wrap-up—a high honor to be acting majority leader—perhaps majority leader since there is no majority leader at the moment.

ORDER FOR PRINTING A SENATE DOCUMENT

Mr. SPECTER. Madam President, I ask unanimous consent that the tributes to Senator DOLE be printed as a Senate document.

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

AUTHORIZATION FOR THE USE OF THE CAPITOL GROUNDS

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 172 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 172) authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 4044

(Purpose: To make a minor technical amendment)

Mr. SPECTER. Madam President, in behalf of Senator FORD, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. FORD, proposes an amendment numbered 4044.

In section 1 strike ", and the Olympic Torch may be displayed on the Capitol Grounds overnight,".

Mr. FORD. Madam President, The amendment that I offer to House Concurrent Resolution 172 conforms the language of the resolution to the authority sought by the sponsors of the Olympic Torch Relay. The plans for the relay has been modified since the introduction of the original resolution in

the House. This amendment reflects those changes.

It is my understanding that the House leadership is prepared to accept this amendment and will expedite action on this measure when it is received in the House. Consequently, this amendment will not result in any delay of the Olympic Torch Relay events.

I commend my colleague from Georgia, Senator NUNN, for his efforts to facilitate this event and thank my colleagues for their assistance.

Mr. SPECTER. Madam President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table; further, that any statements relating thereto be placed at an appropriate place in the RECORD as if read.

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

The amendment (No. 4044) was agreed to.

The concurrent resolution (H. Con. Res. 172), as amended, was agreed to.

ORDERS FOR WEDNESDAY, JUNE 12, 1996

Mr. SPECTER. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11:30 on Wednesday, June 12; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 12 noon with Senators permitted to speak for up to 5 minutes each with the following exception: Senator GRASSLEY for 10 minutes.

I further ask unanimous consent that at 12 noon, the Senate then resume debate on the conference report to accompany the concurrent budget resolution.

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

PROGRAM

Mr. SPECTER. For the information of all Senators, on Wednesday the Senate will be resuming debate on the budget resolution conference report. Under a previous order, if the Senate has received the official papers on the conference report from the House by 3:30 p.m. on Wednesday, the Senate will proceed at that time on a vote on adoption of that matter. If the Senate does not receive the papers from the House by that time, then a vote on the adoption of the conference report would then occur on Thursday, June 13, at a time to be determined by the majority leader after consultation with the Democratic leader.

The Senate may also be asked to turn to the consideration of any other items cleared for action. Therefore, other rollcall votes are possible on Wednesday.

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

ORDER FOR ADJOURNMENT

Mr. SPECTER. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator CRAIG.

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

The Senator from Idaho is recognized.

TRIBUTE TO SENATOR BOB DOLE

Mr. CRAIG. Madam President, I will not keep us long in the closing hours of the U.S. Senate in what will certainly be recognized and reported as a historic day.

Madam President, this evening I want to add to my earlier remarks two thoughts that I think are appropriate as many of our colleagues have come to the floor today to express their sadness, their reminiscent thoughts, and in some instances our joy that BOB DOLE is now free to lead our party, my party, the Republican Party, in his quest for the Presidency.

Over the last 2 years I have had the privilege of developing a unique relationship with leader BOB DOLE. I chair the steering committee here in the Senate, better known as the conservatives, or a group of conservatives, and there have been many occasions when I have been instructed by that group to go sit down with our leader and express our concern over a given issue.

It has been over the course of that time that I have gotten to know BOB DOLE for the person that so many have spoken to today: a man whose leadership, and his concern about our country and this institution, the Senate, was always foremost. He did so in style and dignity. BOB DOLE is one of those people who could tell you no with as much sincerity as he could tell you yes; that he would take your issue and carry it forward, or that he did not believe what you were discussing with him was appropriate at the time and that sometime in the future it might fit. That was the kind of person who I have grown to know and respect in my first term here in the U.S. Senate.

Another issue that BOB DOLE has been more than fair to this Senator on is the issue of my leadership on the balanced budget amendment. I had started that effort in the House in the 1980's, but it was some years after BOB DOLE had already presented the idea here in the U.S. Senate. I, along with the Presiding Officer at this moment, had felt the importance of this issue and had worked hard to make it a national issue.

When I arrived here in the Senate in 1990 as the citizens of Idaho chose me as one of their U.S. Senators, BOB DOLE was very quick to say, "LARRY, that is your issue, and we want you to lead." As our committee meetings went forward, or as there were press conferences, or as there were other gatherings in behalf of a balanced budget amendment, BOB DOLE attended them religiously. But with his seniority and with his prestige, he was always willing to step back and say to people like myself, or Orrin HATCH, or others, or PAUL SIMON, "This is your issue. You lead with it. You carry it."

When we convened the historic 104th session, as BOB DOLE become the majority leader of the U.S. Senate, he was very quick to say to me and others, "This is an issue that will be one of our lead issues this year, and I want you, LARRY CRAIG, or ORRIN HATCH, or PAUL SIMON, to lead me."

What I am saying is that in all of the opportunities that BOB DOLE had to be in the forefront, there were many occasions when he was very willing to step back and let others lead, and I think that is the sign of a leader. I think that is the expression of the confidence that he had in himself, but at the same time the willingness to share that with all of us as he saw the importance of broadening our base and carrying these issues forward.

I, along with every Senator in this body, will miss BOB DOLE as our majority leader.

But I say that I am excited about the future. And I am excited about the opportunity someday, as I believe I will have that opportunity, to say to BOB DOLE, "Mr. President, it is my pleasure to serve you."

With those thoughts, I yield back my time with the understanding that the Senate will stand in adjournment.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:57 p.m., adjourned until Wednesday, June 12, 1996, at 11:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 11, 1996:

LEGAL SERVICES CORPORATION

LAVEEDA MORGAN BATTLE, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1998.

JOHN N. ERLENBORN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1998.

EDNA FAIRBANKS-WILLIAMS, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1998.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

NORMAN I. MALDONADO, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999.

LUIS D. ROVIRA, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2001.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

DONNA DEARMAN SMITH, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 1998.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

WILLIAM L. WILSON, OF MINNESOTA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

COMMUNICATIONS SATELLITE CORPORATION

BARRY M. GOLDWATER, SR. OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1998.

PETER S. KNIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1999.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

C.E. ABRAMSON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROBERT B. ROGERS, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF THREE YEARS.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ELMER B. STAATS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2001.

NATIONAL MUSEUM SERVICES BOARD

DAVID A. UCKO, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1999.

ALBERTA SEBOLT GEORGE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

AUDREY TAYSE HAYNES, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 13, 1998.

MARY DODD GREENE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998.

MARK EDWIN EMBLIDGE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998.

TONI G. FAY, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL INSTITUTE LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998.

DEPARTMENT OF STATE

RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ADVISOR TO THE PRESIDENT AND TO THE SECRETARY OF STATE ON ASSISTANCE TO THE NEW INDEPENDENT STATES [NIS] OF THE FORMER SOVIET UNION AND COORDINATOR OF NIS ASSISTANCE.

DANE FARNSWORTH SMITH, JR., OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL.

GEORGE F. WARD, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

SHARON P. WILKINSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

KENNETH C. BRILL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

DAY OLIN MOUNT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

CHARLES O. CECIL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

DAVID C. HALSTED, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

PRUDENCE BUSHNELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

MORRIS N. HUGHES, JR., OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

NUCLEAR REGULATORY COMMISSION

HUBERT T. BELL, JR., OF ALABAMA, TO BE INSPECTOR GENERAL, NUCLEAR REGULATORY COMMISSION.

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

DEPARTMENT OF DEFENSE

ROBERT E. ANDERSON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2001.

LONNIE R. BRISTOW, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2001.

SHIRLEY LEDBETTER JONES, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2001.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN R. LACEY, OF CONNECTICUT, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 1998.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING VINCENT WILCZYNSKI, AND ENDING JAMES R. DIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 19, 1996.

COAST GUARD NOMINATION OF ANDREW J. SORENSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 22, 1996.

EXTENSIONS OF REMARKS

BANGLADESH: AVERTING A CRISIS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. BEREUTER. Mr. Speaker, with parliamentary elections set for tomorrow, Bangladesh is at a crucial turning point in its efforts to sustain a fragile democracy that has only been in place since 1991. Although calm prevails in Dhaka, the country is still reeling from jitters produced by the movements of provincial troops unhappy with the May 20 dismissal of the army chief of staff. Earlier this spring, the political opposition waged a general strike that paralyzed most transportation and businesses, was well as the country's crucial port of Chittagong. Although enjoying limited public support, the anti-government campaign took a severe toll on what was already one of the world's poorest nations. It kept frightened citizens away from school and jobs. It cost the country up to $80 million a day in lost production and exports. Over 120 Bangladeshis lost their lives in clashes between pro- and anti-government activists during the strike.

It is pointless to try to assign blame for the turmoil that has characterized Bangladesh's political scene for past several years. The 1991 elections that brought Prime Minister Begum Khaleda Zia and her Bangladesh Nationalist Party to power were generally considered fair by international observers. Three years later, however, the opposition resigned en masse from the parliament after allegations of a rigged by-election. It then commenced a campaign of demonstrations and boycotts in the effort to convince Zia to step down in favor of a neutral caretaker government. Then, in February 1996 a legislative contest that dissolved into a one-party show plagued by egregious irregularities only worsened the situation.

What has made Bangladesh's circumstances all the more tragic is that its party warfare has been driven more by the personalities of its key political leaders rather than policy differences in addressing the country's crushing poverty and improving the lives of its citizens. Former Prime Minister Zia is the widow of an assassinated president, and opposition Awami League leader Sheikh Hasina Wajeed is the daughter of the country's first prime minister, who was also assassinated. Despite their common history as survivors, their relationship over the years has been characterized by charges and counter-charges related to their long-standing rivalry for the country's top post.

Nevertheless, a breakthrough in Bangladesh's stalemate occurred with the constitutional change approved by Parliament on March 26, which provided for Prime Minister Zia to step down and for a neutral caretaker government to be appointed. A few days later, Bangladesh's president appointed Habibur Rahman, a former chief justice, as head of a neutral caretaker government; new elections were then set for June 12. These actions appear to have answered many of the opposition's key demands. The catch is that Zia—who remains head of her party and has been actively campaigning—could conceivably recapture her position after the elections, a prospect that the opposition may not be prepared to accept with good grace—even in a fair contest. The very real possibility of no party attaining a majority would necessitate the formation of a coalition government, an arrangement that would pose the ultimate challenge of cooperation for Zia and Sheikh Hasina.

Regardless of the outcome of tomorrow's polls, developments leading up to them have brought relative law and order to Dhaka, including a much welcome respite from violence and labor strikes. With this period of calm comes an opportunity that should not be lost. It is now critical for the country's leading politicos to demonstrate to Bangladesh's citizens and to the world that they are both serious about learning to live with each other and eager to attract the international investment that Bangladesh so desperately needs. it is imperative that the two sides participate in and abide by the results of these elections which, of course, must be respectably fair and free of irregularities. All parties should then take their seats in the legislature and reengage fully in Bangladesh's political process.

Finally, the United States and other friends should do everything in their power to morally support and encourage Bangladesh to follow such a course. We should make it clear that the international community will not recognize or assist a new regime unless it achieves power through the democratic process. We must reiterate that a military coup—a time-honored tradition in Bangladesh—is not an option. And, the United States should stand ready to at least maintain its modest bilateral assistance and to support legitimate requests for assistance from the World Bank and other international financial institutions.

Outside financial assistance is desperately needed, but in the final analysis, it is the people of Bangladesh who will decide the nation's fate. The path to a brighter future can now be seen. Let us hope that the leadership of this long-suffering people, who already have endured more than their share of tragedy, can seize the political opportunity that lies before them.

HONORING THE CANNON COUNTY RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Cannon County Rescue Squad. These brave, civic minded people give freely of their time so that should disaster strike, we know that our friend and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a four to six month period which includes instruction in cardiopulmonary resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

Rescue squad members are volunteers. They receive no pay for what they do. What also makes their service especially outstanding is that the organizations themselves receive no funding. They receive no funding from the city, the county, or the Federal Government.

Rescue squads are funded in the same spirit of community volunteerism which moves them to serve. Family, friends, and neighbors pitch in at bake sales, road blocks, and fish frys to help those who sacrifice their time for the benefit of the whole community.

Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

INTRODUCTION OF LEGISLATION REGARDING PRECIOUS METALS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mrs. VUCANOVICH. Mr. Speaker, along with my colleagues, Representative JOHN ENSIGN and Representative JIMMY HAYES, I am introducing today legislation that will broaden investor options for individually directed retirement accounts and other self-directed accounts in qualified retirement plans, and ensure that the continued importation of minted gold and silver bullion will remain duty-free. This legislation will have no revenue impact.

Precious metals have been used for savings and investments since the dawn of civilization. Millions of Americans invest in precious metals today. They recognize that precious metals

are an excellent way to diversify a portfolio and to provide a hedge against inflation and financial uncertainty. Similarly, investors have long recognized the value of investing in legal tender coinage. Such coins are seen by many investors to be an important compliment to a total precious metals portfolio. Precious metals and legal tender coinage can bring a balance to other portfolio assets like stocks, bonds, and mutual funds, reducing the volatility caused by fluctuations in the securities markets.

Today, investors in individually directed retirement accounts may invest in a wide selection of precious metals mining stocks and mutual funds, yet they are unnecessarily restricted in their choice of physical precious metals investments. Current law limits the precious metals choices for investors in these retirement accounts to gold and silver American Eagle bullion coins, minted by the U.S. Mint. While American Eagles are convenient for small transactions, they have a high premium relative to bullion bars, making them less attractive for investors choosing to invest larger amounts in precious metals.

Current law also permits legal tender coinage to be included in defined contribution pension and profit-sharing plans, but not individually directed retirement accounts and other self-directed retirement plans. Removing current restriction would allow small investors, many whose total investment programs consist of the IRA's, to select from the same menu of investment options currently available to other investors.

The legislation my colleagues and I are introducing today will amend section 408(m) of the Internal Revenue Code and expand the qualified precious metals investments for individually directed retirement accounts to include gold, silver, platinum, and palladium bullion products in bar or coin form, and legal tender coinage. This will permit American investors a wider range of investment options for their individually directed retirement accounts, and other self-directed accounts in qualified retirement plans, while having no revenue impact for the Federal Government.

This bill also will correct an unintentional drafting error which occurred with the conversion, in 1989, of the tariff schedules of the United States [TSUS] into the harmonized tariff schedule of the United States [HTS] and will allow the importation of gold and silver bullion to continue duty-free. This measure will amend subchapter II of chapter 71 of the HTS and correct the definition of gold and silver bullion bars which are both cast and minted.

For more than a century, gold and silver bars imported into the United States have been classified under the duty-free tariff provisions covering gold and silver bullion and more. Until the 1970's, bars were universally produced by the casting method, whereby molten metal is poured into a mold where it hardens into a bar. Technological advancements some 20 years ago permitted bullion bars to be minted rather than cast. Minted bars are stamped out of flat strips of rolled gold or silver to the required dimensions. In the case of smaller quantities of metal, minting bars is more efficient, precise, and cost-effective. This new production method had no effect on the product. Whether cast or minted, the bars are at least 99.5 percent pure gold or silver, and both are recognized internationally as bullion products of similar quality and purity.

Our bill would correct an unintentional drafting error which occurred in the conversion of the TSUS to the HTS. In 1989, the United States adopted the HTS, replacing the TSUS. In the conversion, the drafters of the HTS, through an oversight, made the provisions for gold and silver bullion a subcategory of the provisions for unwrought forms of gold and silver. In the HTS, the definition of the term "unwrought" excludes articles that are produced using a rolling process. The drafters failed to take into account that in order to mint the bars, the gold and silver must first be rolled into a flat strip, which, according to the U.S. Customs Service, removed the bars from the unwrought category. However, minted bullion bars continued to be imported duty-free for the next 4 years.

In 1993, the Customs Service sought to classify minted gold and silver bars under the provisions for other articles of gold and silver, in HTS heading 7115 at a duty of 7.8 percent and 5.4 percent, respectively. By 1994, the proposal had caused a major stir in the international precious metals market until it was held in abeyance by the Department of the Treasury, an action still in effect.

This measure would remedy the drafting error in the HTS by affirming the longstanding duty-free provisions for semimanufactured gold and silver and for other articles of gold and silver. The bill before us will properly retain the duty-free treatment accorded to the importation of gold and silver bullion bars for over 100 years.

Because gold and silver bullion bars, whether cast or minted, regardless of size, have always been duty-free, enactment of the proposed corrective provisions in this measure would simply retain that status, and would not deprive the Treasury of revenue. Consequently, this change in the HTS will have no revenue impact.

I urge my colleagues to work with Congressman HAYES, Congressman ENSIGN, and myself to enact this bill to restore fairness for those with individually directed retirement accounts and to correct an unintended drafting error in the HTS.

HONORING THE CLAY COUNTY RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Clay County Rescue Squad. These brave, civic-minded people give freely of their time so that should disaster strike, we know that our friends and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a 4- to 6-month period which includes instruction in cardiopulmonary resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

Rescue squad members are volunteers. They receive no pay for what they do. What also makes their services especially outstanding is that the organizations themselves receive no funding. They receive no funding from the city, the county, or the Federal Government.

Rescue squads are funded in the same spirit of community voluntarism which moves them to serve. Family, friends, and neighbors pitch in at bake sales, road blocks, and fish frys to help those who sacrifice their time for the benefit of the whole community.

Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. MYERS of Indiana. Mr. Speaker, today I would like to salute four outstanding young women who have been honored with the Girl Scout Gold Award by Covered Bridge Girl Scout Council in Terre Haute, IN. This year Katherine Bloomer, Amanda Lambertus, Wendy Lu, and Katey Marancik received Gold Awards. This award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls ages 14 to 17 or in grades 9 through 12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980.

To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

I believe we should join the Covered Bridge Girl Scout Council in publicly recognizing these young women for their service to their community and country.

WHITE HOUSE ABUSE OF POWER

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. PACKARD. Mr. Speaker, I would like to express my outrage at the blatant abuse of

power exhibited by the White House. Recently discovered documents show that the White House requested and received 341 highly confidential FBI records of former Reagan and Bush appointees.

The abuse of power and invasion of privacy wreaks of Big Brother. It is a blatant violation of the right to privacy the Constitution guarantees each and every American. Equally outrageous is the fact that the president invoked "Executive privilege" to prevent release of documents in which the request for FBI files was discovered.

The Clinton administration is caught redhanded this time in what seems to be a reoccurring denial of responsibility, they explain it as just another goof by unknown bureaucrats—was the goof the fact that the documents were requested or the fact that the document requests were discovered? Further, we must also question who at the White House knew the files had been gathered and why were they kept at the White House rather than returned to the FBI after the error was discovered in 1994?

The changing and conflicting stories put forth by the Clinton administration are not acceptable. The American people deserve one story—the truth.

HONORING THE DAVIDSON COUNTY RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Davidson County Rescue Squad. These brave, civic-minded people give freely of their time so that should disaster strike, we know that our friends and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a 4- to 6-month period which includes instruction in cardiopulmonary resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

Rescue squad members are volunteers. They receive no pay for what they do. What also makes their service especially outstanding is that the organizations themselves receive no funding. They receive no funding from the city, the county, or the Federal Government.

Rescue squads are funded in the same spirit of community volunteerism which moves them to serve. Family, friends, and neighbors pitch in at bake sales, road blocks, and fish frys to help those who sacrifice their time for the benefit of the whole community.

Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

TRIBUTE TO BENNY CARTER, BUDDY COLLETTE, AND GERALD WILSON—THREE GREAT ARTISTS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. DIXON. Mr. Speaker, I rise today to join the Library of Congress in honoring Benny Carter, Buddy Collette, and Gerald Wilson—three of America's most talented jazz musicians. Last week the Library of Congress honored these wonderful, Los Angeles-based artists by sponsoring three concerts featuring their music.

BENNY CARTER

Bennett Lester "Benny" Carter was born in New York, in 1907 and studied piano as well as trumpet and saxophone with his mother and sister in Manhattan. Although his parents sent him to Wilberforce University in Ohio to study theology, jazz gradually became more important to him. One summer he joined a jazz band led by Horace Henderson, brother of bandleader Fletcher Henderson, and never looked back. While perfecting his craft, Carter studied under the likes of Duke Ellington, the Charlie Johnson Band, Fletcher Henderson, Chick Webb, and McKinney's Cotton Pickers. He was given the nickname "gentleman of jazz" for his gracious manner and reverence for jazz.

In 1933 Benny Carter began leading his own groups, and in 1935 he went to Europe to tour and arrange for the BBC dance band. During this time he also worked with Coleman Hawkins and Django Reinhardt. Carter returned to the States in 1938 and led various bands throughout the early 1940's which gave exposure to a number of talented artists, including Miles Davis and Max Roach. In 1943, he began to concentrate on film scoring and produced brilliant work for a number of films over the years, including "Buck and the Preacher," "A Man Called Adam," and "The Hangman." Carter also composed music for the television show "M-Squad." Cater's greatest works include 'Blues in My Heart," "Blue Star," and "When Lights are Low."

Still going strong at nearly 90 years of age, you'll find the gentleman of jazz performing at concerts and festivals all over the world and helping younger musicians through his jazz workshops. Carter has received numerous honors, including an honorary doctorate from Princeton in 1974 and designation as an "American Jazz Master" by the National Endowment for the Arts.

BUDDY COLLETTE

The great flutist and composer William "Buddy" Collette was born in South Central Los Angeles and grew up as a childhood friend of the magnificent bassist Charles Mingus. As teens, Collette and Mingus would play for tips as they rode the Red Line Trolley cars.

He first gained national prominence in the 1950's, playing flute with drummer Chico Hamilton's Quintet. Collette was also the first African-American artist to play in a TV studio orchestra and helped to integrate the all-black Musicians Union Local 767 into the previously all-white Local 47. Buddy has played with many other jazz greats, including Ella Fitzgerald, Duke Ellington, Frank Sinatra, Benny Carter, Gerald Wilson, and Quincy Jones. Buddy's works such as "Blue Sands" have become jazz standards.

In addition to composing, arranging, and performing, Buddy is committed to touching lives through education. He has devoted a great deal of time to teaching students at all levels about the rich history of jazz and the contributions made by the pioneers of the music. His numerous activities include assembling a volunteer faculty of professional musicians for an afterschool program for at-risk junior high students, and working closely with the Los Angeles Department of Cultural Affairs and the Oral History program at UCLA in preserving and presenting the history of jazz in Los Angeles. Later this year, Collette will join the faculty of California State University, Long Beach, as a professor of jazz performance.

In 1994, Buddy joined other performing arts professionals to found JazzAmerica, a nonprofit, tax-exempt corporation to support and serve as an advocacy organization for jazz music and musicians across the country. He formed the corporation because he believes that jazz is the crown jewel of American culture and needs an institutional structure of presenters and performing arts venues. JazzAmerica's programs include a jazz studies course for junior and senior high school music teachers, a series of low-priced Young People's Jazz Concerts at The Music Center of Los Angeles County, and in-school concerts and teaching residencies by master jazz artists.

GERALD WILSON

Gerald Wilson was born in 1918 in Shelby, MS. At age 14 he moved with his family to Detroit and began studying jazz in high school. In Detroit, Wilson was exposed to the great bandleaders Duke Ellington, Don Redman, Erskine Tate, Earl Hines, and Charlie Barnett. From 1939 to 1942 he worked with Jimmie Lunceford's orchestra as a trumpeter, composer, and arranger. He then moved to Los Angeles and performed with Les Hite and Benny Carter. Wilson formed his own orchestra in 1944 and performed regularly on the famous Central Avenue jazz scene. After a brief stint with his own orchestra, he composed music and performed with Count Basie, Duke Ellington, Dizzy Gillespie, and Billie Holiday. During the 1950's Wilson wrote for television and movies, appearing in "An American in Paris" with Gene Kelly and "The Outsider" with Tony Curtis.

In 1961 Wilson began working with his orchestra again, naming it the "Gerald Wilson Orchestra for '60s" for the decade in which he was performing. This band, which is remembered for its magnificent performance at the 1963 Monterey Jazz Festival, included saxophonists Harold Land and Teddy Edwards, guitarist Joe Pass, and pianist Jack Wilson. He also wrote for motion pictures and television, and was nominated for two Grammys. Wilson currently conducts his "Orchestra of the '90s," which is made up of Los Angeles-based musicians, including his award-winning son Anthony Wilson and grandson Eric Otis.

It was not enough for Wilson to perfect his own craft; he believed in passing on his knowledge to younger generations. In the past

25 years, he has taught at the California State University campuses of Los Angeles and Northridge, and more recently at UCLA. Students enrolled in Wilson's courses benefit from the unique opportunity to learn from a jazz master who has played and shared many experiences with other great artists.

Mr. Speaker, Carter, Collette, and Wilson have been colleagues, collaborators, and friends for most of their lives. Together these men have created a legacy of powerful music and a commitment to education of which America and indeed the world can be proud. I urge my colleagues to join me in saluting these giants of jazz.

FAST FORWARD TO END HUNGER

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. HALL of Ohio. Mr. Speaker, I rise today to commend the efforts of "Fast Forward to End Hunger," a nonprofit organization dedicated to raise funds to eliminate childhood hunger. The Fast Forward to End Hunger initiative, which was launched on June 1 in nearly 8,000 video stores across the Nation, is expected to raise at least $2 million by the end of its first fundraising and education campaign on August 31.

Fast Forward to End Hunger is an unprecedented collaboration between the Video software Dealers Association—the trade association of the $16 billion home video industry—and End Hunger Network, an organization founded by actor/producer Jeff Bridges that enlists the entertainment industry in efforts to end hunger worldwide. Leading Hollywood celebrities—including Jeff Bridges, Valerie Harper, Paul Newman, Arnold Schwarzenegger, Robin Williams and others—have pledged their support to Fast Forward to End Hunger in order to help cut the number of children who wake up hungry each day.

As part of its educational efforts, Fast Forward to End Hunger will be working to increase awareness about the dimensions of the problem of childhood hunger in our Nation among the 57-million-plus consumers who visit retail video stores:

More than 21 percent of U.S. children under the age of 18, and 24 percent of children under age 6 are poor—twice the child-poverty rate of any other industrial country.

Hunger afflicts more than one in four American children. Some 4 million children under age 12 in the United States are chronically hungry and 9.6 million more are at risk of chronic hunger—in all, more than 29 percent of American children.

Even short periods of undernutrition can affect children's behavior, cognitive development, and future productivity.

Children who are hungry are four times as likely to have difficulty concentrating as other children. And they are more than three times as likely to experience unwanted weight loss and are more likely to have frequent headaches.

Eighty-four percent of Americans believe the Government should increase spending for food assistance programs, or at least continue them in 1995 levels.

Some Americans polled felt that alleviating hunger and poverty is an important issue in the 1996 election year, according to a recent Nielsen poll.

These statistics paint a sobering picture of the tremendous challenge we face, and I am pleased to welcome Fast Forward to End Hunger as an ally in our efforts to help Americans in battling childhood hunger in their communities.

The Video Software Dealers Association and the End Hunger Network deserve praise for their ambitious efforts to eliminate childhood hunger, and I hope my colleagues will join me by becoming involved in the efforts of Fast Forward to End Hunger in their local communities.

CAN DO CELEBRATES 40TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an economic and community development organization in my Congressional District in Pennsylvania, the Community Area New Development Corporation of Hazelton. CAN DO, as it is generally known, will celebrate its 40th anniversary next week, and I am pleased to be able to participate in this event.

In 1956, Dr. Edgar L. Dessen led a group of civic leaders who were determined to reverse the economic decline brought about by the demise of Northeastern Pennsylvania's coal mining industry. These officials believed that the economy of the area could only survive if new jobs were created through planned industrial development.

Under Dr. Dessen's leadership, the original group oversaw a massive fund-raising effort to help finance Greater Hazelton's renaissance. The organization set a goal of raising one half a million dollars, but succeeding in raising $750,000 for generating economic development. The group used the funds to purchase land to create an industrial park on the outskirts of Hazelton. A year later, Valmont Industrial Park was opened, and the General Foam Company became the park's first tenant. The company brought over one hundred new jobs to Hazelton launching the area's economic revitalization. Valmont Industrial Park was quickly filled and CAN DO began to expand its mission.

Having experienced tremendous success in bringing new industries to the Valmont Industrial Park, CAN DO began drafting plans for a second industrial park. In 1972, CAN DO opened the Humboldt Industrial Park and quickly attracted new industries. A state-of-the-art operation was established in the park by Cadbury-Schweppes, Ltd. which was the largest candy manufacturer in the world at that time. The facility is now home to Hershey Chocolate.

During the 1980's CAN DO officials turned their attention toward the age of high technology which they anticipated would drive the future economy. CAN DO's drawing board was filled with plans to keep the company of the Hazelton area strong well into the 21st Century through the attraction of high tech businesses. Numerous economic development projects were realized from this innovative planning.

Paramount among these projects is the CAN DO Corporate Center. This ultra-modern business park features a unique environmentally sensitive design known as the Terrarium Concept which preserves the ecological beauty of the park. This strategy was so well received, CAN DO was awarded the 1993 Environmental Excellence in Economic Development Award from the Arthur D. Little organization. Only minutes from the interstate highway system, the CAN DO Corporate Center is equipped with the latest business and industrial technologies and a well structured and reliable infrastructure.

Currently, CAN DO is involved in the expansion of the Humboldt Industrial Park Southwest which will result in 300 additional acres being made available for industrial development in the Hazelton area. CAN DO is also working with the Pennsylvania Power and Light Company to develop the Green Mountain Major Manufacturing Site adjacent to the Humbolt Southwest facility.

Mr. Speaker, during its forty year existence, CAN DO has been responsible for 14,000 new jobs, 200 development projects, over $1 billion in private investment in the Greater Hazelton Area, and more than $4 million in tax revenue. The long-term vision for economic development that CAN DO drafted has contributed significantly to the economic revitalization of the Greater Hazelton Area. CAN DO has truly earned its many national awards and recognition.

Mr. Speaker, during my tenure in the Congress, I have had the distinct pleasure of working closely with the innovative and visionary men and women of CAN DO. It is with pleasure that I am able to highlight the outstanding achievements of this distinguished economic development organization before my colleagues. I am proud to congratulate CAN DO on its 40th Anniversary and I wish the organization continued prosperity in all its community and economic development efforts.

TRIBUTE TO THE 1996 GRADUATES RECOGNIZED BY THE CHALDEAN FEDERATION OF AMERICA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. BONIOR. Mr. Speaker, I rise today to congratulate all the students being recognized by the Chaldean Federation of America at their Annual Commencement and Scholarship Program. The program is being held this afternoon at the Mother of God Chaldean Church in Southfield, MI.

An umbrella organization of Chaldean churches and civic organizations, the Chaldean Federation of America devotes the majority of its efforts to education. The Federation encourages Chaldean youth not only

to remain in school, but to strive for academic excellence and achievement. Nearly 300 Chaldean youths graduating from southeast Michigan high schools and 60 others who have completed their studies at several Michigan colleges and universities, will be recognized.

It is becoming increasingly evident that both individual success and the prosperity of America depend on education. it is truly encouraging to know so many of these students, who in many cases are first generation Americans, are learning this lesson early. Because of their success, the Chaldean community, Michigan and the United States will all benefit.

I commend the graduating class of 1996 and encourage all the individuals involved to remain students for life. As our future leaders, I wish all the graduates continued success and urge my colleagues to do the same.

HONORING THE HENDERSONVILLE VOLUNTEER RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Hendersonville Volunteer Rescue Squad. These brave, civic-minded people give freely of their time so that should disaster strike, we know that our friends and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a four to six month period which includes instruction in Cardiopulmonary Resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

Rescue squad members are volunteers. They receive no pay for what they do. What also makes their service especially outstanding is that the organizations themselves receive no funding. They receive no funding from the city, the county, or the Federal Government.

Rescue squads are funded in the same spirit of community volunteerism which moves them to serve. Family, friends, and neighbors pitch in at bake sales, road blocks, and fish frys to help those who sacrifice their time for the benefit of the whole community.

Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

ANTONIO J. PALUMBO RECEIVES DEGREE FROM LAROCHE COLLEGE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to Mr. Antonio J. Palumbo, a gentleman from western Pennsylvania who recently was awarded the Honorary Degree of Doctor of Business Administration by the Board of Trustees of LaRoche College. Mr. Palumbo in his 90 years of life has been a successful entrepreneur, a generous philanthropist, and an important community leader.

After beginning his career working in a coal mine, Mr. Palumbo went on to become the president, founder, and owner of a number of coal mining companies. He has served on the Board of the Central Pennsylvania Coal Producers Association.

Mr. Palumbo has very generously shared the rewards of his business success with others. He has been a generous benefactor of a number of colleges and hospitals.

He has also shared his knowledge and experience with others. He has given of his time by serving on a number of boards, including the boards of the Boy Scouts of America and the municipal authority of St. Marys, PA. He has also served as a trustee of the Three Rivers Bank and Trust Co. of Pittsburgh and the Mayo Clinic. I am enclosing for the RECORD a resolution adopted by the Board of Trustees of LaRoche College, which presents in greater detail the reasons for which the board conferred this honorary degree on Mr. Palumbo.

In short, Mr. Palumbo has been an outstanding role model—one that young people today would do well to emulate. I want to congratulate Antonio J. Palumbo on receiving the Honorary Degree of Doctor of Business Administration from LaRoche College, and I want to wish him a happy 90th birthday.

LAROCHE COLLEGE BOARD OF TRUSTEES COMMEMORATES THE OUTSTANDING CONTRIBUTIONS OF ANTONIO J. PALUMBO—MAY 11, 1996

"It is my pleasure to introduce our next honorary degree recipient, Antonio J. Palumbo. Mr. Palumbo began his career working on his knees in the depths of a coal mine. He went on to become the owner of the Nation's largest privately held coal companies. Throughout his entire life, Mr. Palumbo has adhered to four qualities that he believes are most important: hard work, loyalty, integrity, and generosity. He and his wife Janet have done many charitable deeds throughout their lifetimes and have helped many people—from assisting hospitals in caring for seriously ill children, to working with Boy Scouts, to negotiating wages with the United Mine Workers Union. Mr. Palumbo serves as a role model for all people of all ages."

Whereas: Antonio J. Palumbo, a national leader of the coal industry, past president and owner of Underhill Coal Mining Company, which he founded in 1932, founder of the New Shawmut Mining Company, and owner of Kersey Mining Company, Shawmut Mining Company, Shawmut Realty Company, and Byrnedale Coal Company; and

Whereas: Antonio J. Palumbo has demonstrated a lifelong commitment not only to business, but to people of all ages through his work as a board member of the Boy Scouts of America, a member of the municipal authority of St. Marys, PA, a member of the Board of the Central Pennsylvania Coal Producers Association, a trustee of the Three Rivers Bank and Trust Company of Pittsburgh, a trustee of the Mayo Clinic; and

Whereas: Antonio J. Palumbo, a self-made entrepreneur, is well-known as a very generous benefactor to hospitals and colleges, and has served the community with wisdom and honesty; and, having achieved these things to an extraordinary degree, it is unanimously *Resolved* That the Board of Trustees of LaRoche College confer upon Antonio J. Palumbo the Honorary Degree of Doctor of Business Administration.

THIRD-COUNTRY ARMS DELIVERIES TO BOSNIA AND CROATIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. HAMILTON. Mr. Speaker, last month I wrote to Secretary of State Christopher requesting the answers to several questions concerning recent press stories regarding United States policy on arms deliveries to Bosnia and Croatia by third countries during 1994 and 1995.

Several committees of the Congress have already held closed and open hearings on this issue, including the Committee on International Relations on May 30. The House of Representatives has also voted to establish a special select subcommittee of the Committee on International Relations to investigate this issue.

I received the answers posed in this letter in two parts, one dated April 24 and the other May 20. I would like to insert copies of both letters in the RECORD in an effort to keep my colleagues fully informed on the administration's position on this issue.

U.S. DEPARTMENT OF STATE

Washington, DC, April 24, 1996.

Hon. LEE H. HAMILTON,

House of Representatives.

DEAR MR. HAMILTON: Thank you for your letter of April 11 to Secretary Christopher concerning third-country arms deliveries to Bosnia and Croatia during 1994 and 1995. You pose a number of detailed questions which will take us some time to research. Meanwhile, we welcome this opportunity to provide you with an interim reply to some of the points you raise.

In the spring of 1994, the Administration had a difficult decision to make when approached by Croatia on the question of allowing third-country weapons to pass through Croatia to the Bosnian Muslims. If we had objected to potential arms shipments from Iran, the Muslim-Croat Federation might have been destroyed in its infancy and a bad situation for the Bosnians might have worsened. The approach we took—of neither objecting to nor supporting the arms transfers—sought to balance our concern about the spread of Iranian influence against the adverse military situation facing the Federal. In the process, we did our best to serve the cause of peace in Bosnia. The arms deliveries helped sustain the Muslim-Croat Federation and reduced the military imbalance without the certainly risks and pitfalls of the alternative courses of action.

Many in the Congress urged at the time that the United States lift the arms embargo unilaterally. The Administration opposed this policy on a number of grounds. We would have been put in the position of arming the Bosnians in the face of direct opposition from our own allies, triggering the biggest rift in NATO since its founding. In addition, UNPROFOR would almost certainly have collapsed, in all likelihood requiring U.S. troops to be called in to protect withdrawing UNPROFOR soldiers. And if the

Serbs had gone on the offensive before the Bosnians were armed, a very real possibility, the United States would have come under pressure to intervene to prevent a Bosnian military defeat.

Unilateral lift would also have required the United States to violate binding UNSC resolutions. UN Security Council Resolution 713, adopted in 1991 with the previous Administration's firm support, required each member state to cease deliveries of arms and military equipment originating from its territory, and the United States met this important international obligation. Resolution 713 did not require the United States to stop third-country arms shipments to Bosnia. An enforcement mechanism was authorized in November 1992 via NSC Resolution 787, which called on member states acting individually or through regional arrangements to halt all inward and outward maritime shipping in order to inspect cargos and certify destinations. Under these resolutions, the United States placed a ban on U.S. arms sales to the states of the former Yugoslavia and participated in multilateral enforcement efforts both on sea (via NATO's operation SHARP GUARD) and on land (via multilateral monitoring under the auspices of the International Conference on the Former Yugoslavia).

After the Nunn-Mitchell legislation went into effect in November 1994 prohibiting the use of appropriated funds for the purpose of participation in, support for, or assistance to the enforcement of the arms embargo against Bosnia and Herzegovina, the United States modified the rule under which its forces in SHARP GUARD operated. For example, U.S. ships with SHARP GUARD no longer diverted or delayed vessels that contained arms or other cargo for the purpose of enforcing the arms embargo against Bosnia and Herzegovina.

The enactment of Nunn-Mitchell had little impact on the enforcement of other aspects of the arms and economic embargo on other parts of the former Yugoslavia. U.S. ships with SHARP GUARD continued enforcing other UN Security Council Resolutions, such as the economic embargo on Serbia and Montenegro, and tracked vessels containing arms for Bosnia even after maritime inspections had been concluded in order to ensure that destination and cargo dispensation claims had been met. The overall efficiency of the SHARP GUARD operation may have decreased somewhat after Nunn-Mitchell, however, because of limitations on the sharing of information by U.S. ships with other SHARP GUARD participants on whether cargos had been cleared because they were free of prohibited items or because they contained weapons bound only for Bosnia.

Some in Congress have raised the question of whether Ambassador Galbraith's response to President Tudjman in 1994 that he had "no instructions" on whether the Croatian government should allow an arms shipment to pass through its territory to Bosnia constituted U.S. covert action. The answer is that it did not. Under the law, covert action is defined as "an activity or activities of the United States Government to influence political, economic, or military conditions abroad, while it is intended that the role of the United States Government will not be apparent or acknowledged publicly." The definition does not include, among other things, traditional diplomatic activities.

The legislative history makes clear that the U.S. will not be deemed to be carrying out a covert action through third parties unless the third parties are receiving direction and assistance from U.S. personnel directly involved in carrying out an activity that otherwise meets the definition of covert action. The legislative history also makes clear that the statutory definition of covert action does not include within its scope requests to third countries to conduct covert action. In 1991, President Bush vetoed legislation that would have included such requests within the definition of covert action. The legislation was subsequently enacted without this language.

Thank you again for writing. We hope this information is helpful to you. We are working to gather the other information you have requested and will provide it via a separate letter shortly. Meanwhile, please do not hesitate to contact me directly if we can be of other assistance.

Sincerely,

BARBARA LARKIN,
Acting Assistant Secretary,
Legislative Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 20, 1996.

Hon. Lee H. Hamilton,
House of Representatives.

DEAR MR. HAMILTON: I am writing to follow up on my letter of April 24, in which we provided an interim reply to some of the issues raised in your April 11 letter to Secretary Christopher on third-country arms deliveries to Bosnia and Croatia in 1994 and 1995. As you will recall, our earlier letter focused on U.S. legal obligations under various UN Security Council Resolutions, sanctions enforcement efforts, as well as whether U.S. policies at the time constituted covert action. We welcome this opportunity to answer your remaining questions on what motivated the 1994 U.S. decision to take no position in response to the Croatian Government's request for our views on its serving as the channel for third-country arms shipments to Bosnia.

The following are our responses to your remaining questions:

Did the United States during 1994 make a decision to change policy on enforcing the embargo and on the delivery of arms to Bosnia by third parties through Croatia?

If there was such a change of policy, what was it? Was the decision to change policy on such deliveries a decision not to object to such deliveries, to acquiesce in the deliveries, or to support the deliveries?

Was such a policy consistent with U.S. policy since September 1991 to enforce the arms embargo?

The Bush Administration voted for UN Security Council Resolution 713 in September 1991 and later resolutions imposing an arms embargo on all the states of the former Yugoslavia. The hope was that containing the flow of arms into the region could reduce the level of violence and prevent the expansion of war from Croatia to Bosnia. Thus, the Bush Administration's policy was to abide by the embargo and to support its enforcement, including on some occasions making diplomatic representations to other countries when violations became known.

By the time the Clinton Administration took office, it was clear that the arms embargo had not only failed to prevent the spread of the war to Bosnia, but also frozen the Bosnian Government into a militarily inferior position (since Serbia and rebel Serb forces in Bosnia and Croatia had retained the bulk of the armaments of the former Yugoslav National Army). Therefore, from the time it entered office, this Administration sought to secure a multilateral lift of the arms embargo against Bosnia as a means of increasing pressure on the Serbs to accept a political settlement.

Although it remained Administration policy to abide by the arms embargo, it was not our policy in 1993 and 1994 to take active steps—either military or diplomatic—to enforce the arms embargo with respect to military shipments to Bosnia by third countries. Our efforts to enforce the arms embargo were confined to participation in NATO's operation SHARP GUARD in the Adriatic Sea (with support from operation DENY FLIGHT). While UN Security Council resolutions called upon states to take enforcement actions against third countries, such actions were not required by those resolutions. The overall focus of our sanctions enforcement effort was on maintaining economic sanctions against Serbia-Montenegro through operation SHARP GUARD, through monitoring and enforcement efforts along Serbia's borders, and through active diplomatic efforts with front-line states and other potential sanctions violators.

In part as a consequence of the arms embargo, by early 1994 the parts of Bosnia remaining in government hands were in danger of collapse: Sarejevo was surrounded, Gorazde was under siege, the other eastern enclaves were highly vulnerable, and water, electricity, and humanitarian aid deliveries were threatened.

The political and military dynamic in Bosnia changed in March 1994. In that month, as a result of active U.S. mediation by our Special Envoy, Ambassador Charles Redman, the leaders of Bosnia, Croatia, and the Bosnian Croat community signed agreements ending their military conflict and setting up a bi-communal Federation between Bonsia's Muslims and ethnic Croats. The newly born Federation immediately received strong U.S. diplomatic support, and deservedly so; its founding principles reflected pluralistic Western values and the cease-fire it engendered helped free up government forces to defend their country against the Serbs and, over time, altered the military balance.

When President Tudjman of Croatia approached Ambassador Galbraith in Zagreb in April 1994 to elicit U.S. views on allowing third-country arms shipments to Bosnia via Croatia, we determined that a negative response could have led to the collapse of the Federation and a new deterioration of the Bosnian Government's military position. Instead, we decided that the best course was neither to object to nor approve of arms transfers to Bosnia through Croatia. This was consistent with our practice in the preceding months not to take active steps to prevent third-country arms shipments. At the same time, we did not believe it would have been appropriate to endorse actions contrary to UN Security Council resolutions. Thus we told Ambassador Galbraith to state that he had "no instructions" on the matter.

Our decision eventually bore fruit. By sustaining the Federation and eroding the Serbs' military advantage, it paved the way for the American diplomacy, backed by NATO air power, that produced the peace agreement at Dayton. Our decision allowed us both to observe our legal obligations under UN Security Council Resolution 713 and to promote the achievement of peace.

How did the Administration assess the implications of such a policy change on international adherence to UN Security Council Resolution 713 and U.S. efforts to get friends and allies to stop trade, economic dealings, and investment ties with Iran?

Iran's entry into the Bosnian conflict occurred long before the April 1994 decision.

Iranian efforts to gain influence in Bosnia date back to the 1980s. They gained momentum in 1991-92, in the early stages of the war, when the international community proved unable to confront Serb aggression. During this period, despite the UN arms embargo, Iran established itself as Bosnia's principal arms supplier and dispatched hundreds of Revolutionary Guard and other personnel to assist in training Bosnian Government forces. Iranian military aid was part of a multi-pronged campaign of support that also included intelligence cooperation along with economic and humanitarian assistance. We have no evidence that Iran's presence in Bosnia increased significantly after April 1994. It is also worth noting that, through the Dayton Accords and subsequent diplomacy, we have reduced Iranian military influence in Bosnia to its lowest levels in years.

The April 1994 decision had no discernable impact on U.S. efforts to gain international support for the use of economic pressure to alter Iran's objectionable behavior, including its support for terrorism and pursuit of weapons of mass destruction. Prior to 1994, our Allies had generally been unresponsive to our requests that they not provide Iran with economic benefits such as new official credits and loan guarantees. In the past year, however, following the President's decision to impose a trade and investment embargo against Iran, most European countries have substantially reduced the pace and volume of economic activity with Iran. We continue to urge European governments to join our efforts to pressure Iran economically. Based on our ongoing consultations, including the April 19 meeting in Rome of the U.S.-EU-Canada Working Group on Iran, we have concluded that the April 1994 decision has not significantly affected our Iran diplomacy.

Did the United States have discussions regarding these deliveries only with the Croatian and Bosnian authorities, or did the United States also have discussions directly with third countries supplying or financing these arms deliveries?

The United States had no communications with Iran regarding arms for Bosnia, nor are we aware of any occasion on which U.S. officials, in any discussions with other countries, requested them to transfer arms to Bosnia or Croatia.

What countries besides Iran were involved in the financing and delivery of arms to Bosnia? Were Malaysia, Pakistan, Saudi Arabia, or Egypt involved?

We have provided classified documents which address this question to the Senate Intelligence Committee and we will provide these same materials to appropriate Congressional committees that request them.

If there was a change of policy, why was there a change of policy, and who was informed of it? Was Congress informed, were Allies informed, and were all appropriate officials of the United States informed about a change in policy that affected stated, public policy? If not, why not?

In order to succeed, the thrust of our diplomatic activity both before and after April 1994—adhering to our obligations under UN resolutions, maintaining the cohesion of the Western Alliance, while not taking action to prevent the Bosnians from receiving weapons—required great discretion. That is why the Administration kept the April 1994 discussions with the Croatian government closely held within its own ranks.

It should be noted, however, that the Congressional leadership and relevant committees were made aware of the existence of Iranian arms shipments both from Administration-provided intelligence briefings and press reports. Furthermore, the U.S. decision not to object to such shipments was not inconsistent with the will of Congress as expressed in a June 1994 vote in the House of Representatives to lift the arms embargo unilaterally. In October 1994, the full Congress voted to cut off funds for U.S. enforcement of the arms embargo. No exception for Iranian arms was contained in the legislation, nor was any such exception proposed during the debate.

I trust this information will be helpful to you. The Administration is cooperating fully with the current Congressional investigations and welcomes opportunities like this one to explain its policy decisions. Secretary Christopher and I value greatly the close cooperation on Bosnia policy that we have enjoyed with you and your staff over the last three-plus years and we look forward to a continuing productive relationship in this regard.

Sincerely,

BARBARA LARKIN,
Acting Assistant Secretary,
Legislative Affairs.

IN HONOR OF CASA OTONAL ON ITS 20TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Ms. DELAURO. Mr. Speaker, on Tuesday, June 11, 1996, Casa Otonal will celebrate its 20th anniversary by honoring four of its founders. It is with great pleasure that I rise today to salute Casa Otonal and congratulate all those who have made this amazing organization possible.

The original mission of Casa Otonal was to offer inner city youth an alternative to the streets by providing educational and other activities. It has since expanded its mission and now provides a very successful senior center, a housing complex and a community center, Casa Linda.

Casa Otonal begun in 1974 at St. John the Evangelist Church. While still in the space at St. John's, Casa Otonal was designated a senior center and a nutrition center. This began Casa Otonal's mission of enabling senior citizens, particularly Hispanics, to maintain cultural ties and personal dignity and to remain self-sufficient. The Casa Otonal program continued to expand and identified one of the most important needs of the elderly, housing. In July 1986, an elderly housing complex with 105 units was completed. The result of this expansion is two distinct projects, the senior center and residential facility. The senior center provides social and recreational activities, the nutrition program and continues to reach out to all the elderly in the city of New Haven. Other programs for seniors include adult education, health services, transportation, cultural programs, and workshops.

The Casa Linda community center offers a unique opportunity for the elderly and young people to interact and enjoy and learn from each other. Casa Linda opened in 1992 with the philosophy that the elderly could teach children past values, skills, and traditions. The center has been incredibly successful in encouraging this coming together of the generations.

I am so pleased to join Casa Otonal in honoring its founders. Linda Kantor and Jim Vlock were instrumental in obtaining the Housing and Urban Development grant for Casa Otonal and saw the project through to its completion. Linda, in particular, has put her heart and soul, and a great deal of time and energy into Casa Otonal and Casa Linda. Using her own money and some private contributions, Linda purchased the property across from Casa Otonal for the construction of Casa Linda. She renovated the building with the help of volunteers.

Casa Otonal is also honoring cofounder Joseph Odell and Patricia McCann Vissepo. Joseph, who spent 18 years working in urban ministry, was vital to the conception of the idea of a residential housing complex for Hispanic elderly. Patricia joined the board of Casa Otonal in 1984 as the complex was being constructed. She became board president in 1987 and in 1993 the board invited her to become the executive director of Casa Otonal.

I am delighted to be able to offer my congratulations to all those involved with Casa Otonal and Casa Linda on the 20th anniversary. Both organizations are vital to the Hispanic community and foster a sense of family, history, culture, and tradition. The work of Casa Otonal and Casa Linda make the city of New Haven a richer, better place to live.

A TRIBUTE TO OSSIE DAVIS AND THE FOURTH ANNUAL NATIONAL MEMORIAL DAY CONCERT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. RANGEL. Mr. Speaker I rise today to recognize one of our Nation's most celebrated and talented actors, writers, and directors and a true friend of mine, Ossie Davis who recently hosted the fourth annual National Memorial Day Concert on the West Lawn of the Capitol in Washington, DC.

Mr. Davis, a veteran who was a surgical technician in North Africa during World War II for years avoided Memorial Day celebrations. This year's event televised on PBS marked a significant transformation in his life.

As a veteran of the Korean War and ardent supporter of our Nation's veterans I want to acknowledge the contributions made by the veterans of this Nation and I can think of no one more qualified to host the fourth annual National Memorial Day concert than the incomparable Ossie Davis.

For the edification of my colleagues in the House, I would like to share the article written by James Zumwalt in Parade Magazine on May 26, 1996 titled "We Should Pay Tribute."

[From Parade Magazine, May 26, 1996]

WE SHOULD PAY TRIBUTE

(By James Zumwalt)

Tonight at 8 p.m. EDT, Ossie Davis will be the host for the fourth year of the National Memorial Day Concert, held on the West Lawn of the Capitol in Washington, D.C.

The PBS telecast (check local TV listings) will include performances by the National Symphony Orchestra, as well as dramatic readings and archival footage from various wars in American history. A special segment will be dedicated to the women who worked statewide in World War II. And tributes will be made to Desert Storm veterans and to American soldiers now serving in Bosnia.

Davis, now 78, served as a surgical technician in North Africa in World War II. Yet, until a few years ago, he had never participated in any Memorial Day celebrations. "I did not want to get involved in anything that glorified war," he told me.

While in Africa, Davis witnessed not only the horrors of battle, he said, but also pronounced racism among fellow American troops. He recalled watching a white soldier choose to die rather than accept care from the only medics available, because they were black. And he watched troop trains in Africa—returning U.S. servicemen home after the war—in which blacks were segregated while whites shared cars with German prisoners who, he said, were granted more dignity than the African-American troops.

"I felt betrayed," Davis recalled. I had come to feel that I had been not only a patriot but a fool. I left the Army very depressed."

On returning home to Georgia, Davis turned briefly to alcohol. But in 1946 he got two lucky breaks: He landed a part in a Broadway play, and he met his future wife, the actress Ruby Dee. They have been married for 47 years. Davis went on to distinguish himself not only as an actor but also as a producer, writer and director. Recently, he appeared in *The Client and Grumpy Old Men*.

Through the years, Davis' anti-war sentiments remained strong. Why, then, did he agree to be the host of these concerts? "I realized that no matter what I thought of war, we should pay tribute to those both living and dead who sacrificed," he explained.

"The military also has made significant strides," he went on. "Colin Powell who will speak at the concert was no accident—he was an affirmation of what has changed. One of the things I'm proudest of about America is that once she got into it, she came up with a color-blind Army."

Davis also believes that the ignobility to warfare shouldn't lessen the tribute we pay to those who served. "They gave what Lincoln called "the last full measure of devotion," he said. "They did what was required to defend something greater than they were."

HONORING THE JACKSON COUNTY RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Jackson County Rescue Squad. These brave, civic-minded people give freely of their time so that should disaster strike, we know that our friends and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a 4- to 6-month period which includes instruction in Cardiopulmonary Resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

Rescue squad members are volunteers. They receive no pay for what they do. What also makes their services especially outstanding is that the organizations themselves receive no funding. They receive no funding from the city, the county, or the Federal Government.

Rescue squads are funded in the same spirit of community volunteerism which moves them to serve. Family, friends, and neighbors pitch in at bake sales, road blocks, and fish frys to help those who sacrifice their time for the benefit of the whole community.

Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

HONORING MARY JEAN O'REILLY MILLER, MAHTOMEDI'S 1995 TEACHER OF THE YEAR, ON HER RETIREMENT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. COX of California. Mr. Speaker, the people of Minnesota have on several occasions recognized the enormous contributions of Mary Jean O'Reilly Miller to the education and cultural betterment of that State, and it is appropriate that the U.S. Congress now do so as well. This week, after 43 years as a teacher, Mary Miller will retire from a distinguished career that will shine as an enduring model for years to come.

Perhaps it is true that teachers are made, not born, but Mary Jean O'Reilly came from a family of educators. Her grandfather served on the school board. Her aunt and uncle were teachers. Her brothers, sisters, nephews, and nieces are teachers and school administrators. As a child in Goodhue, MN, she grew up playing teacher in a make-believe school with her playmates, and she has dedicated her life to that passion ever since.

Mary's own education reflects a lifelong commitment to scholarship and the improvement of her professional skills. She is thoroughly a product of Minnesota schools, and an alumna in whom all of her graduating institutions now take especial pride. Following her graduation from Goodhue High School, she earned advanced degrees at no fewer than three institutions of higher learning: Winona State College, the University of Minnesota, and St. Thomas College—which awarded her a master of arts in education. But her education did not stop there, and it has never stopped to this day. She has pursued continuing studies at the University of Minnesota, St. Thomas, Mankato State College, Southwest State College, and Hamline University. Among her many other professional qualifications, she holds a lifetime certificate in elementary education.

Teaching is a delicate art. Far more than knowledge, it requires understanding—and above all, understanding of people, their concerns, their lives, and their community. Mary Miller took her first teaching position almost half a century ago in the town of Mahtomedi. In 1996, she was a teacher there still, 43 years after that first commitment. No one better understands and cares for her community, her neighbors, and her students than Mary.

Whether leading school activities or student bus tours, contributing her time to community projects, or helping a local family in time of need, Mary has shown by her living example that we all need teachers, and that education does not end but rather begins at the schoolhouse walls. Three generations of Minnesotans have grown and prospered with her help. Many of her former students, now adults, still come to her classroom to see her. It would be difficult to write Mahtomedi's history and that of its citizens in the four decades since World War II without in the process taking full stock of her significant contributions.

Long before Federal and State laws made provision for special education, Mary Miller was a leader in the field. She earned professional degrees in special education, and has taught children with special needs throughout her career. As she looks back on her own achievements, it is this contribution above all others that stands our as most meaningful.

The Mahtomedi School District honored her as Teacher of the Year in 1995, and again as Teacher of Distinction in 1996. Last year, she was among only 10 honorees selected statewide as finalists for the Minnesota Teacher of the Year. Today, it is appropriate that we recognize her here, in the U.S. Congress, for her lifetime of achievement for our country.

Many of us who are not teachers by profession understand, nonetheless, the responsibilities that teaching entails, because we are spouses and parents. The same individual care and concern that we hope a good teacher will show for our children is the measure of our success at home as mothers and fathers, husbands and wives. Not surprisingly, Mary Miller's four uninterrupted decades of commitment and success as a teacher are matched by her steadfast devotion as mother and wife. Later this year, she and her husband, Frederick P. "Bud" Miller, will celebrate their 40th wedding anniversary.

Mary and Bud have raised three grown sons, Michael, Patrick, and Kevin—who served with distinction in Operation Desert Storm—and are now deservingly proud grandparents. As she retires from the responsibilities of teaching that she loves so well, can anyone doubt that Mary will redouble her devotions and attentions to these young children—or that they will not inherit her love of learning?

In this way, and in her exploration of the many new frontiers that now await her, Mary Miller will continue to improve the lives of everyone around her. Her retirement from teaching, like a graduation ceremony, is more accurately called a commencement: It is the beginning of a new chapter in a most remarkable life.

Plato observed that "the direction in which education starts a man will determine his future life." Mr. Speaker, Mary Miller has been

a positive influence not only in the lives of her family and friends, but of thousands of boys and girls, men and women, whose lives she has turned in a positive direction by her energy and effort. For her contributions to her native Minnesota and to our Nation, I know that all of my colleagues will wish to join me in extending the congratulations and best wishes of the House of Representatives to Mary Jean O'Reilly Miller on the occasion of her retirement.

A TRIBUTE TO THOMAS "ARCHIE" STEWART

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GILMAN. Mr. Speaker, It gives me great pleasure to honor Mr. Thomas Stewart, affectionately known as "Archie." I wish to extend this recognition to Mr. Stewart, for his invaluable contribution to New York's 20th Congressional District, and the greater Hudson Valley. It was through Mr. Stewart's leadership, vision, and generosity, that Stewart Airport, in Newburgh, NY, was built.

In 1930, Mr. Stewart and his family donated a 220-acre parcel of land known as Stony Lonesome Farm, in memory of his grandfather Lachlan Stewart, for the development of an airport. It is truly remarkable that in these early years of aviation, Mr. Stewart had the vision to foresee the need for an airport in Orange County. But even he could not have predicted the impact that Stewart Airport has had over the years. Prior to World War II, partly through Mr. Stewart's own efforts, the U.S. Military Academy established Stewart Field for the flight training of West Point Cadets. The airport served as the first wings of West Point to serve cadets, and was later expanded for Army Air Corps operations and subsequently as a major U.S. Air Force Base. It served as an important airfield during World War II for the defense of the Eastern sector of the United States.

After the Air Force base was closed in 1970, Stewart Airport converted to commercial use. Today, Stewart International Airport offers service to eight airlines, carrying over 800,000 travelers in and out of Stewart each year. It is rapidly becoming the fourth major airport for the New York metropolitan area.

Mr. Stewart and his wife Mary, who have been married for 72 years, have spent their lives and raised their family in the Newburgh area. Today at 94 years of age, Mr. Stewart's presence remains an inspiration to his community. Recently, the members of the Stewart Airport Commission declared May 28, 1996, as "Archie Stewart Day" at Stewart International Airport.

I was pleased and proud to have personally participated in this ceremony, at which I stated:

Mr. Stewart and his family made a decision over sixty years ago which has impacted the lives of countless Americans by providing the land which became Stewart Airport, and then Stewart Air Force Base, and finally Stewart International Airport. Archie and his family helped make eastern Orange County a hub of the Northeast. None of us will ever know how many lives were saved by the Stewart family providing the land for the airport which provided the training for our cadets at West Point prior to and during WWII. No one will ever know how many lives were impacted by the young men and women coming to the area during the war to serve at Stewart, and then staying and settling in the region, serving their communities and contributing to the betterment of the Hudson Valley. No one can measure the benefit that the hundreds of commercial flights have had on Americans in recent years.

Mr. Speaker, history is full of dynamic people who helped make a difference, but historians will tell us that our lives are shaped just as much by those individuals who do not necessarily appear in the pages of history books. This is why I am pleased to take this opportunity to formally recognize Mr. Stewart, whose efforts through the years have positively affected so many. Mr. Speaker, Thomas "Archie" Stewart has dedicated his life and land to serving his community and I ask that his efforts not be forgotten.

HONORING THE LAVERGNE RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the La Vergne Rescue Squad. These brave, civic-minded people give freely of their time so that should disaster strike, we know that our friends and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a four- to six-month period which includes instruction in Cardiopulmonary Resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

Rescue squad members are volunteers. They receive no pay for what they do. What also makes their service especially outstanding is that the organizations themselves receive no funding. They receive no funding from the city, the county, or the Federal Government.

Rescue squads are funded in the same spirit of community volunteerism which moves them to serve. Family, friends, and neighbors pitch in at bake sales, road blocks, and fish frys to help those who sacrifice their time for the benefit of the whole community.

Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

EXTENDING PERMANENT MFN STATUS TO ROMANIA

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. HOUGHTON. Mr. Speaker, I rise in strong support of H.R. 3161, a bill to grant permanent most favored nation [MFN] status to Romania.

I have to believe that Romania certainly meets the test for permanent MFN status. The administration has certified Romania on several occasions as meeting the freedom of emigration requirements under the Jackson-Vanik law.

From what I understand, Romania has also fully implemented its obligations under its bilateral commercial agreements and is a founding member of the World Trade Organization [WTO]. In fact, Romania is the only United States trading partner that is a member of the WTO but still receiving conditional MFN status from the United States.

By not granting permanent MFN to Romania, we really injure Romania and ourselves. Failure to act on this measure would deny United States firms their full rights under existing multilateral trade agreements, and would pose a continuing obstacle to the further development of Romania's economy and democratic institutions.

This measure has been endorsed by a bipartisan group of House Members and has been vigorously supported by the administration. In response to a request for public comments by the House Ways and Means Committee, over 38 firms, associations, ethnic groups, and individuals—including several former United States Ambassadors to Romania—recommended swift passage of H.R. 3161.

Moreover, in the past few days, both Houses of the Romanian Parliament passed resolutions endorsing the establishment of permanent MFN status between our two countries. A statement on the resolution that was passed by the Chamber of Deputies follows:

STATEMENT OF THE CHAMBER OF DEPUTIES

(By Adrian Nastase, President)

The members of the Chamber of Deputies have been pleased to note that bills to authorize the extension of nondiscriminatory (Most Favored Nation) treatment to the products originating in Romania were introduced in the United States Congress on March 26, 1996 (S. 1644 and H.R. 3161). They appreciate that this initiative is of utmost importance for the development of the Romanian-American relationship and support the reform process and transition to market economy.

Taking into account the significance of this major action for the bilateral Romanian-American relationship, the members of the Chamber of Deputies of Romania reaffirm that, after the December 1989 Revolution, the majority of the main political parties, whether represented or not in the Parliament, have unequivocally favored a speedy integration of Romania into the Euro-Atlantic economic, political and security structures, particularly NATO and the EU.

With a view to reaching this objective, the leadership of the main Romanian parties

agreed and reiterated, on various occasions, the basic orientation and the main directions of the Romanian foreign policy, to be promoted, in a consistent manner, by the Government. The development of a privileged partnership and alliance with the United States of America remains one of the essential directions of the foreign policy of Romania which enjoy the consensus of the majority of the Romanian political parties.

The consensus of the main parties represented in the Romanian Chamber of Deputies with respect to this priority of the entire foreign policy of Romania was eloquently expressed in the statements made by the leaders of the aforementioned parties in 1993, when Romania was conditionally granted the Most Favored Nations status by the United States.

The evolution recorded in the commercial Romanian-American exchanges in the two years and a half elapsed since the re-extension of the MFN status have fully confirmed the soundness of this measure. In 1994 and 1995 Romania's exports to the United States reached an annual level close to $200 m., nearly 2.8 times higher than the level recorded in 1993, while the amount of the imports of American commodities increased from $373 m. to $465 m. in 1994. In 1995, the amount of imports from the United States was $392 m.

The re-extension of the Most Favored Nations status has stimulated the American investment in Romania, reaching at present $144.5 m., as compared to only $72 m. in 1993.

Granting permanent MFN status will provide significant incentive for US companies to increase their investment in Romania and make the United States the largest trading partner of Romania.

The members of the Romanian Chamber of Deputies appreciate the fact that the United States ranks among the most important investors in Romania, along with Germany, South Korea and Italy.

The significant increase in the Romanian-American commercial exchanges and in the American investment will support the advancement of the economic activities in Romania, will encourage the transition to market economy and the speeding up of the process of privatisation of the state enterprises, contributes to the emergence of new mutually beneficial business.

At present, the firm resolve to develop close cooperation, partnership and alliance with the United States and, in connection to this, the belief that Romania is entitled to benefit of MFN permanent status are fully shared by the leading political parties and the Romanian people.

Under these circumstances, the view that granting MFN permanent status would influence the national election in Romania is not in accordance with our perception on this issue.

The members of the Romanian Chamber of Deputies have reaffirmed the political will of the parties represented in the Parliament to further develop the democracy and market economy and to ensure that this year elections are free and fair. They urge the members of the United States Congress to continue and to conclude the procedures aiming at granting the Most Favored Nation status to Romania, as soon as possible. The permanent extension of MFN is in Romania's national interest and it is granted to Romania and not to any political party.

The Romanian Chamber of Deputies considers that granting permanent Most Favored Nation status now would better serve the interests of the Romanian society, the political stability in the country as well as the strengthening of the bilateral relationship with the United States.

The members of the Romanian Chamber of Deputies take their opportunity to convey to the U.S. Congressmen the best wishes for success in their endeavors.

This Statement has been approved by the Chamber of Deputies at its session of May 23, 1996.

Mr. Speaker, I hope all of my colleagues will support the effort to grant permanent MFN status to Romania.

OUTSTANDING SCIENCE EDUCATION IS ALIVE AND WELL IN MIKE MINNEMA'S CLASSROOM

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. VENTO. Mr. Speaker, I rise today to honor a fellow Minnesotan, and a friend, who was recently awarded the Presidential Award for Excellence in Science Teaching, Mike Minnema.

Mike teaches chemistry at North Community High School, which is part of the Minneapolis School System, where I once taught science myself. I had the pleasure of working with Mike during those years in a special setting, a Minnesota camp attended by young adults from the Minneapolis area. It was a summer long task for Mike but just a couple weeks assignment for me; however, it was an experience and relationship that was truly the essence of teaching life sciences. In some respects, I feel very much connected to the role of teaching. Even though the responsibilities and role in a policymaking task are different, it is simply a different focus on the same challenge.

Presidential Awards are given to outstanding educators in the fields of science and mathematics, and they represent the Nation's highest honor in these fields of education. Only one secondary school science teacher in Minnesota is recognized each year, and I am glad to know that Mike Minnema's dedication to science and his students is being rewarded with such an honor.

In a time when people routinely refer to our Nation's pubic schools as uninventive, poor quality institutions, Mike demonstrates the error in these descriptions and makes science something for students not just to study, but to explore. His classes go beyond chemistry textbooks and laboratory exercises to include real world subjects such as humanity's affect on the environment. As a policymaker who has had the privilege of crafting numerous laws protecting our Nation's environmental heritage, I am glad to know that mike is teaching young Minnesotans the importance of protecting our Nation's natural resource legacy for future generations. His classes also reach beyond the science of chemistry, interweaving mathematics and technology into lesson plans, which allow students to connect what they learn in his classroom to their other educational disciplines and the outside world.

Mike's experience outside of his teaching career enhance his lesson plans as well. He brings his students a view of the practical uses for chemical science, and this insight, hopefully, encourages other students to explore careers in scientific fields. Mike has worked in both the private and public sectors, utilizing his own science education background to benefit organizations from 3M and Honeywell to the Los Alamos National Laboratories. Mike has focused a teaching lesson for his students on measurement of pollution in Minnesota lakes, specifically the fluctuation of salt levels and how the environmental degradation is affecting the species and ecosystems of those special wetland areas.

As the world increasingly relies on science and technology, ensuring future generations understand science and training some for scientific careers will become an even more important endeavor. Educators such as Mike Minnema play an essential role in our Nation's ability to not only graduate adequately prepared scientists from our schools, but to attract students to scientific fields and generally enhance science literacy. I want to express my sincere congratulations and thanks to Mike for his efforts to inspire young minds to explore science and respect the environment and for his dedication to protecting the natural resource legacy that those young minds will one day inherit. Minnesota is truly fortunate to have such an exceptional educator working for its students.

HONORING THE MACON COUNTY RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Macon County Rescue Squad. These brave, civic minded people give freely of their time so that should disaster strike, we know that our friends and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a four to six month period which includes instruction in Cardiopulmonary Resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

Rescue squad members are volunteers. They receive no pay for what they do. What also makes their services especially outstanding is that the organizations themselves receive no funding. They receive no funding from the city, the county, or the Federal Government.

Rescue squads are funded in the same spirit of community volunteerism which moves them to serve. Family, friends, and neighbors pitch in at bake sales, road blocks, and fish frys to help those who sacrifice their time for the benefit of the whole community.

Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

TRIBUTE TO NARSAI M. DAVID

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Ms. ESHOO. Mr. Speaker, I rise today to honor Narsai M. David who is being honored by the Anti-Defamation League with its Restaurant Industry Achievement Award for his outstanding accomplishments and service to the bay area community.

Narsai David brings people together and creates an understanding of cultural diversity through his exquisite culinary practices. Born to Assyrian immigrants, Narsai David ventured into a culinary career early in life, eventually working his way to the bay area in California where he became known as one of the bay area's leading restaurateurs. Narsai David has catered several large scale outdoor dining events including concerts for Bill Graham and the Napa Valley Wine Auction. Currently, his time is divided between travel and food segments for KTVU television, the management of Narsai's Specialty Food Business, and as wine and food editor of KCBS Radio. Furthermore, he is a columnist for the food section of the San Francisco Chronicle and makes celebrity chef appearances at gatherings throughout the world.

Narsai David has devoted much of his time to charitable causes in the bay area. He is currently president of the board of the Assyrian Aid Society, a member of the board of directors of the Berkeley Community Fund of the San Francisco Foundation and International House of Berkeley. He serves as host for many fundraisers in the bay area including the annual Meals on Wheels event in Alameda County, the American Heart Association gala, the Warren Eukel Teachers Trust event, the Taylor Family Foundation Day in the Park fundraiser for Pediatric AIDS, and the Narsai Toast to the Arts for the Berkeley Repertory Theater. In addition, he is also the president of the Pacific Coast Farmer's Market Association.

Mr. Speaker, Narsai David is an outstanding citizen of California and our country. As the only Assyrian-American Member of Congress, I salute him for the commitment he brings to, and the contributions he has made to our community. Narsai David is a great source of pride to the Assyrian-American community. I ask my colleagues to join me in saluting Mr. David as he is honored with the Anti-Defamation League's Restaurant Industry Achievement Award. He has promoted not only our foods but our culture as well.

HONORING THE OVERTON COUNTY RESCUE SQUAD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Overton County Rescue Squad. These brave, civic-minded people give freely of their time so that should disaster strike, we know that our friends and neighbors are there to help.

Few realize the depth of training and hard work that goes into being a member of the rescue squad. Rescue squad members undergo a training series over a 4 to 6 month period which includes instruction in Cardiopulmonary Resuscitation [CPR], vehicle extrication, emergency driving, and rescue orientation. In addition to this training, rescue squad members also meet monthly to address business concerns as well as hear guest speakers.

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Committing such an amount of spare time and energy to a job so emotionally and physically taxing requires a sense of devotion and duty for which we are all grateful.

TRIBUTE TO ST. VINCENT SCHOOL OF NURSING

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to the St. Vincent School of Nursing, and to offer my congratulations as the school celebrates its centennial anniversary. Since 1896, the School of Nursing has remained a healthcare education landmark in Toledo, OH.

Opened by the Sisters of Charity of Montreal, more commonly known as the "Grey Nuns," the School of Nursing became the first school of its kind in Ohio. Sr. Elodie Mailoux served as the first director, from 1896 to 1898. Currently, Ms. Elizabeth Cain holds the post. She has been director since 1989 and is the 18th director of the school.

Throughout its history, the School of Nursing has kept pace with the evolution of healthcare and nursing to graduate nearly 4,000 highly skilled, dedicated nursing professionals. In addition, the school has prided itself on its ability to successfully blend common spiritual beliefs with the latest healthcare technology and nursing education.

Mr. Speaker, I am proud to recognize the 100th anniversary of the St. Vincent School of Nursing. As it enters its second century, the school's dedication to care, education, and service continues to provide the northwest Ohio area with outstanding nursing education.

HONORING THE SUMNER COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Sumner County Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

HONORING THE FAIRVIEW VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 11, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Fairview Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

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